

ALVINO AGULAY, PETITIONER, VS. THE NATIONAL LABOR RELATIONS COMMISSION (FIFTH DIVISION), AND CITY FARM AND/OR JOEL KAAMINO, RESPONDENTS.

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BORJA, J.,[*]

On January 30, 2014, this Court rendered a Decision,[1] the dispositive portion of which reads-

WHEREFORE, the Petition is DENIED. The 30 September 2009 and the 16 December 2009 Resolutions of the NLRC are hereby AFFIRMED.

SO ORDERED.[2]

Petitioner, seeking reconsideration of this Court's Decision, argues that the Court erred in declaring that "the records of the case are bereft of the existence of pay slips and other supporting documents invoked by the petitioner as being attached to the latter's Position Paper". Petitioner attached among others his Position Paper; [3] respondent Joel Kaamino's Affidavit stating that petitioner was his former caretaker and that the latter voluntarily resigned as caretaker of respondent Kaamino's farm; [4] and the alleged pay slips.[5]

It must be noted that the Court's January 30, 2014 Decision stated that-

In his Motion for Reconsideration before the NLRC, petitioner invoked the existence of payslips attached to his position paper. The records at hand, however, are bereft of said documents. We, thus, adopt the findings of the NLRC, viz:

xxx complainant Alvino did not present any proof, documentary or otherwise, like payroll, salary, voucher receipt, employment contract, appointment, Identification Card or SSS registration evidencing that he was in fact an employee of respondent Kaamino from September 2002 until July 2007.

The Court further notes that the documents submitted by petitioner bear no indication that they were already submitted as annexes to his position paper before the NLRC.

ACCORDINGLY, petitioner is hereby ORDERED to SUBMIT within a period of ten (10) days from notice an authenticated copy or certified true copy of the original pay slips that were submitted before the Labor Arbiter and the NLRC. The resolution of petitioners' motion for reconsideration will be held in abeyance pending compliance with this directive.

SO ORDERED.

Badelles, and Singh, JJ., concur.

[*] New Ponente vice J. Francisco per raffle dated June 26, 2014.

[1] Rollo, pp. 114-120.

[2] Rollo, p. 65.

[3] Rollo, pp. 126-133.

[4] Rollo, p. 136.

[5] Rollo, pp. 137-138.

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