

EM PETROLEUM HAULERS[, ERIC MARTEL AND JOSE MA. YTURRI PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION AND LEONARDO CURSILLES, RESPONDENTS.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

Before this Court is a Petition for Certiorari[1] under Rule 65 of the 1997 Revised Rules of Civil Procedure assailing the Resolutions dated July 31, 2013[2] and October 30, 2013[3] of the National Labor Relations Commission (NLRC), Second Division in NLRC LAC No. 05-001485-13 NLRC NCR No. 10-15744-12 entitled “Leonardo R. Cursilles, Complainant, vs. EMP Petroleum Haulers/Eric Martel/Jose Ma. Yturri, Respondents.”, the dispositive portions of which read:

Resolution dated July 31, 2013:

“WHEREFORE, premises considered, the instant appeal is hereby declared partially with merit. The appealed decision is hereby MODIFIED declaring the claim for illegal dismissal to be not a cause of action in this case, and correspondingly deleting the awards of separation pay, backwages, and damages, and correspondingly adjusting the value of the 10% attorney’s fees.

The rest of the decision, STANDS.

SO ORDERED.[4]”

Resolution dated October 30, 2013:

“WHEREFORE, the motion for reconsideration is denied for lack of merit.

NO FURTHER MOTION OF SIMILAR NATURE SHALL BE ENTERTAINED.

SO ORDERED.[5]”

The facts are:

Petitioner EM Petroleum (company for brevity) is engaged in the business of hauling petroleum, crude oil, and other allied by-products all over Luzon.[6] Sometime in September 2012, private respondent Leonardo Cursilles (Cursilles for brevity) together with a company driver, Ramil Rosales, made a delivery of petroleum to a port in Calaca, Batangas.[7] When they reached the port, the roof of the delivery truck got caught on the ropes that were hanging between the docked ships and bollards.[8] Despite the strong winds brought by the typhoon, private respondent Cursilles still went up the roof of the delivery truck to untangle the ropes, but said ropes started swinging and swept him off his feet causing him to fall from the truck.[9] He fell unconscious and severely injured his right knee.[10] He was rushed to and confined at the Balayan Bayview Hospital & Medical Center where he received medical treatments.[11] Petitioners learned about the incident and they settled the latter’s hospital bills at the Balayan hospital.[12] Thereafter, he continued to seek treatments for his right knee at the Philippine Orthopedic Center (POC), but petitioners refused to extend further assistance to finance the same.[13]

As a result, he filed a Complaint[14] for Medical Assistance, non-payment of salary/wages, damages and attorney's fees against the company and its responsible officers (hereinafter referred to as petitioners for brevity). Mandatory conciliation proceedings followed, but despite notice, petitioners failed to attend.[15] Consequently, private respondent Cursilles was directed to file his position paper while petitioners were deemed to have waived their right to file the same.[16]

This notwithstanding, petitioners still filed a Position Paper (with Leave to Admit),[17] where they denied the existence of employer-employee relationship and maintained that private respondent Cursilles was not their regular employee. In their defense, they emphasized on the fact that in his complaint he did not mention that he was dismissed by petitioners, neither did he ask to be reinstated nor paid backwages. Moreover, they argued that what happened to private respondent Cursilles was an unfortunate accident and could not be considered as a work-related injury because his services were not authorized nor sanctioned by the company. Accordingly, there is no truth to the claim that he was illegally dismissed nor is there a justification for the grant of moral and exemplary damages as a consequence thereof.

On the other hand, private respondent Cursilles insisted in his position paper[18] that he was a regular employee and had been employed as the company's "helper" since January 2012. To support his allegation, he presented a company ID[19] issued in his name and signed by its General Manager, Jose Ma. T. Yturri, bearing the following statements:

"xxx I hereby certify that bearer whose personal data and signature appear on this card is a BONA FIDE EMPLOYEE of the COMPANY. xxx"

