

EMMANUEL MULTI-PURPOSE COOPERATIVE INC./ ROWENA MAGSOMBOL, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION (SIXTH DIVISION), LIZA C. DELGADO, ANABEL J. VEGA, MARITES LORCA ...

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GALAPATE-LAGUILLES, J:

The instant Petition for Certiorari[1] under Rule 65 of the Rules of Court seeks the annulment and setting aside of the Decision[2] dated October 22, 2012 and the Resolution[3] dated November 29, 2012 issued by the National Labor Relations Commission (NLRC), Sixth Division (hereinafter “public respondent”) in LAC No. 02-000662-12, affirming the Decision[4] of the Labor Arbiter ordering petitioners to pay the private respondents their separation pay and backwages except for private respondent Roman Barnido whose complaint was dismissed on the ground of settlement as shown by the corresponding “quitclaim and release”.

The facts of the case as culled from the records are as follows:

The herein private respondents filed a Complaint for Illegal Dismissal with prayer for award of separation pay in lieu of reinstatement in light of their having been terminated from employment arising from the closure of the Emmanuel Multi-Purpose Cooperative, Inc. (“EMCI”), a cooperative that offers services in marketing (including grocery, slaughterhouse, meat shop hauling live hogs and supplying dead carcass), feeds and veterinary supply, credit, construction and fuel station (E-oil). Private respondents claim that at the time they were terminated from employment, they were all regular employees receiving basic monthly salaries, cost of living allowances, shares coming from Provident Shares, 13th month pay, bonuses, sick leave and vacation leave benefits.

The alleged details of their employment are as follows:

NLRC Case No. RAB-IV-10-01872-10-B

NAME	POSITION	MONTHLY SALARY	DATE HIRED	DATE TERMINATED
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Liza C. Delgado	Supervisor II	P12,250.00	July 3, 2000	August 1, 2010
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Anabel J. Vega	HRCP P7	688.40	January 15, 2001	August 1, 2010
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Marites Lorca	Operation Assistant P7	339.60	May 17, 1999	August 1, 2010
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Inocencia C. Del Rosario	Purchasing Officer P12	709.10	May 1985	August 1, 2010
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NLRC Case No. RAB-IV-10-01873-10-B

NAME	POSITION	MONTHLY SALARY	DATE HIRED	DATE TERMINATED
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Pedro Cortiguerra, Sr.	Driver P8	701.00	May 11, 1993	August 1, 2010
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Aquilino Lorca Driver P6,649.60 April 1, 2001 August 1, 2010

Roman M. Barnido Pump Attendant P5,986.00 December 2002 August 1, 2010

On June 28, 2010, petitioners issued a Memorandum[5] addressed to all its employees stating the following:

“Subject: Implementing Guidelines on Manpower Reorganization

This is to inform all EMCI employees that per Board Resolution No. 2010-034 total manpower reorganization will be effected by August 1, 2010. As such, the following guidelines are to be implemented:

- All coop plantilla positions are hereby declared vacant.
- A new table of organization will be implemented by August 1, 2010.
- All employees who wish to be employed under the new organizational structure need to formally apply in writing for the positions they wish to apply until July 16, 2010.
- Those present employees who could not be slotted in the new organizational structure and are entitled to separation benefits will receive their benefits as per coop policies and as provided for by DOLE.
- Those present employees who would be accommodated and slotted in the new organizational structure and are entitled to separation benefits as per coop policies and as provided for by DOLE will have their benefits converted to savings and or capital shares (as the case maybe).
- Those present employees who could not be accommodated or slotted in the new organizational structure are deemed separated from the service effective August 1, 2010.
- In the process of slotting in the new organizational structure, a screening or selection process will be done and those with pending administrative or criminal cases will not be included.
- No hiring will be effected among employees within the 2nd degree of consanguinity.
- All legal documents and other cooperative property under your custody and jurisdiction must be submitted and documented on or before July 16, 2010 for auditing and verification.
- Clearance together with their benefits from cooperative will be given to employees who will not be slotted in the new organization upon completion of all accountabilities for both monetary and administrative.

xxxx”

