

EDUARDO B. PRANGAN, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC), MASAGANA SECURITY SERVICES CORPORATION, AND/OR VICTOR C. PADILLA, RESPONDENTS.

G.R. No. 126529. April 15, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

Private respondent, a corporation engaged in providing security services to its client, hired petitioner on November 4, 1980 as one of its security guards. Thereafter, he was assigned to the Cat House Bar and Restaurant with a monthly salary of P2,000.00 until its closure on August 31, 1993.

On May 4, 1994, petitioner filed a complaint^[1] against private respondent for underpayment of wages, non-payment of salary from August 16-31, 1993, overtime pay, premium pay for holiday, rest day, night shift differential, uniform allowance, service incentive leave pay and 13th month pay from the year 1990 to 1993.

Private respondent, in its position paper,^[2] rejected petitioner's claim alleging it merely acted as an agent of the latter in securing his employment at the Cat House Bar and Restaurant. Thus, the liability for the claims of the petitioner should be charged to Cat House Bar and its owner, being his direct employer.

In resolving the dispute in a decision dated May 31, 1995,^[3] the Labor Arbiter brushed aside the private respondent's contention that it was merely an agent of the petitioner and concluded:

“WHEREFORE, PREMISES CONSIDERED, respondents MASAGANA SECURITY SERVICE CORPORATION and/or VICTOR C. PADILLA are hereby ORDERED to pay within ten (10) days from receipt hereof herein complainant EDUARDO B. PRANGAN, the total sum of Nine Thousand Nine Hundred Thirty Two Pesos & Sixteen Centavos (P9,932.16) premium pay for holiday and rest days, night shift differential, service incentive leave pay, 13th month pay, uniform allowance, and unpaid salary.

Complainant's other claims as well as respondents' counter claim are hereby DISMISSED either for the reason of prescription and/or lack of merit.

SO ORDERED.”

Apparently not satisfied with the above-mentioned monetary award, petitioner appealed to the National Labor Relations Commission (NLRC) contending that the Labor Arbiter erred in concluding that he only worked for four hours and not twelve hours a day. Evidently, the shorter work hours resulted in a lower monetary award by the Labor Arbiter. However, the NLRC dismissed his appeal for failure to file the same within ten-day reglementary period.^[4]

Undaunted, petitioner filed a motion for reconsideration which, in the “interest of justice,” was favorably granted by the NLRC resulting in the reinstatement of his appeal. Nonetheless, petitioner's victory was short-lived as the NLRC eventually dismissed his appeal for lack of merit,^[5] the dispositive portion of the decision reads:

“WHEREFORE, the appeal is hereby dismissed for lack of merit and decision is affirmed in toto.

SO ORDERED.”

Petitioner is now before us imputing grave abuse of discretion on the part of respondent NLRC (a) declaring that he rendered only four hours and not twelve hours of work, and (b) affirming the monetary award.

The public respondent, through the Solicitor General, and the private respondent filed their respective comments on the petition refuting the allegation of the petitioner. Specifically, they asserted that the decision was supported by ample evidence showing that petitioner indeed worked for only four hours and not twelve hours a day.

A review of the alleged error raised by the instant petition leads us to conclude that the same is factual in nature which, as a rule, we do not pass upon. As a general rule, it is not for us to correct the NLRC’s evaluation of the evidence, as our task is confined to issues of jurisdiction or grave abuse of discretion.[6] Obviously, however, the same will not apply where the evidence require a reversal or modification.[7]

As proof of petitioner’s actual hours of work, private respondent submitted the daily time records allegedly signed by the petitioner himself showing that he only worked four hours daily.

In contrast, petitioner argues that these daily time records were falsified for the simple reason that he was not required to submit one. He further stressed that, assuming such documents exist, its authenticity and due execution are questionable and of doubtful source.

We find merit in the petition.

To be sure, findings of fact of quasi-judicial bodies like the NLRC, particularly when they coincide with those of the Labor Arbiter, are accorded with respect even finality if supported by substantial evidence.[8] In this regard, we have defined substantial evidence as such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[9] Absent such quantum of evidence, the Court is not precluded from making its own independent evaluation of facts.[10]

In the instant case, there is no dispute that matters concerning an employee’s actual hours of work are within the ambit of management prerogative. However, when an employer alleges that his employee works less than the normal hours of employment as provided for in the law,[11] he bears the burden of proving his allegation with clear and satisfactory evidence.

