

MOISES B. PANLILIO, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC FIRST DIVISION) AND FINDSTAFF PLACEMENT SERVICES, INC. AND OMAN SHERATON HOTEL, INC., RESPONDENTS.

G.R. No. 117459. October 17, 1997

Ponente: ROMERO, J.

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ROMERO, J.:

Herein petitioner, unfazed by countless tales of overseas workers who embark adventurously on trips to “Promised Lands” only to find themselves shortchanged, or worse jobless, dares to trek the same path. His glorious dream lasted but six months when he was peremptorily dismissed on the ground that his position had become redundant.

The facts as borne out by the records reveal that:

Petitioner Moises B. Panlilio was recruited by private respondent Findstaff Placement Services (FPS) for employment in the Sheraton Hotel in Oman as Recreational Manager in October 1991. The contract was for a period of two years with a monthly compensation of one thousand one hundred dollars (\$1,100.00). Petitioner’s good fortune, however, did not last long, for in March 1992 his services were terminated on the ground that his position had become redundant.

He then filed a complaint for illegal dismissal before the Adjudication Office of the Philippine Overseas Employment Administration (POEA) which was docketed as POEA Case No. (L) 92-03-551. After due trial, the POEA rendered a decision dated April 21, 1993 ruling that petitioner was illegally dismissed on the premise that the alleged redundancy of his position was not adequately proven.[1]

FPS filed an appeal before the National Labor Relations Commission. In its decision dated April 19, 1994,[2] despite newly submitted affidavits from the officers of the Director of Personnel and Training Division of Sheraton Hotel by FPS substantiating the redundancy of petitioner’s position, the NLRC affirmed the POEA’s decision and dismissed the appeal for lack of merit.

Undaunted by another setback, FPS filed a motion for reconsideration. To petitioner’s surprise and dismay, the NLRC reversed itself and rendered a new decision[3] upholding the validity of his dismissal on ground of redundancy. Hence, this petition.

Petitioner claims that the NLRC gravely abused its discretion when it reversed its original ruling on the basis of the affidavits which it had earlier ruled out as self-serving and of no evidentiary value.

After a careful study of the relevant facts, we are constrained to reverse the findings of the NLRC.

In the case at bar, FPS failed to present substantial evidence to justify the dismissal of petitioner on the ground of redundancy. The affidavits and documents it submitted are entitled to little weight, for it does not prove the

superfluity of petitioner's position.[4] In fact, these documents do not even present the n

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