Private respondents assert in their Position Papers that the closing of the construction and E-oil divisions of the petitioner EMCI does not justify their termination from employment for the following reasons: (1) that the closing of the establishment pertains to only one of the businesses of EMCI; (2) the notice furnished by EMCI to the Department of Labor and Employment (DOLE) is defective because in the said notice, only the employees that were supposed to be affected were mentioned; yet, the termination of employees referred to in the Memorandum pertain to all the employees irrespective of the Divisions to which they were assigned; (3) the notice to the DOLE mentioned the names of those working at the E-oil fuel station only; (4) the private respondents were not workers of the fuel station except for private respondent Roman Barnido; (5) that the private respondents were not notified of their termination from employment; (6) that the retrenchment of employees due to the alleged losses in one Division of EMCI does not justify a reorganization of its (EMCI) structure; (7) that the Memorandum dated June 28, 2010[6] stating, among other things, that effective August 1, 2010, all employees who could not be accommodated or slotted in the new organizational structure are deemed separated from service is a clear violation of the law against termination of employees without just cause; (8) that said Memorandum was issued not to really organize the structure of EMCI but merely for the purpose of circumventing the law primarily

because the same is still existing and is continuously hiring employees; (9) the positions of the private respondents, except Roman Barnido, have not been abolished as the petitioners merely changed their designations; and that clearly, the petitioners completely violated the rights of the private respondents to security of tenure as well as their rights to due process as provided under Article 283 of the Labor Code.

Petitioners, on the other hand, assert in their Position Paper that the private respondents' dismissal was brought about by the reorganization in EMCI and the need for the downsizing of its personnel so as to lessen and prevent further losses; that the Income Statement for the years ended December 31, 2008[7] and Statement of Operation for the period ended June 30, 2010[8] would show EMCI to have indeed suffered enormous operational losses thus necessitating the need for structural reorganization and downsizing of its employees; that as shown by the Independent Auditor's Report[9], EMCI suffered an adjusted undivided net loss for June 30, 2010, in the amount of Two Million Four Hundreded Fifty Thousand and Nine Hundred Six and 01/100 (PHP2,450,906.01); and that the law recognizes the right of every entity to reduce its work force if the same is made necessary by compelling economic factors which would endanger its existence or stability as ruled in the case of *Manatad v. Philippine Telegraph and Telephone Corporation*[10].

In reply, private respondents claim, among others, that petitioners already admitted that it is engaged in several businesses and among them are the following: grocery, slaughterhouse, meat shop, hauling live hogs and supplying dead carcass, feeds and veterinary supply, credit, construction and fuel station (E-oil); that they (petitioners) have suffered losses only in their two Divisions, the construction and E-oil Divisions; that closure of the said Divisions does not justify the reorganization of the management nor the termination of all the employees; that the alleged losses sustained by the petitioners do not justify the issuance of the June 28, 2010 Memorandum declaring all the positions in EMCI vacant; that the declaration by the petitioners that all positions are vacant and thereafter stating that the employees may apply again provided that they have no pending criminal and administrative cases clearly indicates that the petitioners merely want to replace all employees without any justifiable ground; that the action taken by the petitioners in declaring all positions vacant cannot be considered retrenchment because retrenchment implies merely a reduction of personnel and not removal of all employees; that no specific notice was sent to the private respondents for their termination and that their names were not mentioned in the notice submitted to the DOLE regarding employees that will be terminated from service; and since they were illegally dismissed, they deserve to be reinstated with all the appurtenant benefits and backwages.

Petitioners riposte that contrary to the allegation of the private respondents, they notified the DOLE by filing the necessary Establishment Termination Report[11] indicating therein the list of employees who will be affected and separated as a result of said reorganization; that all the employees were notified of the structural reorganization as per Memorandum dated June 28, 2010[12]; that the private respondents' assertion that EMCI is operating business Divisions in isolation of each other is untenable as these businesses merely complement each other and that the performance of EMCI is assessed by auditing the same as a whole; that EMCI distinguishes Divisions only for management purposes, but manpower and employees are not exclusively detailed on a specific Division; that the separation of the respondents from their employment is justified under existing labor laws and jurisprudence and thus, the petitioners cannot be held liable for the payment of backwages, damages and for their reinstatement although they do not deny their obligation to grant the private respondents their separation pay and other benefits due them.

On November 3, 2011, the Labor Arbiter rendered his Decision,[13] the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is rendered ordering Emmanuel Multi-Purpose Cooperative, Inc. to pay the following:

SEPARATION PAY BACKWAGES

LIZA DELGADO P134,750.00 P184,607.50

ANABEL VEGA 76, 884.00 115,864.19

MARITES LORCA 88,075.20 110,607.80

INOCENCIA DEL ROSARIO 330, 436.60 191,526.14

PEDRO CORTIGUERRA

156,618.00 131,124.07

AQUILINO LORCA 66,496.00 100,209.47

Total

P853,259.80 P833,939.17

GRAND TOTAL P1,687,198.97

SO ORDERED.”

