

SANTA FE CONSTRUCTION CO. AND SANTA FE INTERNATIONAL SERVICES, INC., PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION, PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION, JAIME F...

G.R. No. 101280. March 02, 1994

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

SANTA FE CONSTRUCTION CO. and SANTA FE INTERNATIONAL SERVICES, INC., in this petition for certiorari filed under Rule 65 of the Rules of Court, assail the decision of respondent National Labor Relations Commission (NLRC) in POEA Case No. (L)88-01-041 affirming the decision of respondent Philippine Overseas Employment Administration (POEA) which found unjustified the dismissal of private respondents from their employment with petitioners, and which ordered the latter to pay the former their salaries for the unexpired portion of their contracts.

Private respondents were hired on a one-year contract of employment by petitioner Santa Fe International Services, Inc. (SFISI), through its local agent, petitioner Santa Fe Construction Co. (SFCC), to work in the off-shore oil rig Key Largo in Luanda, Angola. On 22 March 1987, the employment of Jesus E. Abijay, Ernesto S. Arias and Noli G. Reyes commenced; on 14 April 1987 that of Jaime F. Cañete, Marcelo M. Generalao, Rico B. Codilla, and Roy A. Arriesgado; and, on 12 May 1987, that of Nerio G. Polinar, Marcelo V. dela Cruz, Baltazar C. Ramada, Jr., Armando E. Servino and Tito L. Detuya.

On 1 December 1987, petitioner SFISI allegedly granted private respondents vacation leave of fifteen (15) days. Their papers and plane tickets were prepared by petitioner SFISI which advanced their transportation expenses. However, their salaries for the month of November 1987 were not paid.

When private respondents reported to the office of petitioner SFCC to inquire about the schedule of their return to their place of work, the latter informed them that their employment had been terminated.

In their complaint filed with POEA, private respondents prayed for back wages and overtime pay for the month of November 1987, salaries corresponding to the unexpired portion of their contracts, and moral and exemplary damages.

On 11 January 1989, POEA rendered its decision finding that the employment of private respondents was illegally terminated. It found no merit in petitioners' contentions that private respondents resigned en masse on 1 December 1987 by surrendering their passports; that despite the alleged mass resignation and refusal to work by private respondents, petitioners failed to counteract this concerted activity, which confirms the claim of private respondents that they were not allowed to return to work after petitioners had approved their vacation leave. The POEA ordered petitioners to pay private respondents their unpaid salaries for the month of November 1987, and salaries for the unexpired portion of their contracts or their equivalent in Philippine currency at the time of

payment. However, it denied the claim of private respondents for moral and exemplary damages.

Not satisfied with the decision, petitioners appealed to NLRC. On 19 April 1991, respondent NLRC issued a resolution affirming the decision of POEA. After careful examination of the records, respondent NLRC found that two (2) of the private respondents, Jaime F. Cañete and Tito L. Detuya, worked on 27, 28, 29 and 30 November 1987 contrary to petitioners' allegation that they refused to work starting 27 November 1987; that it considered doubtful petitioners' extraordinary act of generosity in advancing respondents' transportation expenses in going to Manila despite their knowledge that private respondents instigated the mass resignation from work. Respondent NLRC ruled that in view of the devaluation of the Philippine peso against the US dollar, the payment of the award in Philippine currency should not be at the rate of exchange prevailing at the time of payment but rather at the rate of exchange prevailing at the time the cause of action of private respondents accrued, or at the time they were illegally terminated in December 1987, citing *Republic v. Laureano Bros., Inc.*[1] Hence, this petition.

On 2 September 1991, we issued a temporary restraining order against the enforcement of the assailed resolution.

The issue raised by petitioners is whether there was grave abuse of discretion on the part of respondent NLRC in not giving weight to their evidence showing that private respondents were not illegally terminated but resigned en masse. Petitioners contend that respondent NLRC capriciously affirmed POEA when it ruled that petitioners failed to present sufficient evidence of mass resignation because the only acceptable proof of such fact would be the individual letters of resignation and the physical production of passports of private respondents.

