

CARE MAINTENANCE SPECIALIST, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND ROSELA SABANDAL, RESPONDENTS.

Ponente: REYES, JR., J.C., J.

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REYES, JR., J.C., J.:

Care Maintenance Specialist, Inc. (petitioner) is now before the Court via a petition for certiorari under Rule 65 of the Rules of Court assailing the Decision dated August 18, 2011 and Resolution dated December 15, 2011 of the National Labor Relations Commission (NLRC) in NLRC LAC No. 02-000494-11, NLRC-NCR Case No. 06-08530-10 which denied their appeal and motion for reconsideration, respectively.

Rosela G. Sabandal (respondent), a utility worker of petitioner company since January 22, 2010 and assigned to companies petitioner has a service contract with, filed a complaint before the NLRC on June 22, 2010 for illegal dismissal and non-payment of 13th month pay against petitioner company and Josephine T. Melad. She claimed that she (respondent) was accused of consuming a cake without permission in the call center company she was assigned to. On March 22, 2010, instead of reporting to her assignment, respondent was directed to report to petitioner's office. She was directed to write an explanation regarding the incident for one whole day. Upon submitting her written explanation, she was directed to sign a piece of paper which she did not have the opportunity to read or understand. After signing it, respondent's secretary informed her that what she signed was a resignation letter. Shocked, she protested the incident. (Rollo, pp. 50-52, 78-79).

Petitioner on the other hand claimed that respondent resigned after she was charged with loitering and abandonment of post during her duty. Respondent was hired by petitioner as janitress and assigned to Tiger Philippines Corporation. On March 16, 2010, while on duty, respondent was caught on camera loitering and talking to the security guard for more than an hour. The client-company verbally requested the immediate relief of respondent from her assignment. Petitioner informed respondent of the charges against her, for her to be able to air her side. Upon receiving the violation notice, respondent requested that she be given a graceful exit so she could have a good employment record for her application for another work. Respondent said that she will file a resignation letter. She later agreed to execute and sign a Release and Quitclaim. After she signed the Release and Quitclaim, however, respondent never submitted her resignation letter and instead filed a complaint with the NLRC. (Rollo, pp. 51-52).

On January 3, 2011, Labor Arbiter Quintin B. Cueto III rendered his Decision finding respondent to have been illegally dismissed, as follows:

“WHEREFORE, premises on the above, complainant is found to have been illegally dismissed.

Respondent Care Maintenance Specialist, Inc. and Josephine T. Melad, in her capacity as President of the afore-mentioned corporate entity is jointly and severally liable to pay complainant Rosela G. Sabandal backwages, separation pay and 13th month pay in the total amount of P134,148.33 as computed above.

Claims for damages is denied for lack of merit.

SO ORDERED.” (Rollo, p. 58)

The Labor Arbiter held that respondent's act of filing a complaint less than a month after she was let go is inconsistent with petitioner's claim that respondent voluntarily resigned. Respondent was a mere utility worker, and her job was something she needed for her survival. Quitclaims are looked upon with disfavor, particularly those by employees who were pressured into signing them. (Rollo, pp. 55-56)

Petitioner elevated the case to the NLRC which dismissed the appeal in this wise:

“WHEREFORE, judgment is hereby rendered, dismissing the appeal for lack of merit. However, individual respondent Josephine Melad is hereby absolved from any liability arising from the assailed Decision of the Labor Arbiter.

SO ORDERED.” (Rollo, p. 25)

The NLRC held that petitioner failed to discharge its burden of proving that respondent's resignation was voluntary. It did not give weight to the Release and Quitclaim signed by respondent. It noted that respondent was notified of the alleged CCTV infraction only on March 20, 2010. However the day before, March 19, respondent has already executed the quitclaim. It also upheld the principle that doubts in the evidence of the parties shall be resolved in favor of labor. Having found respondent to have been dismissed illegally, the NLRC further held that she is entitled to reinstatement and backwages. In view of strained relations however, the award of separation pay, instead of reinstatement is proper. (Rollo, pp. 23-25).

Petitioner filed a Motion for Reconsideration which was denied for lack of merit by the NLRC on December 15, 2011. (Rollo, p. 27).