Aggrieved, petitioners filed an Appeal[14] before the public respondent. On October 22, 2012, the said public respondent rendered its Decision,[15] the dispositive portion of which reads:

“WHEREFORE, the Appeal is DISMISSED for lack of merit and the Decision dated 03 November 2011 is AFFIRMED.

SO ORDERED.”

Thereafter, the petitioners moved for a reconsideration[16] of the foregoing ruling but the same was denied in a Resolution[17] dated November 29, 2012.

Hence, this Petition for Certiorari raising the following grounds:[18] (1) The Honorable Sixth Division of the NLRC committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the appeal of the petitioners since the private respondents' dismissal, whether based on retrenchment or redundancy, was valid; (2) The Honorable Sixth Division of the NLRC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it adopted the Labor Arbiter's erroneous computation of the number of years in determining the separation pay of the private respondents; and (3) The Honorable Sixth Division of the NLRC, assuming that the private respondents were entitled to separation pay, erred and acted with grave abuse of discretion in not considering the deductions of the credits extended or accounts receivables by the petitioners from the private respondents which were never refuted in the proceedings before the Labor Arbiter.

The petitioners, in their Memorandum, reiterated their position that the private respondents were not illegally dismissed as due care and good faith were observed; that the dismissal of the private respondents arose from a combination of redundancy and retrenchment; that they do not agree with the Labor Arbiter's finding that they (petitioners) failed to proffer evidence that will substantiate redundancy as mandated in the case of *Panlilio v. NLRC*:[19] that the losses that they are suffering may be proved by financial statements prepared by independent auditors; that they used fair and reasonable criteria in determining the employees to be dismissed; that the abrupt decrease or changes in their total assets, which is more or less 40% thereof, tantamounts to serious business losses which would be sufficient to justify their actions; that the public respondent likewise acted with grave abuse of discretion in the computation of the number of years of service of the private respondents by including therein the

period up to the time of the release of the questioned Resolution; that the cessation of service of the private respondents should have been reckoned only up to August 1, 2010.

The private respondents, on the other hand, assert in their Memorandum that the findings of both the Labor Arbiter and the NLRC declaring that they were illegally dismissed by the petitioners were undisputed as the petitioners were not able to comply with the requirements provided by law and jurisprudence in dismissing them on the ground of redundancy; that said findings of the Labor Arbiter, which was affirmed by the NLRC, was supported by the evidence on record submitted by both parties; that the reorganization made by the petitioners in order to lessen and prevent further losses and the downsizing of its personnel is a redundancy measure because it was resorted to for purposes of cost cutting; that petitioners clearly failed to observe and apply the reasonable standards or criteria in the implementation of its redundancy program; and that the dismissal of its employees was not done on a preferred basis because a complete reorganization was effected and all positions were declared vacant.

We deny the petition.

It is well-settled that retrenchment and redundancy are authorized causes for an employee's separation from service. However, to protect labor, dismissals due to retrenchment or redundancy are subject to strict requirements. Article 289 of the Labor Code provides the following:

“Art. 289. Closure of establishment and reduction of personnel. - The employer may also terminate the employment of any employee due to the installation of labor saving devices, redundancy, retrenchment to prevent losses or the closing or cessation of operation of the establishment or undertaking unless the closing is for the purpose of circumventing the provisions of this Title, by serving a written notice on the workers and the Department of Labor and Employment at least one (1) month before the intended date thereof. In case of termination due to the installation of labor-saving devices or redundancy, the worker affected thereby shall be entitled to a separation pay equivalent to at least his one (1) month pay or to at least one (1) month pay for every year of service, whichever is higher. In case of retrenchment to prevent losses and in cases of closures or cessation of operations of establishment or undertaking not due to serious business losses or financial reverses, the separation pay shall be equivalent to one (1) month pay or at least one-half (1/2) month pay for every year of service, whichever is higher. A fraction of at least six (6) months shall be considered one (1) whole year.”

Petitioners contend that the private respondents were lawfully dismissed and that their dismissal was due to a combination of redundancy and retrenchment. Retrenchment and redundancy, however, are two different concepts; they are not synonymous and therefore should not be used interchangeably. In the case of *Andrada, et al. v. NLRC, et al.*[20] citing *Sebuguero v. NLRC*,[21] the Supreme Court explained in detail the difference between two concepts, to wit:

“Redundancy exists where the services of an employee are in excess of what is reasonably demanded by the actual requirements of the enterprise. A position is redundant where it is superfluous, and superfluity of a position or positions may be the outcome of a number of factors, such as over hiring of workers, decreased volume of business, or dropping of a particular product line or service activity previously manufactured or undertaken by the enterprise.