Petitioners also submit that the timecards of respondents Cañete and Detuya showing that they worked from 27 to 30 November 1987 should not have been accepted as evidence because they were merely unauthenticated photocopies, the originals of which were not presented during the proceedings. To this, petitioners add that their claim of mass resignation on the part of private respondents was shown from the accounts of twenty-two (22) fellow contract workers stating that private respondents refused and did not, in fact, report for work on 27 to 30 November 1987. As to why they paid the transportation expenses of private respondents in going home to Manila despite the mass resignation, petitioners argue that it was merely complying with the POEA Rules and Regulations which placed on the recruitment agency the responsibility and burden of shouldering the repatriation expenses of workers it recruited for overseas employment.

In his comment[2] on behalf of respondent NLRC, the Solicitor General alleges that in their joint affidavit, private respondents positively asserted that they left Angola on 1 December 1987 when they were given by petitioners a fifteen-day vacation leave with pay believing that after such time they would return to their place of employment; that considering this circumstance, it is understandable why not all of private respondents took with them copies of their timecards; that when respondents Cañete and Detuya were able to present their timecards, a close examination thereof shows that petitioner SFISI's operations manager Carl Clark himself reported in the timecards that Cañete and Detuya did work between 27th and 30th of November 1987. The Solicitor General contends that if petitioners doubted the authenticity of the copies of the timecards, they should have presented in evidence the original copies thereof; failure to do so meant that what was presented by private respondents were faithful reproductions of the originals. Further, the Solicitor General maintains that the affidavits of twenty-two other contract workers stating that private respondents resigned from work cannot be considered as credible as they could not have executed the affidavits without being subjected to some pressure from petitioners who were still their employers.

The rule is settled that the original and exclusive jurisdiction of this Court to review a decision of respondent NLRC in a petition for certiorari under Rule 65 does not normally include an inquiry into the correctness of its evaluation of the evidence but confined to issues of jurisdiction or grave abuse of discretion. It is thus incumbent

upon petitioners to satisfactorily establish that respondent Commission acted capriciously and whimsically in total disregard of evidence material to or even decisive of the controversy, in order that the extraordinary writ of certiorari will lie.[3]

Petitioners have failed to show that respondent NLRC has committed grave abuse of discretion in holding that private respondents were illegally terminated from their employment and in awarding them their unpaid salaries corresponding to the unexpired portion of their contracts, as follows:

Name

Salaries for the Unexpired Portion

Unpaid Salaries

for November 1987

Jaime F. Cañete

US\$418.83

US\$418.83

Marcelo M. Generalao

604.98

604.98

Jesus E. Abijay

325.00

325.00

Mario G. Polinar

418.83

418.83

Marcelo V. dela Cruz

465.37

465.37

Rico B. Codilla

465.37

465.37

Ernesto S. Arias

325.00

325.00

Baltazar C. Ramada, Jr.

465.37

465.37

Armando E. Servino

465.37

465.37

Tito L. Detuya

418.83

418.83

Noli G. Reyes

550.00

550.00

Roy A. Arriesgado

418.83

418.83[4]

T O T A L

US\$5341.78

US\$5341.78

There is no justifiable basis for disturbing the finding of the NLRC that substantial evidence exists to grant private respondents' claims. This is clearly supported by the evidence of record and conforms to law and jurisprudence. Findings of administrative agencies which have acquired expertise because their jurisdiction is confined to specific matters are generally accorded not only respect but even finality. Judicial review by this Court on labor cases does not go as far as to evaluate the sufficiency of the evidence upon which the labor officer or office has based his or its determination but is limited to issues of jurisdiction and grave abuse of discretion.[5]

WHEREFORE, the petition is DISMISSED and the questioned Resolution of respondent National Labor Relations Commission dated 19 April 1991 is AFFIRMED. The temporary restraining order we issued on 2 September 1991 is LIFTED. With costs against petitioners.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Quiason, and Kapunan, JJ., concur.

[1] No. L-25055, 25 April 1968, 23 SCRA 214.

[2] Rollo, p. 133.

[3] Pan Pacific Industrial Sales Co., Inc. v. NLRC, G.R. No. 96191, 4 March 1991, 194 SCRA 633.

[4] Rollo, p. 23.

[5] A.M. Oreta and Co., Inc. v. NLRC, G.R. No. 74004, 10 August 1989, 176 SCRA 218.

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