As a regular employee, he is entitled to receive medical assistance and other monetary benefits from petitioners because he sustained injuries while he was performing his duty as a "helper". Furthermore, he asserted that he was illegally terminated when he filed his complaint because there was no justification for his removal and neither was due process observed when he was dismissed. His illegal termination therefore calls for his reinstatement as well as the payment of his backwages, damages and attorney's fees. On March 27, 2013, the Labor Arbiter declared that private respondent Cursilles was illegally dismissed and ordered the petitioners to pay the amount of Php255,733.67 representing the latter's wage differentials, unpaid holiday pay, pro-rata 13th month pay, separation pay with backwages, medical assistance and damages, plus 10% of the total judgment award as attorney's fees.[20] Aggrieved, petitioners filed an appeal before the NLRC.[21] On July 31, 2013, the NLRC set aside the finding of illegal dismissal on the ground that private respondent Cursilles failed to raise the same as a cause of action in his complaint, and deleted the award of separation pay, backwages, damages and adjusted the amount of attorney's fees.[22] Not satisfied, petitioners moved for reconsideration but the motion was also denied.[23]

Hence, this petition raising the following assignment of errors:[24]

I. THE HONORABLE PUBLIC RESPONDENT SERIOUSLY ERRED WHEN IT AWARDED 13TH MONTH PAY AND HOLIDAY PAY TO THE PRIVATE RESPONDENT DESPITE INSUFFICIENT EVIDENCE TO SHOW THAT HE WAS A REGULAR EMPLOYEE.

II. THE HONORABLE PUBLIC RESPONDENT SERIOUSLY ERRED WHEN IT RULED THAT PRIVATE RESPONDENT IS ENTITLED TO MEDICAL ASSISTANCE DESPITE INSUFFICIENT EVIDENCE TO SUPPORT THE SAME.

The petition is without merit.

Petitioners maintain that public respondent NLRC erred in upholding the award of 13[th] month pay and holiday

pay upon private respondent Cursilles claiming that the latter was not their regular employee. Petitioners argue that public respondent NLRC's reliance on the company ID presented by private respondent Cursilles as proof of his employment is not sufficient to establish the existence of employer-employee relationship since there were no other proof that they offered to hire him, paid his salaries and exercise control over him in the performance of his duties.

The argument of petitioners is misplaced.

It has long been established that in administrative and quasi-judicial proceedings, substantial evidence is sufficient as a basis for judgment on the existence of employer-employee relationship.[25] Substantial evidence, as the quantum of proof in labor cases, only requires the presentation of such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[26] In this case, this quantum of proof necessary to establish private respondent Curcilles' employment is already satisfied upon his presentation of his company ID which categorically admitted that he is a bona fide employee of the company. Vis-a-vis such admission, the self-serving denial and bare allegations made by petitioners that said company ID was issued not as an acknowledgment of employment cannot be given credence. It follows no logic for the General Manager to indiscriminately issue the company ID to just anyone who is not connected to the company. The significance of the issuance of a company ID is illuminated in the case of *Eddie Domasig vs. NLRC, et al.*,[27] viz.:

“xxx In a business establishment, an identification card is usually provided not only as a security measure but mainly to identify the holder thereof as a bona fide employee of the firm that issues it. Xxx”

As such, the only viable explanation for the issuance of the company ID in favor of private respondent Cursilles is that the latter is indeed petitioners' employee. This is reflected in the findings of public respondent NLRC, to wit:

“xxx We find no reason to disturb the appealed decision of the Labor Arbiter on this issue. Indeed, and without dispute, respondents issued complainant an Identification card, duly signed by individual Respondent Jose Ma. T. Yturri, after the statement written at its dorsal side, which reads:

'I hereby certify that the bearer whose personal data and signature appear on this card is a BONAFAIDE EMPLOYEE of this COMPANY.

(sgd.)

JOSE MA. T. YTURRI'

This proof of employment strongly supports the claim of Complainant that he is Respondents' employee. On the other hand, the claim of Respondents/Appellants that the ID was issued 'only for the purpose of allowing the truck xxx to enter the customer's premise' is too weak to be given credence. xxx”