Retrenchment, on the other hand, is used interchangeably with the term “lay-off.” It is the termination of employment initiated by the employer through no fault of the employee’s and without prejudice to the latter, resorted to by management during periods of business recession, industrial depression, or seasonal fluctuations, or during lulls occasioned by lack of orders, shortage of materials, conversion of the plant for a new production program or the introduction of new methods or more efficient machinery, or of automation. Simply put, it is an act of the employer of dismissing employees because of losses in the operation of a business, lack of work, and considerable reduction on the volume of his business, a right consistently recognized and affirmed by this

Court.”

A perusal of the records of the case reveals that the petitioners, in order to lessen and prevent further losses, approved the reorganization and downsizing of the personnel[22] which took effect on August 1, 2010 pursuant to the Memorandum dated June 28, 2010.[23] The measure taken by the petitioners therefore was a cost-cutting step to save EMCI from a possible collapse. That being the case, the saving device is termed redundancy.

It is true that in holding that the determination of whether or not an employee’s services are still needed or sustainable properly belongs to the employer provided that there is no violation of law or a showing that the employer was prompted by an arbitrary or malicious act.[24] An employer cannot simply declare that it has become overmanned and forthwith dismiss its employees without producing adequate proof to sustain its claim of redundancy, for among the requisites of a valid redundancy program are: (1) the good faith of the employer in abolishing the redundant position; and (2) fair and reasonable criteria in ascertaining what positions are to be declared redundant, such as but not limited to: preferred status, efficiency, and seniority.[25]

Also, the following evidence may be proffered to substantiate redundancy: the new staffing pattern, feasibility studies/ proposal on the viability of the newly created positions, job description and the approval by the management of the restructuring.[26]

While it is true that the Memorandum dated June 28, 2010[27] issued by the petitioners provided the guidelines for the implementation of the reorganization on August 1, 2010, We observe that there was no showing that petitioners made an evaluation of the existing positions that will be affected and the ramifications thereof to the viability or continued existence of EMCI. Furthermore, it does not escape Our attention that the petitioners called a meeting for the employees (including the private respondents) only on July 10, 2010[28], or a few days after they have issued the said Memorandum on June 28, 2010 to inform them that total manpower reorganization will be effected and all “coop plantilla positions” will be declared vacant because the E-oil Division was experiencing heavy losses and so the EMCI Management approved the needed reorganization and downsizing of personnel which shall take effect on August 1, 2010. The petitioners in the said meeting have discussed the following: (a) the job functions of the newly created positions; (b) employees who could not be slotted in the new organizational structure and hence entitled to separation benefits upon the availability of the funds; (c) employees who could not be accommodated or slotted in the new organizational structure hence deemed separated from the service effective August 1, 2010; (d) non-hiring of employees within the 2nd degree of consanguinity; (e) that Pedro Cortiguerra or his son, Raffie Cortiguerra, may apply for a non-plantilla position such as that of a caretaker or technician; and (f) that the employees may apply to other higher positions if they think they have the capability.

From the foregoing, it is evident that the reasonable criteria consisting of preferred status, efficiency, and seniority were never tackled at all among the affected employees, contrary to the consistent pronouncements of the highest Court in a long line of jurisprudence. The aforesaid standard criteria assume greater significance given the fact that most of the private respondents have already rendered services for quite a long time with EMCI ranging from nine (9) years to twenty-five (25) years as could be readily seen from the labor tribunals' matrix on record. One of them, Inocencia Del Rosario, in fact worked for EMCI for twenty-five (25) long years prior to her dismissal.[29] These considerations should have impelled petitioners to faithfully comply with the jurisprudential requisites in effecting a valid redundancy program. On the contrary, what We see instead under paragraph 1 of the questioned Memorandum is a sweeping statement that “all coop plantilla positions are hereby declared vacant”[30]. With this curt and general statement, the mentioned standards or criteria intended as a shield against possible arbitrariness or abuse by the employer, for sure, were conveniently brushed aside. In the case of *Caltex (Phils.), Inc. v. NLRC, et al.*[31], citing *Capitol Wireless, Inc. v. Confesor*[32], the Supreme Court emphasized that “the absence of criteria in the selection of an employee to be dismissed renders the dismissal arbitrary.”

