

**JETHROCK CONSTRUCTION CORPORATION, PETITIONER, VS. THE NATIONAL LABOR RELATIONS COMMISSION, MANUEL DATU, ALVIN ALVAREZ, APOLONIO CAPON, ARNEL YAP AND ERNESTO SALVADOR, RESPONDENT.**

Ponente: VILLON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/aef1e55fd34c/>

---

**VILLON, J.:**

This is a petition for certiorari, prohibition and mandamus under Rule 65 of the 1997 Rules of Civil Procedure, as amended, seeking the annulment and setting aside, on grounds of grave abuse of discretion amounting to lack or excess of jurisdiction, of the decision[1] dated January 31, 2012 rendered by public respondent National Labor Relations Commission (NLRC), Fourth Division, in NLRC LAC No. 08-002232-11. Likewise assailed is the March 28, 2012 resolution[2] which denied petitioner Jethrock Construction Corporation's motion for reconsideration of the said decision. These issuances of the NLRC affirmed with modification the June 28, 2011 decision[3] of Labor Arbiter (LA) Fatima Jambaro-Franco in NLRC NCR Case No. 09-12479-10[4] which found merit in the complaint filed by private respondents Manuel Datu, Alvin Alvarez, Apolonio Capon, Arnel Yap and Ernesto Salvador against petitioner for underpayment of salary and non-payment of holiday pay, premium pay for holiday and rest day, night shift differential pay as well as refund of their contributions to the company's provident fund.

The factual and procedural antecedents of the case are as follows:

In their position paper[5] dated December 1, 2010, private respondents alleged that they were employed by petitioner as painters and laborers under the following terms:

Year Started

Daily Wage

**MANUEL DATU**

January 2004

**P350.00**

**ALVIN ALVAREZ**

June 2009

**P302.00**

**APOLONIO CAPON**

May 2009

**P290.00****ARNEL YAP**

February 2008

**P250.00****ERNESTO SALVADOR**

January 2009

**P302.00**

On August 26, 2010, private respondents were placed on floating status. They interpreted this as a dismissal from service. Thus, contending that they were denied the various monetary payments and other benefits that they were entitled to under labor laws, in addition to their being paid the amount below the prescribed minimum wage in the National Capital Region (NCR), private respondents filed the instant case before the arbitration branch of the NLRC. Denying liability, petitioner countered[6] that, as evidenced by cash vouchers[7] signed by private respondents, they had already been paid all the claims that they were entitled to receive.

On June 28, 2011, the LA rendered judgment against petitioner, disposing as follows:

“WHEREFORE, premises considered, judgment is hereby rendered, ordering respondents Jeth Rock (sic) Construction Corporation/Alma M. Ybañez/Gerry Y. Ybañez to pay complainants the amount indicated opposite their respective names representing their underpayment of salary, to wit:

MANUEL V. DATU ----- P 25,623.26

APOLONIO A. CAPON ----- P 31,898.16

ALVIN A. ALVAREZ ----- P 38,912.12

ARNEL T. YAP ----- P 104,259.74

ERNESTO C. SALVADOR ----- P 42,293.16

T O T A L ----- P 242,981.44

vvvvvvvvvvv

All other claims are DISMISSED for lack of merit.

SO ORDERED.”[8]

Dissatisfied, both parties interposed their respective appeals to the NLRC. On January 31, 2012, the NLRC rendered the assailed decision, the decretal part of which reads:

“WHEREFORE, premises considered, the appealed Decision is hereby AFFIRMED with the MODIFICATIONS to the effect that:

- Only respondent Jethrock Construction Corporation is made liable to pay the monetary awards to the

complainants; and

- Respondent Jethrock Construction Corporation is further ordered to pay complainants the following additional monetary awards, tabulated below as follows:

**NAME**

**HOLIDAY PAY**

**REFUND PAY**

**REST DAY PREMIUM PAY**

a. Manuel Datu

**P 11,260.00**

**P 16,275.35**

b. Apolonio Capon

**P 4,996.00**

**P 5,967.91**

c. Alvin Alvarez

**P 4,584.00**

**P 5,822.26**

**P 121.20**

d. Arnel Yap

**P 9,812.00**

**P 10,010.00**

e. Ernesto Salvador

**P 6,112.00**

**P 7,785.26**

**P 229.20**

The award for underpayment of salary stays AFFIRMED.”

SO ORDERED.”[9]

Petitioner sought a reconsideration[10] of the above decision but the same was denied by the NLRC in its March

28, 2012 resolution.

Hence the present recourse, petitioner raising the following issues, to wit:

I.

WHETHER THE DECISION OF THE NLRC WAS RENDERED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT MADE A STRAIGHT COMPUTATION OF WORKERS' SALARY DIFFERENTIALS AND REFUND OF SAVINGS FUNDS ON THE BASIS OF 26 WORKING DAYS WITHOUT ABSENCE [IN ASSUMPTION OF A COMPLETE AND PERFECT ATTENDANCE] WHICH IS EVIDENTLY AND PATENTLY CONTRARY, REPUGNANT AND REPULSIVE TO THE SUBMITTED DOCUMENTARY EVIDENCES – PAY SLIPS ON RECORD THE WORKERS THEMSELVES SIGNED AND DID NOT EVEN CONTROVERT OR OPPOSE IN THEIR PLEADINGS.

