

**NOOR INTERNATIONAL PERSONNEL SERVICES, INC. AND
WELLINGTON INSURANCE CORP.[], PETITIONER, VS. HON.
SECRETARY OF THE DEPARTMENT OF LABOR AND EMPLOYMENT
AND PHILIPPINE OVERSEAS EM...**

Ponente: BARZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/aa6e4122279f/>

BARZA, J.:

This is a petition for certiorari under Rule 65 of the Rules of Court assailing the Order[1] dated 13 April 2012 of the Secretary of Labor and Employment (Secretary) which affirmed the orders of the Administrator of the Philippine Overseas Employment Administration (POEA) dated 31 July 2008[2] and 20 July 2010,[3] finding the petitioner liable for violation of Section 2 (e) Rule I, Part VI of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers[4]. Also being assailed is the Resolution[5] of the Secretary dated 22 February 2013, denying the Motion for Reconsideration of the above order.

The antecedents are, as follows:

Petitioner Noor International Personnel Services, Inc. (Noor) is a POEA-licensed recruitment corporation, engaged in the business of contracting, enlisting, recruiting professionals and workers both skilled and unskilled for local/overseas work and to act as agents of individuals or firms in the supply of manpower. In September 2006, a division of Al-Attiyah Group (Group 2), a foreign entity with principal address in Doha, Qatar, manifested its interest to hire Filipino workers for its Qatar-based projects. Noor, as the local agent, applied for accreditation of Group 2 with the Land-based Accreditation Division of the POEA

Pursuant to the 2002 POEA Rules and Regulations, Section 4, Rule I, Part III[6], Group 2, through Noor, submitted the documentary requirements for registration of Principals/Projects, to the Head of Land-based Accreditation Division, POEA.

In addition to the Demand Letter[7] which is the subject of this case, Group 2 also sent to the petitioner the following documents as part of the requirements for accreditation:

- Standard Employment Contract;
- Addendum to the Standard Employment Contract;
- Commercial Registration Data;
- Undertaking;
- Special Power of Attorney, naming the petitioner as its legal representative.

After the submission of the above requirements, an inquiry was made by the POEA with the Philippine Overseas Labor Officer (POLO) regarding the manpower request/demand letter submitted by Group 2.

The Office of the Labor Attache in Doha, through Felicitas Q. Bay, submitted her Reply[8] dated 17 October

2006. As stated therein, an inquiry was made by POEA on POLO if the latter has verified the one-page manpower request for Noor, stating various skills which included 50 security guards and why there was no POLO small circle stamp on the manpower request. Upon verification by the Office of the Labor Attache on 12 September 2006 for Group 2 and the petitioner, the manpower request that has been verified is composed of two (2) pages. The first page has the stamp (circle) of POLO with the initial of Felicitas Q. Bay and the category stated – engineer and technician. The first page has no stamping of the Qatar Chamber of Commerce and the Ministry of Foreign Affairs, but it has the employer's stamp. The Reply further stated that the second page of the Manpower Request has a space in blank (category portion) with the stamping of Qatar Chamber of Commerce, Ministry of Foreign Affairs and employer in the end portion. The Office of the Labor Attache was not able to photocopy the verification and authentication stamped at the back of the document but the office logbook indicated that the office verified only for five (5) engineers and ten (10) technicians.

Sought for comment by the POEA Land-based Center, the Office of the Labor Attache in Doha, through Felicitas Q. Bay, commented in the said reply, as follows:

"x x x. It would appear that the second page of the Manpower Request was the one presented/submitted by Noor International to the Landbased Center and it would further appear that the blank space or portion has been filled up (using a typewriter).

x x x

In view of the agency's misrepresentation, we would like to request your office to submit this matter for appropriate investigation.

x x x"

On 4 December 2006, a Show Cause Order[9] was sent by the POEA to the petitioner to explain the alleged violation of Sect. 2 (e), Rule I, Part VI of the 2002 POEA Rules and Regulations.

