

**STREAM INTERNATIONAL GLOBAL SERVICES PHILIPPINES, INC.
AND MARIEN GELIDO, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION (FOURTH DIVISION), CARLOS PAOLO H.
TAÑEDO AND IRENE...**

Ponente: DE GUIA-SALVADOR, R., J.

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DE GUIA-SALVADOR, R., J.:

Assailed in this Petition for Certiorari filed pursuant to Rule 65 of the 1997 Rules of Civil Procedure are two issuances of the public respondent National Labor Relations Commission ("NLRC") in NLRC LAC No. 01-000106-12, viz: (a) the Decision[1] dated June 22, 2012, which affirmed the Decision[2] dated September 26, 2011 rendered by the Labor Arbiter finding petitioners liable for the illegal dismissal of private respondents; and (b) the Resolution[3] dated November 13, 2012 denying the motion for reconsideration of the June 22, 2012 Decision.

The Facts

Petitioner Stream International Global Services Philippines, Inc. ("Stream") is engaged in business process outsourcing while petitioner Marien Gelido ("Gelido") is its Senior Team Manager.[4]

Private Respondent Carlo Paolo H. Tañedo

On June 30, 2009, private respondent Carlo Paolo H. Tañedo ("Tañedo") was hired by Stream as a Senior Customer Support Professional on probation status until December 30, 2009.[5] Having attended the New Employees Orientation, Tañedo was familiar with Stream's policy on attendance and its importance due to the nature of the call center industry.[6] He was later assigned to wave 12 and then promoted as Team Manager on February 1, 2010. Tañedo's immediate supervisor was Gelido .[7]

On April 16, 2010, Tañedo failed to report for work and to respond to calls and short messaging services (SMS) sent to him by management. Stream considered him to have committed a "No Call/No Show" (NCNS) infraction.[8] In Stream's Employees' Handbook, an NCNS violation is described, thus:

"No Call/No Show: Job Abandonment

'No call/no show' occurs when an employee is absent and fails to notify the appropriate contact (i.e., Stream Contact Line and/or supervisor). The employee is responsible for notifying the appropriate contact prior to the scheduled start time. Leaving a message with a co-worker is not acceptable. Two consecutive days of no call/no show is considered job abandonment resulting in immediate termination of employment. Any episode of no call/no show will be subject to a final written corrective action. Subsequent no call/no shows will result in further corrective action, up to and including termination of employment."[9]

Under Stream's Attendance Notification Guidelines for "unscheduled absences, undertime and the like,"[10] specific sanctions would be imposed in case an employee commits an NCNS violation:

Specific Offense: NCNS – Non Consecutive Occurrence / Failure to call CCL[11]

Offense Count

Sanction

Prescriptive Period

First Offense Final Warning 6 months

Second Offense Termination Not applicable

Tañedo was also absent the next day or on April 17, 2010, claiming that he had a stomach ache. On April 21, 2010, he also skipped work for the same reason. On April 22, 2010, he failed to report for work again without notice, so Stream declared that he committed an NCNS for the second time.[12] When he went back to work on April 23, 2010, he was served with a CITE form (Communicating an Infraction allegedly actuated by an Employee) which apprised him of the NCNS infractions he had committed and required him to explain his side within 48 hours. The CITE form included a warning that his failure to submit a written explanation would be deemed a waiver of his rights.[13] In lieu of a written explanation, Tañedo admitted to his violation and was given a final warning by petitioners through a Corrective Action Report (CARE) form issued on April 27, 2010.[14]

On April 28, 2010, Tañedo missed work again and did not respond to petitioners' calls or messages so he was considered to have incurred his third NCNS violation. Stream prepared a Notice[15] dated April 28, 2010 directing Tañedo to report to the company as regards his infractions. Before the notice was sent out, Tañedo reported to the office and informed Gelido that he was contemplating on whether to resign or to go through an administrative hearing. Nonetheless, the said notice was issued to him, together with another CITE form[16] pertaining to his latest NCNS infraction, to explain his side within 48 hours upon receipt thereof. The notice indicated that his failure to submit a written explanation would be construed as a waiver of his rights.[17]