Hence the present petition where the following issues are being raised:

“I

WHETHER OR NOT THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DECLARING THAT THE PRIVATE RESPONDENT WAS ILLEGALLY DISMISSED

II

WHETHER OR NOT THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN AWARDING PRIVATE RESPONDENT BACKWAGES AND SEPARATION PAY.” (Rollo, pp. 7-8)

Petitioner asserts that private respondent voluntarily executed the Release and Quitclaim in order to be able to gracefully exit the company after having been involved in several violations of the company's rules and regulations. Prior to the execution of the quitclaim, respondent was caught on camera loitering and flirting with the security guard for more than one hour. The client company thereafter requested for the immediate relief of respondent from her assignment. To protect the interest of petitioner company, respondent was immediately relieved. In addition, she was directed to explain why no disciplinary action should be imposed on her for committing said offense. It was for humanitarian consideration that petitioner agreed to give respondent a graceful exit provided that she will submit her resignation letter and would executed a Release and Quitclaim. The Release and Quitclaim was executed before a Notary Public thus should be given a presumption of regularity. Also, not all waivers and quitclaims are invalid and against public policy. If the agreement was voluntarily entered into and represents a reasonable settlement, it is binding on the parties. Since respondent was not illegally dismissed, she is not entitled to backwages and separation pay. (Rollo, pp. 9-12).

The Court finds NO MERIT in the petition.

The law generally looks with disfavor on quitclaims and releases by employees who have been pressured into signing them by unscrupulous employers seeking to evade legal responsibilities and frustrate just claims of employees. Quitclaims are frowned upon as contrary to public policy. As the employer and the employee do not stand on equal footing, the law deems the employees not to have relented on their claim or waived any of their rights. (Universal Robina Sugar Milling Corp. v. Caballeda, 560 SCRA 115, 133 [2008])

In exceptional cases, courts accept the validity of quitclaims executed by employees if the employer is able to prove that: (1) the employee executed a deed of quitclaim voluntarily; (2) there is no fraud or deceit on the part of any of the parties; (3) the consideration of the quitclaim is credible and reasonable; and (4) the contract is not contrary to law, public order, public policy, morals or good customs or prejudicial to a third person with a right recognized by law. The burden of proving that the quitclaim was voluntarily entered into rests on the employer. (Universal Robina Sugar Milling Corp. v. Caballeda, supra, pp. 133-134).

In this case the petitioner failed to sufficiently prove that the Release and Quitclaim signed by private respondent complied with the said requisites.

Petitioner claims that respondent voluntarily signed the quitclaim as she wanted to gracefully exit the company.

The filing of a complaint with the NLRC on June 22, 2010, three months after she was dismissed from work is contrary to petitioner's claim that respondent voluntarily wanted to exit the company. (See Rollo, pp. 78-79).

Resignation is the voluntary act of employees who are compelled by personal reasons to disassociate themselves from their employment. It must be with the intention of relinquishing the position, accompanied by an act of abandonment. The act of filing a complaint for illegal dismissal shortly after leaving the company is difficult to reconcile with voluntary resignation. If the employee truly intended to voluntarily relinquish his employment, he would not have sought redress from the NLRC. (Uy v. Centro Ceramica Corp., 659 SCRA 604, 617 [2011]).

Petitioner also failed to show that respondent fully understood the contents of the Release and Quitclaim she signed. Respondent, in her Position Paper before the Labor Arbiter said that petitioner company, through its secretary, "directed her to sign a piece of paper which she did not have the opportunity to read [or] understand." (Rollo, p. 60).

This belies the claim of petitioner that the quitclaim was signed by respondent, knowingly and voluntarily.

Petitioner likewise failed to show that the consideration of the quitclaim was credible and reasonable. As explained by the Labor Arbiter in his Decision, it is unbelievable that respondent voluntarily resigned in exchange for nothing especially considering the hard times the respondent was facing. (Rollo, pp. 55, 60).

It has been held that a waiver or quitclaim is deemed a valid and binding agreement between the parties, provided that it constitutes a credible and reasonable settlement and the one accomplishing it has done so voluntarily and with a full understanding of its import. (Pepsi-Cola Products Phils., Inc. v. Molon, 691 SCRA 113, 135 [2013]).

Moreover, the burden of proof in illegal dismissal cases, is on the employer. The employer's case succeeds on the strength of his evidence and not on the weakness of the employee's. (Functional Inc. v. Granfil, 660 SCRA 279, 284-285 [2011]). This petitioner failed to accomplish.

As a final word, the Court would like to stress that judicial review of decisions of the NLRC via a petition for certiorari under Rule 65 is confined only to issues of lack or excess of jurisdiction and grave abuse of discretion on the part of the NLRC. (Digitel v. Soriano, 492 SCRA 704, 720 [2006]).

As the Court finds no grave abuse of discretion or lack or excess of jurisdiction on the part of the NLRC in affirming the Decision of the NLRC, a dismissal of the instant petition is in order.

WHEREFORE, the petition is DISMISSED for lack of merit. The Decision dated August 18, 2011 and Resolution dated December 15, 2011 of the National Labor Relations Commission in NLRC LAC No. 02-000494-11, NLRC-NCR Case No. 06-08530-10 are hereby AFFIRMED.

SO ORDERED.

Lopez, and Cruz,[*] JJ., concur.

[*] Acting Junior Member vice J. S.B. Inting per Office Order No. 348-14-RSF dated August 4, 2014.

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