In its Answer/Explanation, Noor denied committing any form of misrepresentation when it applied for accreditation as local agent of Group 2 before the Land-based Accreditation Division of the POEA. As explained, all the documents submitted by Noor to POEA provided by Group 2 were submitted by Noor for POEA's evaluation and approval in "as is" state/form. Nothing in the questioned documents were altered, modified, amended or fabricated by Noor. Also, Noor denies any knowledge as to who in particular filled up the questioned manpower request/demand letter (category position). When the said documents were forwarded by Group 2 to Noor, the same were already duly accomplished, filled up and complete by itself, such that Noor only had to submit exactly the same documents before the POEA.

In an Order dated 31 July 2008, the POEA in POEA Case No. RV 06-11-2340 found Noor liable for violation of Section 2 (e), Rule I, Part VI of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers. According to the POEA Administrator, in the process for registration of the recruitment documents of the foreign principal/employer or its project, it is the obligation of the local recruitment agency to know that what it submits to the POEA for registration have all been properly verified, genuine and authentic. While the documents in this case had been verified by the POLO, there were material insertions (job categories and number of workers) in the manpower request that were included after the verification. It is because of its (Noor's) own laxity that the said misrepresentation occurred.

The dispositive portion reads:

"WHEREFORE, premises considered, for violation of Section 2 (e), Rule I, Part VI of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers, Noor

International Personnel Services, Inc. is hereby meted the penalty of SUSPENSION OF ITS LICENSE for nine (9) months, or in lieu thereof, a fine amounting to Php 90,000.00, this being its second commission of the same offense.

SO ORDERED."

Reconsideration was denied by the POEA on 20 July 2010.

On appeal to the Secretary of the Department of Labor and Employment, Noor argues that the subject manpower request was not a notice, information or document in relation to the recruitment or employment as to fall within the charged violation. Instead, it is a document coming from the principal and forwarded by the local agency to the POEA for the purpose of obtaining authority to hire workers in the Philippines. When the POEA denied registration/accreditation, the subject manpower request never reached the stage that it can be utilized for purposes of recruitment or employment. POEA should have charged Noor with violation pertaining to acts of misrepresentation for the purpose of securing a license or renewal thereof such as giving false information or documents.

The Secretary, in the assailed 13 April 2012 Order, denied the appeal. As held, the mere denial of any participation or knowledge about the material insertions contained in the request submitted to the POEA cannot overthrow the verification made by the POLO that attested to the original contents when the request passed through it. In case of discrepancies, the obligation of a local agency to submit authentic requests is not dispensed with by the mere excuse that it is the foreign principal that prepared the same. The Secretary disposed, as follows:

"WHEREFORE, the appeal, herein treated as petition for review, filed by Noor International Personnel Services, Inc., is hereby DISMISSED. Accordingly, the Order dated 20 July 2010 of the POEA Administrator, affirming its earlier Order dated 31 July 2008, is FURTHER AFFIRMED.

SO ORDERED."

Petitioner's motion for reconsideration was denied anew in the Resolution dated 22 February 2013.

Hence, this petition for certiorari on the following grounds:

I WHETHER OR NOT THE PETITIONER MAY BE PUNISHED BY SUSPENSION OF LICENSE FOR A GROSSLY NEGLIGENT ACT WHICH WAS UNDISPUTABLY COMMITTED BY THE PHILIPPINE OVERSEAS LABOR OFFICE IN DOHA, QATAR.

II WHETHER OR NOT THERE WAS GRAVE ABUSE OF DISCRETION COMMITTED BY THE RESPONDENT IN SUSTAINING THAT THE PETITIONER WAS LIABLE IN THE ABSENCE OF ANY EVIDENCE TO PROVE THAT IT HAS KNOWLEDGE OR WAS A PARTY TO THE INSERTION OF JOBS IN THE BLANK BUT POLO VERIFIED MANPOWER REQUEST

III WHETHER OR NOT THERE IS A BASIS IN THE APPLICATION OF THE MALUM PROHIBITUM RULE WHEN THE RESPONDENT FAILED TO PRODUCE EVIDENCE TO SUBSTANTIATE ITS ALLEGATION, EXCEPT FOR THE FACT THAT THE PETITIONER WAS THE NAMED AGENT WHO FORWARDED THE DOCUMENTS IN BEHALF OF THE FOREIGN PRINCIPAL WHO WAS STILL SEEKING REGISTRATION IN THE PHILIPPINES.