On April 30, 2010, waiving the submission of a written explanation, Tañedo took part in an administrative hearing conducted by Gelido with respect to his NCNS infractions. During the hearing, Tañedo acknowledged his awareness of the company's policy with regard to attendance. He confirmed that upon committing his second NCNS infraction, he knew that he could be dismissed from work. Tañedo signed the minutes of the meeting and even asked for another chance. Still, he was found guilty and was recommended to be terminated from work by Gelido.[18]

In view of the NCNS infractions Tañedo committed in violation of the company attendance policy, Stream issued another CARE form[19] dated May 6, 2010 informing him of the company's decision to terminate his employment. Tañedo refused to sign it and insisted that he "resigned" on May 8, 2010, which was noted by Gelido on the top part of the same form. Petitioners maintained, however, that even if Tañedo never furnished them with a copy of his resignation letter, he was still considered dismissed by virtue of the last CARE form.[20]

Tañedo admitted that he incurred absences, but asserted that his absences were caused by his being constructively dismissed. He said that Gelido assigned him a mixed team of wave 12 and 15 even if he was just assigned wave 12 barely two weeks before that. After a few weeks, he was again moved to wave 21 then to wave 23, making it unmanageable for him to make performance evaluations and properly coach his team members.[21]

According to Tañedo, despite the fact that the team was just assigned to him, Gelido scolded him every time the latter changed his team because of his team's poor attendance and performance. There were also numerous backlogs with regard to his previous teams, with which Gelido would constantly hound him to finish by the end of the day. Tañedo further claimed that he had to deal with more agents compared to other team managers which gave him little choice but to work for fourteen (14) to fifteen (15) hours a day for a period of around three (3)

months. He had to accomplish one (1) evaluation per agent per month and one (1) bi-weekly performance per agent every two (2) weeks, as well as a tracker within the day, in addition to his coaching and serving sanctions duties to agents.[22] Tañedo added that his unfair working conditions caused him to get sick for the first two (2) weeks, during which he experienced high fever while at the operations floor but petitioners merely gave him medicine to alleviate it. He insisted that his absences were, in fact, connected to his sickness and the pressure he was getting from all the work Gelido expected him to do.

On April 30, 2010, the day of his administrative hearing, Tañedo contended that petitioners were determined to finally dismiss him from employment. He was given an option to resign by Gelido and a certain Astro Telmo from Human Resources (HR) which he was forced to accept since he did not want to be terminated and risk not getting his back pay and not getting a clean record. Apparently, Telmo agreed to let him resign provided that he would not sour-grape against Stream. Thereafter, Gelido allegedly said that she was feeling guilty and asked if there was still a way to save Tañedo. Fearing that he could not speak out and claim that his superiors were being unfair, Tañedo said that he was taking responsibility for his actions. Gelido then asked Tañedo to accomplish a clearance form and to explain call logs for the National QA Evaluations.[23]

Private Respondent Irene C. Enriquez

Private respondent Irene C. Enriquez ("Enriquez") was hired as a Team Manager for Operations on probation as provided in a Probationary Agreement[24] from February 19, 2010 to August 18, 2010.[25] From April 14 to 22, 2010 or during her probationary period, Enriquez missed work purportedly without the proper notice. Stream sent a Notice[26] dated April 22, 2010 via registered mail directing her to report to the company on April 24, 2010 to explain her side. It likewise informed her that her failure to comply would constitute as a waiver of her rights. The said notice however, was allegedly sent to her only on April 28, 2010, days after the scheduled request (April 24, 2010) for her to report to work.[27]

Petitioners claimed that while they were waiting for a response from Enriquez, they received a Summons dated May 28, 2010 from the Labor Arbiter for a mandatory conference. On June 28, 2010, Stream sent a Notice of Termination[28] to Enriquez for going on absence without official leave. There was no indication that Enriquez signed the Notice.[29]

For her part, Enriquez argued that her cousin called to inform her that her father was in the Intensive Care Unit (ICU) of the Philippine Heart Center and that she needed to attend to him. Enriquez asked Gelido if she could go to the hospital and she was permitted to do so. The next day, Enriquez told Gelido that she could not yet go back to work as she had to be with her father in the hospital. Gelido asked her why she was the only one attending to her father and directed her to go back to work.[30]