After establishing that private respondent Cursilles is an employee of the petitioners, the next question to be answered is whether the latter can be categorized as a regular employee[28] for the purpose of receiving his monetary benefit. Jurisprudence states that the primary determinant of a regular employment is the reasonable connection between the particular activity performed by the employee in relation to the usual business or trade of the employer.[29] The test is whether the former is usually necessary or desirable in the usual business or trade of the employer.[30] The connection can be determined by considering the nature of the work performed and its relation to the scheme of the particular business or trade in its entirety.[31] Applying these guidelines in the present case, it can be said that private respondent Cursilles is a regular employee of petitioners because as a “helper” or “pahinante”, his task of loading and unloading deliveries for petitioners is definitely necessary and desirable to the latter's main business of hauling petroleum, crude oil and other by-products. Significantly, his regular employment entitles him to receive all the benefits due to a regular employee, like payment of 13[th] month pay[32] and holiday pay.[33]

With respect to the award for medical assistance, petitioners declare the quotation[34] in the amount of Php 120,000.00 as exorbitant claiming that the grant thereof lacked factual basis. To support this contention, they cited the X-Ray Report[35] issued by the Radiology Department of Balayan Bayview Hospital & Medical Center which stated that:

“xxx RIGHT THIGH INCLUDING THE KNEE/AP/L:

There is dislocation of the right knee joint with associated soft tissue swelling. No other significant finding

Follow-up examination of the right knee post reduction: right knee joint now in place. No other significant internal finding. xxx”

According to them, the above-stated result contradicts the need for global knee reconstruction as suggested in the quotation submitted by private respondent Cursilles. This Court is not persuaded. The results of the x-ray notwithstanding, the other evidence submitted by private respondent Cursilles shows that after he was discharged from Balayan Bayview Hospital & Medical Center, he was referred to the Philippine Orthopedic Center (POC for brevity) for “further evaluation and management”[36] of his knee injury. Upon consultation with the POC, a Clinical Abstract[37] was issued to him advising him to undergo a “reconstruction of ACL, PCL and PLC,” thus the quotation for global knee reconstruction was adduced and used as a basis for the medical assistance sought. The consistent rule is, in case doubt exists between the evidence presented by the employer and the employee, the scales of justice must be tilted in the latter's favor.[38] This is enshrined as a policy mandated under the Labor Code which affords protection to labor by construing doubts in their favor.[39]

All told, this Court observes that only factual issues were raised in the petition since petitioners only brought up matters the resolution of which necessarily involves a review of the evidence presented by both parties.[40] Factual issues are outside the ambit of a Petition for Certiorari.[41] Unless there is a showing that public respondent NLRC committed a patent error or failed to consider a fact of substance that if considered would warrant a different result, its factual finding stands.[42] It bears stressing that judicial review of labor cases does not go beyond the evaluation of the sufficiency of the evidence upon which its labor officials' findings rest.[43] Thus, the findings of facts and resolution of the NLRC are deemed conclusive as long as they are supported by substantial evidence.[44] Verily, the role and function of a Petition for Certiorari under Rule 65 of the Revised Rules of Court are confined to the correction of errors of jurisdiction including the commission of grave abuse of discretion amounting to lack or excess of jurisdiction.[45] With this limited scope, this Court is thus restrained from going too far as to probe into the correctness of a tribunal's evaluation of evidence in the absence of any palpable error or mistake.[46]

WHEREFORE, premises considered, the petition is DENIED. The Resolutions dated July 31, 2013 and October 30, 2013 of the National Labor Relations Commission in NLRC LAC No. 05-001485-13 NLRC NCR Case No. 10-15744-12 are hereby AFFIRMED.

SO ORDERED.

Gonzales-Sison, M., and Cruz, R. A., JJ., concur.

[*] In other pleadings, petitioner is also referred to as EMP Petroleum Haulers.