The Public Respondent Secretary, through the Legal Service of the DOLE, submitted its Comment, positing that no grave abuse of discretion has been committed by the Secretary in issuing the assailed Orders. As argued, the Secretary acted well within the authority granted and merely decided on the facts and issues presented in line with well-settled rules.

As further argued, substantial evidence exists to hold the petitioner liable for misrepresentation. It cannot escape liability by passing the blame to POLO. Petitioner should have verified what it submitted to the POEA, since the material insertions were made after the verification of the manpower request. As the local agency, it should have exercised diligence in ascertaining that the contents of the documents that it submitted were bona fide.

The submission of the said altered documentary requirements for registration with the POEA falls under the concept of *malum prohibitum*, which is one punished as an offense under special law. The petitioner already admitted that it was the one who submitted the documents in question, thereby making it liable because under *malum prohibitum*, the mere commission of the act will make one liable.

Public Respondent POEA did not file its comment.

The petition is bereft of merit.

A special civil action for certiorari is intended for the correction of errors of jurisdiction only or grave abuse of discretion amounting to lack or excess of jurisdiction. Its principal office is only to keep the inferior court within the parameters of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to lack or excess of jurisdiction.[10]

For a writ of certiorari to issue, it is a condition *sine qua non* that there be grave abuse of discretion or such capricious or whimsical exercise of judgment, or is equated with lack of jurisdiction. It must be shown that the discretion was exercised arbitrarily, or despotically, or whimsically.[11]

In this connection, it also well to note the settled rule that factual findings of administrative agencies are generally accorded respect and even accorded finality because of the special knowledge and expertise gained by these agencies from handling matters falling under their specialized jurisdiction. Factual findings of administrative agencies will be set aside when they fail the test of arbitrariness.[12]

Framed against the above guidelines, the Court finds neither lack of jurisdiction nor grave abuse of discretion on the part of the Secretary in issuing the assailed orders in this case.

The petitioner mainly argues that it cannot be faulted in this case as it is the primary function of the POLO to ensure adequate protection for Filipino workers through verification of employment documents and job orders, especially with respect to the employment permit system. Petitioner asserts that POLO grossly neglected its duty when it verified a Demand Letter, which does not contain any entry as to job, number of workers needed, and the corresponding salary for each job. Contrary to the findings of the POEA, if there is a party in this case which is considered to be lax, if not grossly negligent, it is the POLO and not the petitioner.

The Court subscribes to the findings of the POEA, as affirmed by the Secretary, that it is the obligation of the petitioner to determine the authenticity and genuineness of all the documents it submits to the POEA. It cannot pass the buck to POLO, as correctly argued by the public respondent Secretary since the material insertions were made after the verification of the manpower request. Besides, the POLO, being a government agency, enjoys the presumption of regularity of performance of duty, which presumption, the petitioner failed to contradict and overcome by other evidence.[13]

The reliance of the petitioner in the ruling of the Supreme Court in *LNS vs. Padua*[14] must also fail. In the said case, the Supreme Court reversed the Court of Appeals, DOLE and the POEA in finding therein petitioner liable for non-issuance of receipt and misrepresentation. Therein, petitioner's denial, however, was corroborated by documentary evidence to disprove the charges against it.

In the present case, what has been offered is mere denial or defense of no knowledge in the charge of

misrepresentation, which the public respondent Secretary correctly disregarded devoid of any discretionary abuse. Thus, petitioner's contention that the misrepresentation being imputed against it is bereft of any substantial evidence as the public respondent failed to support its allegations against the petitioner, deserves scant consideration.

To quote the POEA:

"x x x. Its defense of no knowledge or lack of knowledge in the alleged act of misrepresentation will not hold water considering the fact that it had all the opportunity to verify the authenticity of the subject document before it submitted the same. If the respondent agency had truly no knowledge that the subject Demand Letter/Manpower Request includes unverified material insertions, it is because of its laxity."