Two days later, since Enriquez could not get in touch with Gelido, she opted to talk to another manager, Ricci Delos Reyes, who in turn promised that he would apprise the management about her father's condition. The next day, she requested for a Leave of Absence (LOA) from Gelido who allegedly did not respond. Enriquez found out that Gelido questioned one of the agents, Estrella Villaflores, as to why Enriquez did not send Gelido a message and that a Return to Work Order (RTWO) would be issued.[31] Stream then issued a RTWO to her via registered mail. Upon her return to Stream to explain the reason for her absence, Enriquez was barred from working because she was told that Gelido already sent a termination notice to the HR. Enriquez wanted to verify her employment status but Gelido did not respond to her calls or messages.[32]

When the parties failed to reach at an amicable settlement, the Labor Arbiter directed them to file the appropriate pleadings for its consideration.

The Decision of the Labor Arbiter

In the Decision dated September 26, 2011, the Labor Arbiter found that private respondents were illegally dismissed. The dispositive portion of the Decision reads:

"WHEREFORE, premises considered, respondent Stream Global Services, Inc. is hereby found guilty of illegal dismissal and is hereby ordered to pay complainants:

1. Separation Pay equivalent to one month's wages for every year of service computed up to finality of this decision. It is understood that a fraction of six months service is considered one whole year;
2. Backwages computed from the time of their illegal dismissal up to finality of this decision; and
3. Attorney's fees equivalent to ten (10%) percent of the total monetary award.

xxx

SO ORDERED."[33]

Aggrieved, Stream filed an appeal with the NLRC.[34]

The Decision of the NLRC

In the Decision dated June 22, 2012, the NLRC affirmed the Decision of the Labor Arbiter, but deleted the award of attorney's fees.³⁵ The dispositive portion of the NLRC Decision states:

"WHEREFORE, the instant appeal is hereby DENIED for lack of merit and the appealed Decision of the Labor Arbiter is hereby MODIFIED by deleting the award of attorney's fees. Both complainants are entitled to full backwages from the time they were dismissed until the finality of this Decision; and separation pay equivalent to one month for every year of their service to respondent company, a fraction of six (6) months or more to be considered one year.

xxx

SO ORDERED."

[36]

Stream filed a motion for reconsideration but the NLRC denied it for lack of merit.

Hence, Stream filed this petition.

The Issue

In seeking the reversal of the assailed NLRC Decision and Resolution, petitioners raised a lone issue, viz:

"THE PUBLIC RESPONDENT GROSSLY ERRED AND GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN FINDING THAT THE PRIVATE RESPONDENTS WERE ILLEGALLY DISMISSED CONTRARY TO THE ACTS AND EVIDENCE ON RECORD."

[37]

The Court's Ruling

The Court finds the petition devoid of merit.

In asserting that private respondents were legally dismissed, petitioners anchored their arguments on the doctrine of management prerogative which allows an employer to set rules and regulations on all aspects of employment including the discipline of its employees.[38] They insisted that their policy on attendance and absence is reasonable given that the nature of the business is highly dependent on human capital; hence, a tight schedule is planned and implemented in order to cater to the demands of their clients.[39] No less than Stream's Employees Handbook emphasized that, aside from good quality of service, it also places great weight on the attendance of its employees, to wit:

"8.2 ATTENDANCE POLICY

Why Your Attendance is Important

Regular attendance and punctuality are important to Stream Global Services' business operations and our ability to deliver an outstanding customer experience. In fact, attendance is one of the key metrics Stream is evaluated on by our clients, our customers and our management team.