II.

WHETHER THE DECISION OF THE NLRC WAS RENDERED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN RULING THAT 'THE ALLEGATIONS IN THE COMPLAINT CANNOT PREVAIL OVER THE UNDISPUTED DOCUMENTARY EVIDENCE ON RECORD' – WHICH RULING IS UNPRECEDENTED AND A MOCKERY OF THE ELEMENTARY RULE OF JUDICIAL ADMISSIONS THAT: 'AN ADMISSION, VERBAL OR WRITTEN, MADE BY A PARTY IN THE COURSE OF PROCEEDINGS IN THE SAME CASE, DOES NOT REQUIRE PROOF. THE ADMISSION MAY BE CONTRADICTED ONLY BY SHOWING THAT IT WAS MADE THROUGH PALPABLE MISTAKE OR THAT NO SUCH ADMISSION WAS MADE' [SECTION 4, RULE 129, REVISED RULES ON EVIDENCE], AND 'WHENEVER A PARTY HAS, BY HIS OWN DECLARATION, ACT OR OMISSION, INTENTIONALLY AND DELIBERATELY LED ANOTHER TO BELIEVE A PARTICULAR THING TRUE, AND TO ACT UPON SUCH BELIEF, HE CANNOT, IN ANY LITIGATION ARISING OUT OF SUCH DECLARATION, ACT, OR OMISSION, BE PERMITTED TO FALSIFY IT' [SECTION 2, RULE 131, REVISED RULES ON EVIDENCE].[11]

As a general rule, a party who alleges payment as a defense has the burden of proving it.[12] The High Court has repeatedly ruled that any doubt arising from the evaluation of evidence as between the employer and the employee must be resolved in favor of the latter.[13] It is not for an employee to prove non-payment of benefits to which he is entitled by law. Rather, it is on the employer that the burden of proving payment of these claims rests.[14] Once the employee has set out with particularity in his complaint, position paper, affidavits and other documents the labor standard benefits he is entitled to, and which he alleged that the employer failed to pay him, it becomes the employer's burden to prove that it has paid these money claims. One who pleads payment has the burden of proving it, and even where the employees must allege non-payment, the general rule is that the burden rests on the employer to prove payment, rather than on the employees to prove non-payment.[15]

It must be emphasized that petitioner is not controverting private respondents' entitlement to the monetary benefits in question. It is not even claiming that it had already fulfilled its monetary obligations to private respondents. Rather, what petitioner simply disputes is the proper computation of private respondents' salary differentials, refund of their contributions to the provident fund, holiday pay and rest day premium pay.

Petitioner maintains that the NLRC erred when it used as basis for the computation of private respondents' total monetary claims, the straight figure of 26 work days per month. It argues that the NLRC ignored private respondents' time sheets[16] which show that they did not report to work on a regular basis. Moreover, it is the petitioner's contention that these time sheets were never controverted by private respondents in the course of the proceeding. Petitioner further asserts that having indicated in their original complaint[17] that they received a daily salary of ₱302.00, such amount should be the basis for the computation of private respondents' salary

differentials.

At the outset, We cannot sustain petitioner's contention that private respondents' salary differentials must be computed based on the ₱302.00 daily wage which private respondents Arnel Yap and Apolonio Capon allegedly admitted in their complaint. As the NLRC correctly ratiocinated:

“We cannot sustain the submission of respondents[18] that the Labor Arbiter erred in not computing the salary differential based on the ₱302.00 daily wage stated by complainants Yap and Capon in their complaint/request for assistance. The payroll summaries presented by the complainants xxx as well as the Cash vouchers for 13th month pay and service incentive leave presented by respondents xxx show that complainant Capon actually received less than the ₱301.00 (sic) daily wage stated in their complaint. Allegations in the complaint cannot prevail over the undisputed documentary evidence on record.

The Labor Arbiter could not have erred in not computing the salary differentials of complainants based solely on the days of work indicated in the Time Sheets presented by respondents. Notably, said Time Sheets relate to limited periods in 2009 and 2010 only, and somehow show a general trend that complainants worked six [6] days a week. Besides, the payrolls presented by complainants show in particular that complainants Datu and Yap were already employed with respondents at least as early as 2008, contrary to the claim of respondents that they hired complainants only in 2010.”[19]

It is axiomatic that the employer's evidence must show, with a reasonable degree of certainty, that it paid and that the workers actually received the payment.[20] The reason for the rule is that the pertinent personnel files, payrolls, records, remittances, and other similar documents — which will show that overtime, differentials, service incentive leave, and other claims of the worker have been paid — are not in the possession of the worker but in the custody and absolute control of the employer.[21] An employer's cause could only succeed on the strength of its own evidence and not on the weakness of the employee's evidence.[22]