As correctly affirmed by the public respondent Secretary:

"x x x In case of discrepancies, the obligation of a local agency to submit authentic requests is not dispensed with by the mere excuse that it is the foreign principal that prepared the same. The responsibility to validate manpower requests with the accredited principal attaches especially that it is the local agency that engages in the recruitment and eventual deployment of workers. x xx"

As further held by the POEA, citing the case of *Teknika Skills vs. Sec. DOLE*[15]:

"The fact that said rule gives one example of a kind of misrepresentation covered thereby does not transmute into a prohibition against including other kinds of misrepresentation and certainly does not justify an interpretation that limits the application of said rule to that sole specie of misrepresentation exemplified therein. In the present case, the act of the petitioner-movant in submitting the manpower request to the POEA containing non-existent job orders undeniably constitute misrepresentation envisioned by the rules."

Accordingly, the concept of *malum prohibitum* was correctly applied by the public respondent Secretary in finding the petitioner liable for violation of the POEA Rules Governing the Recruitment and Employment of Land-based Overseas Workers. The said Rules are designed to protect all Migrant workers and every citizen desiring to work overseas. It is a special law. Hence, violation thereof constitutes *malum prohibitum*, necessitating the imposition of sanction prescribed under Rule IV, Section 1B, paragraph 3 of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers.[16]

Again, let it be emphasized that in a petition for certiorari, it must be shown that the public respondent patently and grossly abused his discretion and that such abuse amounted to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law or to act at all in contemplation of law. In other words, the public respondent must be shown to have exercised his power arbitrarily and despotically by reason of passion or hostility.[17] Otherwise, the petition for certiorari will be dismissed as the same is a remedy designed for the correction of errors of jurisdiction, not errors of judgment,[18] as the Court now resolves in this case.

WHEREFORE, the petition is hereby DISMISSED.

SO ORDERED.

Abdulwahid, (Chairperson), and Cruz, JJ., concur.

[*] Dropped as petitioner per Resolution promulgated on August 6, 2013.

[1] Rollo, pp. 51-55

[2] Rollo, pp. 57-61

[3] Rollo, pp. 63-66

[4] Section 2. Grounds for Imposition of Administrative Sanctions:

x x x

e.

Engaging in act/s of misrepresentation in connection with recruitment and placement of workers, such as furnishing or publishing any false notice, information or document in relation to recruitment or employment.

[5] Rollo, pp. 88-91

[6] Section 4. Documentary Requirements for Registration of Principals/Projects. The following verified documents shall be submitted to the POEA, through the Philippine licensed agent for registration of the principal, employer or projects:

- a. Special power of attorney or recruitment agreement, or service agreement, as the case may be;
- b. Master employment contract of the foreign principal;
- c. Manpower request of the foreign principal indicating the position and salary of the workers to be hired.

[7] Rollo, pp. 92-92 & 107

[8] Rollo, p. 106

[9] Rollo, p. 105

[10] Tan vs. Gue, G.R. No. 174570, February 20, 2010

[11] Security Bank Corporation vs. Vitorio, G.R. No. 155059, August 31, 2005

[12] Molina vs. Pacific Plans, Inc., G.R. No. 165476, March 10, 2006

[13] Rule 131, Sec. 3 (m)

[14] G.R. No. 179792, March 5, 2010

[15] G.R. No. 97896, June 2, 1997

[16] "x x x

B. The following are less serious offenses with their corresponding penalties:

x x x

3. Engaging in acts of misrepresentation in connection with recruitment and placement of workers, such as furnishing or publishing any false notice, information or document in relation to recruitment or employment.

x x x

2[nd] Offense – Suspension of License (Six Months and One day to One year)x x x

SECTION 2. Imposition of Fines. — In addition or in lieu of the penalty of suspension of license, the Administration may impose the penalty of fine which shall be computed at P10,000.00 for every month of suspension.

[17] Aggabao v. Commission on Elections, G.R. No. 163756, January 26, 2005.

[18] Microsoft Corporation v. Best Deal Computer Center Corporation, G.R. No. 148029, September 24, 2002.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.