Here is how each employee impacts Stream's success by being at work on time, each day:

- Every day, Stream creates staffing schedules that are aligned with customer expected call arrival patterns. By aligning our staff with expected volume, we are positioned to meet our client's demands and ensure their customers' needs are being met. When there is any deviation to an employee's schedule (absent, late, leave early), our ability to service the demand is impacted.
- If we cannot answer the calls to meet the volume, everyone loses. You lose income, Stream loses revenue, but most importantly, the customers who need our help do not receive service. Failure to meet our client's demands places our business partnership at risk.
- It is critical that employees put in place a personal goal of 100% attendance (outside of approved time off) to ensure that Stream can deliver the outstanding customer experience with every contact."^[40]

On Private Respondent Carlo Paolo H. Tañedo

Petitioners argued that Tañedo was validly dismissed for having admittedly committed NCNS violations and not because of his absences per se. They pointed out that he was dismissed for not complying with the attendance policy of giving prior notice to his superior in case he was going to be absent. They stressed that notification is important so that they could adjust and make the necessary arrangements in schedule to efficiently address their clients' and customers' needs.^[41] They explained that the adjustments in Tañedo's work assignments were not enforced in order to persecute him, but rather it was done in order to address the pressing demands of the company business.^[42]

Tañedo, on the other hand, asserted that he was constructively dismissed because the constant change in his wave assignments became unmanageable and stressful, in addition to the fact that his position called for other duties that he had to fulfill which forced him to clock in more hours than he should. He stressed that the exercise of the management prerogative should be fair and reasonable, not oppressive.^[43]

There is constructive dismissal where there is a cessation of work because continued employment is rendered impossible, unreasonable or unlikely.^[44] An employee is deemed constructively dismissed when an act of clear discrimination, insensibility or disdain on the part of an employer has become so unbearable as to leave the former with no choice but to forego continued employment.^[45] The rule is settled that the discrimination, insensibility or disdain by an employer must be clear and so unbearable on the part of the employee that it could foreclose any choice by him except to forego his continued employment.^[46]

Our judicious review of the record shows that Tañedo has more than amply shown that he was constructively dismissed from employment. Granted that a higher degree of expectation was accorded to him due to the nature of his position as a team manager, and that his responsibilities entailed additional tasks to accomplish the company goals, Tañedo was suddenly given duties that he could not cope with effectively. In particular, the frequency of the changes in the waves assigned to him and the substantial addition to his duties are unreasonable. He was not given much time to get accustomed to one assignment before he is transferred to a new one. This became apparent when he incurred backlogs and had to work longer hours just to accomplish his work. Notably, no consultation was held to assure that he could perform the tasks sought to be assigned to him. Gelido's expectations of him

became unreasonable and unbearable such that they resulted in his sickness and unplanned absences. The willingness and enthusiasm to work on Tañedo's part were simply lost. This signified constructive dismissal, as correctly held by the Labor Arbiter and the NLRC.[47]

Insofar as it concerns judicial review of the decisions of the NLRC, it does not include an inquiry as to the correctness of the evaluation of the evidence which was the basis of the labor official or officer in determining his conclusion. It is, in short, not for the appellate court to re-examine conflicting evidence, reevaluate the credibility of witnesses nor substitute the findings of fact of an administrative tribunal which has gained expertise in its specialized field.[48] Factual questions are the province of labor tribunals[49] and officials whose findings are generally accorded not only respect, but even finality, on appeal in view of the expertise they are deemed to have acquired in matters within their jurisdiction.[50]

Anent the requirement of procedural due process in cases of dismissal from work, the employer is required to issue two kinds of notices to the employee and to give him an opportunity to be heard, in accordance with Section 2, Rule XXIII, Book V of the Implementing Rules of the Labor Code:

"Section 2. Standard of due process: requirements of notice. – In all cases of termination of employment, the following standards of due process shall be substantially observed:

I. For termination of employment based on just causes as defined in Article 282 of the Code:

(a) A written notice served on the employee specifying the ground or grounds for termination, and giving to said employee reasonable opportunity within which to explain his side;

(b) A hearing or conference during which the employee concerned, with the assistance of counsel if the employee so desires, is given opportunity to respond to the charge, present his evidence or rebut the evidence presented against him; and

(c) A written notice of termination served on the employee indicating that upon due consideration of all the circumstance, grounds have been established to justify his termination.

xxx."[51]

As can be gleaned from the records, Stream provided Tañedo with the required notices specifying the ground for his termination and giving him a chance to present his side. Stream issued a CITE form[52] on April 23, 2010 to address Tañedo's NCNS violations for April 16 and 22, 2010. He was later issued a CARE form[53] on April 27, 2010 to give him a final warning for committing the two (2) NCNS infractions. On April 28, 2010, since Tañedo committed one more NCNS violation, Stream issued on the same day another CITE form[54] as well as a Notice[55] to report to work to explain his NCNS violation. As for the required written notice of termination, Stream also issued a CARE form[56] notifying him of the decision to dismiss him, as well as indicating the reasons for his dismissal, i.e., his violations against the company's policy on absences.