We likewise note the dearth of evidence consisting of feasibility studies or proposals on the viability of creating new positions and their corresponding job descriptions. The petitioners, as observed by the Labor Arbiter, merely presented as evidence the new staffing pattern and nothing else. At the risk of being repetitive, the petitioners were and are expected to present proof of good faith showing that this business prerogative of terminating employees due to redundancy was not whimsically exercised.[33] We could neither countenance petitioners' cavalier statement in their Memorandum of Appeal that "there is no need for any feasibility study to determine the benefits that will be derived from the said move. Simple business principles dictates (sic) that less expenditures would translate to savings and thus increase profits".[34] Petitioners, unfortunately, seemed to have taken for granted the importance of conducting feasibility studies. We agree with the public respondent in stating that "in requiring a feasibility study/proposal, the law contemplates to avoid a situation where the removal of a position and or the creation of a new one are not prompted by an arbitrary or malicious act or that there is no violation of law"[35]. For, as intoned in the case of *Ama Computer College, Inc. v. Garcia, et al.*[36], the prudent recourse in termination cases is to safeguard the prized security of tenure of employees and to require employers to present the best evidence obtainable, especially so because in most cases, the documents or proof needed to resolve the validity of the termination, are in the possession of employers. A contrary ruling would encourage employers to utilize redundancy as a means of dismissing employees when no valid grounds for termination are shown by simply invoking a feigned or unsubstantiated redundancy program.

Withal, We sustain the view that the petitioners failed to show by substantial evidence[37] that the termination of the employment of the private respondents was validly made on the ground of redundancy. Failure to discharge that duty would mean that the dismissal was not justified and therefore illegal.[38] Settled is the rule that it is the burden of petitioner, as employer, to prove the factual and legal basis for the dismissal of its employees on the ground of redundancy.[39]

Likewise, the public respondent did not commit grave abuse of discretion when it adopted the Labor Arbiter's computation of the number of years in determining the separation pay of the private respondents. This is a question of fact the determination of which is the statutory function of the labor arbiters and the NLRC and it is almost trite to state that factual findings of the labor arbiters, when affirmed by the NLRC, are accorded not only respect but even finality, when these findings are supported by substantial evidence, and devoid of any unfairness or arbitrariness.[40] Factual questions are for labor tribunals to resolve.[41] Furthermore, as a rule, a petition for certiorari under Rule 65 is valid only when the question involved is an error of jurisdiction, or when there is grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the court or tribunals exercising quasi-judicial functions. Hence, courts exercising certiorari jurisdiction should refrain from reviewing factual assessments of the respondent court or agency.[42]

As to the separation pay, the same may be awarded to an illegally dismissed employee in lieu of reinstatement. Recourse to the payment of separation pay is made when continued employment is no longer possible, in cases where the dismissed employee's position is no longer available, or the continued relationship between the employer and the employee is no longer viable due to the strained relations between them, or when the dismissed employee opted not to be reinstated, or payment of separation benefits will be for the best interest of the parties involved.[43] In the instant case, the private respondents opted not to be reinstated but instead prayed for the award of separation pay.

Further, separation pay in lieu of reinstatement equivalent to one month salary for every year of service shall be computed from the time of engagement of the private respondents by the petitioners up to the finality of the decision and the backwages shall be computed from the date of the private respondents' dismissal up to the finality of the decision[44]. Here, the Labor Arbiter used the foregoing guides in the computation of the award of

separation pay and backwages in favor of the private respondents.[45] Thus, We sustain the Labor Arbiter's computation thereon as shown in the assailed issuances.

As to the alleged failure of the public respondent to consider in the computation of the separation pay whatever accounts or credits the private respondents have with EMCI, the public respondent could not be faulted likewise. It is well settled in law and jurisprudence that when the issue involved does not make reference to the Labor Code, other labor statutes or any collective bargaining agreement, it is the regular courts, that has jurisdiction.[46] The jurisdiction of labor courts is provided under Article 217 of the Labor Code, to wit:

“ART. 217. Jurisdiction of Labor Arbiters and the Commission. — (a) Except as otherwise provided under this Code the Labor Arbiter shall have original and exclusive jurisdiction to hear and decide, within thirty (30) calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers, whether agricultural or non-agricultural:

- Unfair labor practice cases;
- Termination disputes;
- If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rates of pay, hours of work and other terms and conditions of employment;
- Claims for actual, moral, exemplary and other forms of damages arising from employer-employee relations;
- Cases arising from any violation of Article 264 of this Code including questions involving the legality of strikes and lockouts; and
- Except claims for Employees Compensation, Social Security, Medicare and maternity benefits, all other claims, arising from employer-employee relations, including those of persons in domestic or household service, involving an amount exceeding five thousand pesos (P5,000.00) regardless of whether accompanied with a claim for reinstatement.