In the instant petition, the NLRC, in declaring that petitioner only worked for four hours, relied solely on the supposed daily time records of the petitioner submitted by the private respondent.[12] We, however, are of the opinion that these documents cannot be considered substantial evidence as to conclude that petitioner only worked for four hours. It is worth mentioning that petitioner, in his Sur-Rejoinder to Respondents’ Rejoinder,[13] unequivocally stated that:

“Complainant (petitioner herein) never made nor submitted any daily time record with respondent company considering the fact that he was assigned to a single post and that the daily time records he allegedly submitted with respondent company are all falsified and his signature appearing therein forged.”

Private respondent hardly bothered to controvert petitioner’s assertion, much less bolster its own contention. As petitioner’s employer, private respondent has unlimited access to all relevant documents and records on the hours of work of the petitioner. Yet, even as it insists that petitioner only worked for four hours and not twelve, no employment contract, payroll, notice of assignment or posting, cash voucher or any other convincing evidence which may attest to the actual hours of work of the petitioner were even presented. Instead, what the private respondent offered as evidence were only petitioner’s daily time record, which the latter categorically denied ever

accomplishing, much less signing.

In said alleged daily time record, it showed that petitioner started work at 10:00 p.m. and would invariably leave his post at exactly 2:00 a.m. Obviously, such unvarying recording of a daily time record is improbable and contrary to human experience. It is impossible for an employee to arrive at the workplace and leave at exactly the same time, day in day out. The very uniformity and regularity of the entries are “badges of untruthfulness and as such indices of dubiety.”^[14]

Another consideration which militates against private respondent’s claim is the fact that in the personnel data sheet of the petitioner,^[15] duly signed by the former’s operation manager, it shows on its face that the latter’s hours of work are from 7:00 p.m. to 7:00 a.m. or twelve hours a day. Hence, private respondent is estopped from assailing the contents of its own documents.

Further, the attendance sheets of Cat House Bar and Restaurant^[16] showed that petitioner worked from 7:00 p.m. to 7:00 a.m. daily, documents which were never repudiated by the private respondent.

All told, private respondent has not adequately proved that petitioner’s actual hours of work is only four hours. Its unexplained silence contravening the personnel data sheet and the attendance sheets of Cat House Bar and Restaurant presented by the petitioner showing he worked for twelve hours, has assumed the character of an admission. No reason was proffered for this silence despite private respondent, being the employer, could have easily done so.

As is well-settled, if doubts exist between the evidence presented by the employer and the employee, the scales of justice must be tilted in favor of the employee. Since it is a time-honored rule that in controversies between a laborer and his master, doubts reasonably arising from the evidence, or in the interpretation of agreements and writings should be resolved in the former’s favor.^[17]

WHEREFORE, in view of the foregoing, the instant petition is hereby GRANTED. Accordingly, the decision of the NLRC dated July 31, 1996 is hereby VACATED. Whatever money claims due to the petitioner shall be computed on the basis of a twelve-hour daily work schedule. For this purpose, the case is hereby REMANDED to the Labor Arbiter for immediate recomputation of said claims in accordance with the foregoing findings. No costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, and Purisima, JJ., concur.

[1] Rollo, pp. 18-21.

[2] Ibid., pp. 26-32.

[3] Id., pp. 55-61.

[4] Id., pp. 92-94.

[5] Id., pp. 99-110.

[6] *Geslani v. NLRC*, 253 SCRA 612 (1996); *Radio Communications of the Philippines, Inc. v. NLRC*, 258 SCRA 211 (1996); *Morales v. NLRC*, 241 SCRA 103 (1995).

[7] *Anderson v. NLRC*, 252 SCRA 116 (1996).

[8] Solis v. NLRC, 263 SCRA 629 (1996); Laguro v. NLRC, 262 SCRA 709 (1996); Domasig v. NLRC, 261 SCRA 779 (1996); Emerald Garment Manufacturing Corporation v. NLRC, 251 SCRA 600 (1995); Vallende v. NLRC, 245 SCRA 662 (1995).

[9] Domasig v. NLRC, 261 SCRA 779 (1996); Remo Foods, Inc. v. NLRC, 249 SCRA 379 (1995); Rase v. NLRC, 237 SCRA 523 (1994).

[10] Balayan College v. NLRC, 255 SCRA 1 (1996).

[11] Article 83 of the Labor Code. "Normal Hours of Work. - The normal hours of work of an employee shall not exceed eight (8) hours a day.

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[12] Rollo, pp. 47-50.

[13] Ibid., pp. 51-53.

[14] People v. Mendoza, 236 SCRA 666 (1994).

[15] Rollo, p. 40.

[16] Ibid., pp. 70-85.

[17] L.T. Datu and Co., Inc. v. NLRC, 253 SCRA 440 (1996); Soriano v. Offshore Shipping and Manning Corp., 177 SCRA 513 (1989).

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