Nevertheless, even if Tañedo was given an opportunity to be heard through an administrative hearing,[57] the conduct thereof suffered from a serious infirmity. This is because the hearing was conducted by Gelido, his immediate superior, who besides being his accuser, was incidentally also the investigator and judge, so to speak, just like what the NLRC had aptly observed.[58] Thus, Gelido could not have been impartial when she conducted the hearing, especially when Tañedo alleged that she was set to dismiss him. In view of this infirmity on the conduct of the hearing, and the finding of constructive dismissal, We sustain the NLRC's finding that Tañedo was illegally dismissed.

On Private Respondent Irene C. Enriquez

Petitioners asserted that Enriquez was not illegally dismissed. They pointed out that she also disregarded the company policy on absences when she committed NCNS violations for being absent numerous days without the proper notification or approved leave of absence. Besides, she was still under probation when her employment was terminated, an option given to employers when an employee on probation does not fulfill the standards expected of him or her before being granted regular employment. Because of such absences, she could not also complete her training, another requirement for regularization.[59]

Enriquez explained that her absences were due to the emergency hospitalization of her father. She claimed to have made an effort to inform her superiors especially Gelido, even asking for a leave of absence, but this was not acted upon nor even acknowledged.[60]

It is undisputed that Enriquez was a probationary employee subject to the terms of Stream when she signed the Employee Agreement.[61] She knew that during her probation period, she would be evaluated to be eligible for regularization. Due to her absences, Stream found that she could not conform to the company attendance policies, much less complete her training, which are standards for regularization. On the matter of probationary employment, Article 281 of the Labor Code provides:

"Probationary employment shall not exceed six (6) months from the date the employee started working, unless it is covered by an apprenticeship agreement stipulating a longer period. The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. An employee who is allowed to work after a probationary period shall be considered a regular employee."[62]

Since Enriquez incurred NCNS violations beyond the allowable frequency, it was clear that she failed to qualify as a regular employee for not meeting the standards set by Stream. While it could be argued that her absences were due to an emergency situation which she could not have foreseen, it can not be denied that she still had time to inform her superiors that she could not go to work instead of assuming that they will excuse her absences without proper notification.

Be that as it may, the gravity of the emergency situation and its adverse effects should have been considered by Stream. Petitioners can not expect that an employee would be diligent in notifying them about every absence when the emergency involves an immediate family member who is in the ICU due to a serious medical condition. While it is within Stream's management prerogative to be strict when it came to the implementation of its policy on attendance and absences, this should not be exercised to the detriment of employees, especially when it concerns emergency family situations. As aptly pointed out by the Supreme Court:

"[W]e reiterate that while we recognize management's prerogative to discipline its employees, the exercise of this prerogative should at all times be reasonable and should be tempered with compassion and understanding.⁶³ Dismissal is the ultimate penalty that can be imposed on an employee. Where a penalty less punitive may suffice, whatever missteps may be committed by labor ought not to be visited with a consequence so severe for what is at stake is not merely the employee's position but his very livelihood and perhaps the life and subsistence of his family."[64]

As a probationary employee, there was reason to dismiss Enriquez during the probationary period for failure to qualify in accordance with the reasonable standards on attendance policy made known to her by Stream at the time of her engagement. In any case, she was entitled to procedural due process in accordance with labor laws, which was unfortunately not accorded to her.

