

**JOSE ROLAND D. JEREOS, PETITIONER, V. NATIONAL LABOR
RELATIONS COMMISSION, MARY IMMACULATE PARISH CHURCH,
FR. FIDEL FABILE, REYNALDO T. SANTOS AND ARIEL C. CAACBAY,
RESPONDENTS.**

Ponente: BARRIOS, M. M., J.

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BARRIOS, M. M., J.:

An examination of the petition reveals that there is no affidavit of service attached thereto as required by Section 13 of Rule 13 of the Rules of Court nor is there an explanation as to why personal mode of service was not observed as required in Section 11.

Moreover, the required docket fees were not paid. Petitioner simply averred that he is filing the petition as a pauper litigant, attaching therewith his Affidavit of Indigency and Barangay Certification; but he did not submit the required certification from the Assessor's Office regarding land ownership.

Further reading the averments, it is abundantly clear that petitioner is raising the same basic factual issue resolved by the NLRC and the Labor Arbiter regarding the existence of an employer-employee relationship between him and private respondent. It must be stressed that in the NLRC decision now being assailed, said public respondent held: x x x “We adopt the findings of the Labor Arbiter. From the facts and circumstances laid down, it is evident that there is no employer-employee relationship between complainant and respondents. x x x”

Verily, a petition for certiorari under Rule 65 is not the proper remedy, as it is limited to resolve only errors of jurisdiction. As held in *NORECO vs. Secretary of DOLE*,^[1] factual issues are not the proper subject for certiorari which is limited to the issue of jurisdiction and grave abuse of discretion. The determination of the factual issue of the existence of employer-employee relationship is vested in the agencies of the Labor Department and under the doctrine of primary jurisdiction, the Court shall hesitate to arrogate unto itself the authority to resolve the controversy.

WHEREFORE, foregoing considered, the petition is DISMISSED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Pizarro, JJ., concur.

[1] GR No. 143616, 09 May 2001.

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