Indeed, the Court must rely on the payroll summaries[23] containing, in detail, the correct wages that private respondents actually received from petitioner. These documents constitute substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion,[24] as to the amount of private respondents' true wages. Surely, this constitutes a more competent evidence than inaccurate allegations made by private respondents Yap and Capon. Thus, the LA correctly found for private respondents based on substantial evidence presented by them. Substantial evidence, which is the quantum of proof required in labor cases, is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[25]

The Court, however, is inclined to sustain the computation of the amounts that private respondents are entitled to as found by the LA. A first-hand evaluation of the evidence of the parties upon which the monetary award is based belongs to the LA.[26] Here, the NLRC's computation of additional monetary awards to private respondents are not supported by the evidence at hand. The well-entrenched rule is that when the conclusions of the LA are sufficiently corroborated by the evidence on record, the same should be respected by appellate tribunals since he is in a better position to assess and evaluate the credibility of the contending parties[27] and the weight of their respective evidence. Accordingly, the Court hereby reinstates the LA's monetary awards and deletes the additional monetary benefits as computed by the NLRC.

Finally, the Court sustains the finding that the officers and/or stockholders of petitioner, namely Alma M. Ybañez and Gerry Y. Ybañez, should not be held solidarily liable with petitioner for the payment of the monetary awards to private respondent. A corporation, as a juridical entity, may act only through its directors, officers and employees. Obligations incurred as a result of the directors' and officers' acts as corporate agents, are not their personal liability but the direct responsibility of the corporation they represent.[28] To warrant the piercing of the

veil of corporate fiction, the officer's bad faith or wrongdoing must be established clearly and convincingly as bad faith is never presumed.[29] The records are bereft of any evidence that Alma M. Ybañez and Gerry Y. Ybañez acted in bad faith. As such, they cannot be held solidarily liable with petitioner in this case.

WHEREFORE, in light of all the foregoing, the decision dated January 31, 2012 and resolution dated March 28, 2012 of public respondent National Labor Relations Commission in NLRC LAC No. 08-002232-11 are hereby SET ASIDE. The June 28, 2011 decision of Labor Arbiter Fatima Jambaro-Franco in NLRC NCR Case No. 09-12479-10 is hereby REINSTATED with the MODIFICATION that the complaint against private individuals Alma M. Ybañez and Gerry Y. Ybañez is hereby DISMISSED.

**SO ORDERED.**

Sadang, M.Q.C.,[\*] and Corales, P.B., JJ., concur.

---

[\*] Acting Senior Member vice Justice Florito S. Macalino per Office Order No. 469-14-ABR dated November 14, 2014

[1] Rollo, pp. 212-224.

[2] Rollo, pp. 248-251.

[3] Rollo, pp. 161-167.

[4] Entitled, "Manuel V. Datu, Apolonio A. Capon, Alvin A. Alvarez, Arnel T. Yap and Ernesto C. Salvador, Complainants, versus Jethrock Construction Corporation/Alma M. Ybañez/Gerry Y. Ybañez, Respondents."

[5] Rollo, pp. 33-36.

[6] Rollo, pp. 41-51.

[7] Rollo, pp. 57-61.

[8] Rollo, p. 167.

[9] Rollo, pp. 222-223.

[10] Rollo, pp. 225-247.

[11] Rollo, p. 5.

[12] G & M (Phil.), Inc. v. Willie Batomalaque, G.R. No. 151849, June 23, 2005.

[13] Dansart Security Force & Allied Services Company and Danilo A. Sarte v. Jean O. Bagoy, G.R. No. 168495, July 2, 2010.

[14] Abduljuahid R. Pigcaulan v. Security and Credit Investigation, Inc., G.R. No. 173648, January 16, 2012.

[15] Heirs of Manuel H. Ridad v. Gregorio Araneta University Foundation, G.R. No. 188659, February 13, 2013.

[16] Rollo, pp. 79-145.

[17] Rollo, p. 193.

[18] Petitioner herein.

[19] Rollo, pp. 217-218.

- [20] JARL Construction v. Simeon A. Atencio, G.R. No. 175969, August 1, 2012.
- [21] E.G & I. Construction Corporation v. Ananias P. Sato, G.R. No. 182070, February 16, 2011.
- [22] Misamis Oriental II Electric Service Cooperative (MORESCO II) v. Virgilio M. Cagalawan, G.R. No. 175170, September 5, 2012.
- [23] Rollo, pp. 38-40.
- [24] Nissan Motors Phils., Inc. v. Victorino Angelo, G.R. No. 164181, September 14, 2011.
- [25] Nissan Motors Phils., Inc. v. Victorino Angelo, G.R. No. 164181, September 14, 2011.
- [26] R.P. Dinglasan Construction, Inc. v. Mariano Atienza, G.R. No. 156104, June 29, 2004.
- [27] Stolt-Nielsen Marine Services, Inc. v. NLRC, G.R. No. 128395, December 29, 1998.
- [28] Polymer Rubber Corporation v. Bayolo Salamuding, G.R. No. 185160, July 24, 2013.
- [29] Harpoon Marine Services, Inc. v. Fernan H. Francisco, G.R. No. 167751, March 2, 2011.

**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.