Granted that she received a Notice[65] of her NCNS violations, and a RTWO,[66] there was still no indication

that she was able to present her side through a written explanation or in an administrative hearing because she contended that when she reported back for work, she was not allowed to do so and was informed that a Notice of Termination was already sent to HR. Evidently, Enriquez was not given ample opportunity to be heard even when she came back to work to explain after receipt of the RTWO. It should be noted as well that she belatedly received the RTWO on April 28, 2010, when the date indicated therein—April 24, 2010—for her to explain her absences had already passed. Also, Stream did not attach any document acknowledged by Enriquez stating that she refused to explain or that she expressly waived her right to do so.

On the Monetary Claims

Having been illegally dismissed from employment, private respondents were correctly found entitled to backwages and separation pay. Under Article 279 of the Labor Code, an employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement.

As a substitute for reinstatement, payment of separation pay is allowed under exceptional circumstances, viz: (1) when reasons exist which are not attributable to the fault or are beyond the control of the employer, such as when the employer—who is in severe financial strait, has suffered serious business losses, and has ceased operations—implements retrenchment, or abolishes the position due to the installation of labor-saving devices; (2) when the illegally dismissed employee has contracted a disease and his reinstatement will endanger the safety of his co-employees; or, (3) where a strained relationship exists between the employer and the dismissed employee.[67] Reinstatement is not warranted in the case at bench since private respondents did not question the NLRC's decision to grant them separation pay, not to mention the considerable length of time that they had been out of the former's employ.[68]

While the NLRC correctly affirmed the award of separation pay and backwages in favor of Enriquez, a modification of their computation is in order.

It bears stressing that the lapse of Enriquez' probationary employment without being appointed to a regular status effectively terminated the employer-employee relationship.[69] Accordingly, Enriquez is entitled to separation pay computed from her first day of probationary employment on February 19, 2010 until August 18, 2010, the last day of her probationary period, at the rate of one (1) month pay per year of service, a fraction of six (6) months to be considered as one (1) year.

Enriquez' backwages should likewise be computed from the time of her illegal dismissal up to the date of her employment's termination as a probationary employee on August 18, 2010, the last day of her probationary period. The date of her illegal dismissal is deemed to have occurred on April 24, 2010 or the date provided in the RTWO when she was ordered to explain her absences, but failed to do so because she belatedly received the RTWO on April 28, 2010. Her backwages, therefore, should be computed from April 24, 2010 to August 18, 2010.

A legal interest of 6% per annum of the total monetary awards for each employee should also be awarded computed from the finality of the NLRC decision until fully paid because the same already became a judgment for money.[70]

Lastly, since Tañedo was eventually compelled to engage the services of the Public Attorney's Office to protect his rights and interests, he is entitled to attorney's fees equivalent to 10% of the monetary award.[71] Such award will then be deposited to the National Treasury in accordance with Republic Act No. 9406.[72] Conversely, no

award of attorney's fees could be granted to Enriquez since she did not employ the services of a counsel in this case.

WHEREFORE, the foregoing premises considered, the petition is DENIED. The assailed Decision dated June 22, 2012 and Resolution dated November 13, 2012 of the NLRC are hereby AFFIRMED with MODIFICATION ordering petitioners (1) to pay Enriquez separation pay at the rate of one month pay per year of service, a fraction of six months to be considered as one year, and backwages from April 24, 2010 to August 18, 2010; (2) to pay attorney's fees equivalent to 10% of Tañedo's monetary award, which amount shall be deposited to the National Treasury in accordance with R.A. No. 9406; and (3) to pay legal interest of 6% per annum of the total monetary awards adjudged in favor of each employee computed from the finality of the NLRC decision until fully paid.

SO ORDERED.

Rosario, and Dimagiba, JJ., concur.

[1] Rollo, pp. 32-45.

[2] Id., pp. 159-167, 291-299.

[3] Id., pp. 47-51.

[4] Id., p. 5.

[5] Id., pp. 100-103.

[6] Id., p. 358.

[7] Id., pp. 6, 159, 390.

[8] Id., p. 360.

[9] Id., p. 106.

[10] Id., p. 108.

[11] Id., p. 109.

[12] Id., pp. 159-160.

[13] Id., p. 361.

[14] Id., p. 159-160.

[15] Id., p. 113.