(b) The Commission shall have exclusive appellate jurisdiction over all cases decided by Labor Arbiters.

Cases arising from the interpretation or implementation of collective bargaining agreements and those arising from the interpretation or enforcement of company personnel policies shall be disposed of by the Labor Arbiter by referring the same to the grievance machinery and voluntary arbitration as may be provided in said agreements.” (Emphasis supplied)

Lest the petitioners forget, the core issue in this case is whether or not private respondents were validly terminated from employment due to redundancy.

In light of the foregoing, We hereby find public respondent NLRC (Sixth Division) to have acted accordingly and without grave abuse of discretion when it issued the questioned Decision and Resolution dated October 22, 2012 and November 29, 2012 respectively. Grave abuse of discretion defies exact definition, but it generally refers to capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility.[47]

WHEREFORE, the instant Petition is **DISMISSED**. The assailed Decision dated October 22, 2012 and the assailed Resolution dated November 29, 2012 of the public respondent are hereby **AFFIRMED**.

The case is **REMANDED** to the Labor Arbiter for purposes of computing private respondents' backwages which

shall be reckoned from the date of their dismissal; and separation pay in lieu of reinstatement, which shall be equivalent to One (1) month salary for every year of service, computed from the time of their engagement by the petitioners, up to the finality of this decision.

SO ORDERED.

Punzalan Castillo, M.P., (Chairperson) and Lazaro-Javier, A.C., JJ., concur.

[1] Rollo, pp. 3-20.

[2] Penned by Commissioner Nieves E. Vivar-De Castro, Id., pp. 204-213.

[3] Id., pp. 221-222.

[4] Id., pp. 133-147.

[5] Id., p. 56.

[6] Id.

[7] Id., pp. 93-94.

[8] Id., pp. 80-82.

[9] Id., p. 104.

[10] G.R. No. 172363, March 7, 2008.

[11] Rollo, p. 55.

[12] Supra note at 5.

[13] Supra note at 4.

[14] Rollo, pp. 152-153.

[15] Supra note at 2.

[16] Rollo, pp. 174-182.

[17] Supra note at 3.

[18] Rollo, p. 8.

[19] G.R. No. 117459, October 17, 1997, 281 SCRA 53.

[20] G.R. No. 173231, December 28, 2007.

[21] G.R. No. 115394, September 27, 1995, 248 SCRA 532.

[22] Rollo, p. 161.

[23] Supra note at 5.

[24] See *Culili v. Eastern Telecommunications Philippines, Inc., et al.*, G.R. No. 165381, February 9, 2011.

[25] Id.

[26] Id.

[27] Supra note at 5.

[28] Rollo, p. 59.

[29] Id., p. 134.

[30] Supra note at 5.

[31] G.R. No. 159641, October 15, 2007.

[32] G.R. No. 117174, November 13, 1996.

[33] See General Milling Corporation v. Viajar, G.R. No. 181738, January 30, 2013.

[34] Rollo, p. 162.

[35] Id., p. 212.

[36] G.R. No. 166703, April 14, 2008.

[37] Sec. 5, Rule 133 of the Rules of Court

Sec. 5. Substantial evidence. — In cases filed before administrative or quasi-judicial bodies, a fact may be deemed established if it is supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

[38] Supra note at 33.

[39] Supra note at 31.

[40] See Pepsi-Cola Products Incorporated v. NLRC, G.R. No. 121324, September 30, 1999.

[41] Shoppes Manila, Inc. v. NLRC, G.R. No. 147125, January 14, 2004.

[42] Lambert Pawnbrokers and Jewelry Corporation, et al. v. Binamira, G.R. No. 170464, July 12, 2010.

[43] See Session Delights Ice Cream and Fast Foods v. Court of Appeals, et al., G.R. No. 172149, February 8, 2010.

[44] See Century Canning Corporation, et al. v. Ramil, G.R. No. 171630. August 9, 2010.

[45] Rollo, pp. 145-146.

[46] See Lapanday Agricultural Development Corporation v. Court of Appeals, et al., G.R. No. 112139, January 31, 2000.

[47] Deutsche Bank AG v. Court of Appeals, G.R. No. 193065, February 27, 2012.

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