[1] Rollo, pp. 3-15

[2] Rollo, pp. 50-61

- [3] Rollo, pp. 63-65
- [4] Rollo, pp. 60-61
- [5] Rollo, p. 64
- [6] Rollo, pp. 6, 38, 101
- [7] Rollo, pp. 6, 22, 38, 52, 69, 141, 174
- [8] Rollo, pp. 22, 52, 69, 141, 174
- [9] Rollo, pp. 6,22,52-53,69,141,174
- [10] Rollo, pp. 22,53,69,141,174
- [11] Rollo, pp. 22, 53, 69-70, 141-142, 174-175
- [12] Rollo, pp. 7, 22, 38, 53, 70, 142, 175
- [13] Rollo, pp. 22-23, 53, 70-71, 142-143, 175-176
- [14] Rollo, pp. 66-67
- [15] Rollo, pp. 21-22, 51-52
- [16] Roll, pp. 21-22, 51-52
- [17] Rollo, pp. 99-107
- [18] Rollo, pp. 68-79
- [19] Rollo, pp. 81
- [20] Rollo, pp. 21-28
- [21] Rollo, pp. 31-46
- [22] Supra, footnote 2
- [23] Supra, footnote 3
- [24] Rollo, p. 9
- [25] Eddie Domasig vs. National Labor Relations Commission, et al. (G.R. No. 118101, September 16, 1996); Bitoy Javier (Danilo P. Javier) vs. Fly Ace Corporation/Flordelyn Castillo (G.R. No. 192558, February 15, 2012)
- [26] Eddie Domasig vs. National Labor Relations Commission, et al. (G.R. No. 118101, September 16, 1996); Bitoy Javier (Danilo P. Javier) vs. Fly Ace Corporation/Flordelyn Castillo (G.R. No. 192558, February 15, 2012)
- [27] G.R. No. 118101, September 16, 1996
- [28] The definition of regular employment is provided under Article 280 of the Labor Cour, to wit:
- “xxx Article 280. Regular and Casual Employment. — The provisions of written agreement to the contrary notwithstanding and regardless of the oral agreement of the parties, an employment shall be deemed to be regular where the employee has been engaged to perform activities which are usually necessary or desirable in the usual business or trade of the employer, except where the employment has been fixed for a specific project or undertaking the completion or termination of which has been determined at the time of the engagement of

the employee or where the work or services to be performed is seasonal in nature and the employment is for the duration of the season.

An employment shall be deemed to be casual if it is not covered by the preceding paragraph: Provided, That, any employee who has rendered at least one year of service, whether such service is continuous or broken, shall be considered a regular employee with respect to the activity in which he is employed and his employment shall continue while such actually exist.

[29] Pier 8 Arrastre & Stevedoring Services, Inc. and/or Eliodoro C. Cruz vs. Jeff B. Boclot (G. R. 173849, September 28, 2007) citing the case of Moises De Leon vs. National Labor Relations Commission and La Tondeña, Inc. (G. R. No. 70705, August 21, 1989)

[30] Id.

[31] Id.

[32] The case of Osias I. Corporal, et al. vs. National Labor Relations Commission, et al., (G. R. No. 129315, October 2, 2000), provides that:

“xxx The Revised Guidelines on the Implementation of the 13th Month Pay Law states that "all rank and file employees are now entitled to a 13th month pay regardless of the amount of basic salary that they receive in a month. Such employees are entitled to the benefit regardless of their designation or employment status, and irrespective of the method by which their wages are paid, provided that they have worked for at least one (1) month during a calendar year. Xxx”

[33] Article 82 of the Labor Code enumerates the employees who are entitled to receive the benefits under Title 1 (Working Conditions and Rest Period), Book Three (Conditions of Employment), which covers the payment of holiday pay:

“ xxx ART. 82. Coverage. — The provisions of this title [Working Conditions and Rest Periods] shall apply to employees in all establishments and undertakings whether for profit or not, but not to government employees, field personnel, members of the family of the employer who are dependent on him for support, domestic helpers, persons in the personal service of another, and workers who are paid by results as determined by the Secretary of Labor in appropriate regulations. xxx”

[34] Rollo, p. 98

[35] Rollo, p. 85

[36] Rollo, pp. 83-84

[37] Rollo, p. 86

[38] SHS Perforated Materials, Inc., et al. vs. Manuel F. Diaz (G. R. No. 185814, October 13, 2010)

[39] Id.

[40] German Machineries Corporation vs. Eddie D. Endaya (G. R. No. 156810, November 24, 2004)

[41] Id.

[42] Philippine Airlines, Inc. vs. Joselito Pascua, et al. (G.R. No. 143258, August 15, 2003)

[43] CBL Transit, Inc. vs. National Labor Relations Commission, et al. (G.R. No. 128425, March 11, 2004)

[44] Id.

[45] De La Salle University vs. De La Salle University Employees Association and Buenaventura Magsalin (G. R. No. 109002, April 12, 2000)

[46] PMI Colleges vs. National Labor Relations Commission (G.R. No. 121466, August 15, 1997)

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