[16] Id., p. 114.

[17] Id., p. 362.

[18] Id., pp. 160, 362.

[19] Id., p. 119.

[20] Id., p. 363.

[21] Id., pp. 161, 391.

- [22] Id.
- [23] Id., pp. 161, 391-392.
- [24] Id., pp. 120-123.
- [25] Id., pp. 11, 162, 363.
- [26] Id., p. 124.
- [27] Id., p. 365.
- [28] Id., p. 126.
- [29] Id., p. 365.
- [30] Id., pp. 131, 162.
- [31] Id., p. 131.
- [32] Id., p. 162.
- [33] Id., pp. 165-166, 297-298.
- [34] Id., pp. 14, 243-286.
- [35] Id., pp. 14, 32-45.
- [36] Id., p. 42.
- [37] Id., p. 14.
- [38] Peckson vs. Robinsons Supermarket Corporation, et. al., G.R. No. 198534, July 3, 2013.
- [39] Rollo, p. 369.
- [40] Id., pp. 104-105.
- [41] Id., p. 372.
- [42] Id.
- [43] Id., p. 394.
- [44] Globe Telecoms, Inc. vs. Florendo-Flores, 390 SCRA 201
- [45] Best Wear Garments and/or Padilla vs. De Lemos and Ocubillo, G.R. No. 191281, December 5, 2012, citing Blue Dairy Corporation vs. NLRC, G.R. No. 129843, September 14, 1999.
- [46] Masagana Concrete Products vs. National Labor Relations Commission, 313 SCRA 576
- [47] Rollo, pp. 39-40, 48-49, 164-165.
- [48] German Machineries Corp. vs. Endaya, G.R. No. 156810, November 25, 2004, citing ComSavings Bank vs. NLRC, 257 SCRA 307, 317.
- [49] DMA Shippings Philippines, Inc. vs. Calibar, G.R. No. 155389, February 28, 2005.
- [50] Hacienda Fatima vs. National Federation of Sugarcane Workers-Food and General Trade, G.R. No. 149440, January 28, 2003.

- [51] Rules and Regulations Implementing the Labor Code, §2.
- [52] Rollo, p. 111.
- [53] Id., p. 112.
- [54] Id., p. 114.
- [55] Id., p. 113.
- [56] Id., p. 119.
- [57] Id., pp. 115-118.
- [58] Id., pp. 39-40, 48-49, 164-165.
- [59] Id., pp. 374-375.
- [60] Id., p. 131.
- [61] Id., pp. 120-123.
- [62] The Labor Code of the Philippines, As Amended [LABOR CODE, P.D. 442, art. 281 (1974).
- [63] Cavite Apparel, Incorporated and Timoteo vs. Marquez, G.R. No. 172044, February 6, 2013 citing PLDT vs. Torres, G.R. No. 143551, November 15, 2010.
- [64] Id.
- [65] Rollo, p. 124.
- [66] Id., p. 125.
- [67] Composite Enterprises, Inc. vs. Caparoso, G.R. No. 159919, August 8, 2007.
- [68] Jardine Davies, Inc. vs. National Labor Relations Commission, 311 SCRA 289
- [69] Robinsons Galleria/Robinsons Supermarket Corporation and Manuel v. Ranchez, G.R. No. 177937, January 19, 2011.
- [70] Bani Rural Bank Inc. Enoc Theater I and II and/or De Guzman vs. De Guzman, supra; citing Session Delights Ice Cream and Fast Foods vs. CA, G.R. No. 172149, February 8, 2010; Gonzales vs. Solid Cement Corporation, G.R. No.198423, October 20, 2012.
- [71] Tangga-an vs. Philippine Transmarine Carriers Inc., et al., G.R. No. 180636, March 13, 2013.
- [72] An Act Reorganizing and Strengthening the Public Attorney's Office (PAO), Republic Act No. 9406, §6 (2007): "The costs of the suit, attorney's fees and contingent fees imposed upon the adversary of the PAO clients after a successful litigation shall be deposited in the National Treasury as trust fund and shall be disbursed for special allowances of authorized officials and lawyers of the PAO."

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