

HAWAIIAN PHILIPPINE COMPANY, PETITIONER, VS. HERNANDO BORRA, JOHN PACHEO, DANILO PEREZ, FELIZARDO SIMON, RAMON BUENACOSA, JR., FELIX BECADOR, WILFREDO LUPO, RONALD VILLARIAS, AR...*G.R. No. 151801. November 12, 2002*

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-151801/>**VITUG, J.:**

Before the Court is a petition for review on certiorari under Rule 45 of the Revised Rules of Procedure that seeks to set aside the decision of the Court of Appeals of 12 January 2001 in CA-G.R. SP No. 59132, entitled “Hawaiian Philippine Company vs. National Labor Relations Commission, et al.,” affirming the decision of the National Labor Relations Commission (NLRC), dated 25 November 1999, in NLRC Case No. V-00578-98 (RAB Case No. 06-09-10698-97), which has remanded the case to the Labor Arbiter for further proceedings.

On 02 September 1998, a complaint for “confirmation as regular employees” was filed by private respondents against herein petitioner Hawaiian Philippine Company before the Regional Arbitration Branch No. VI, at Bacolod City, of the NLRC. Hawaiian moved to dismiss the complaint, calling attention to the judgment in “Humphrey Perez, et al., vs. Jose Castillon, Hawaiian Philippine Company, et al.,” docketed RAB Case No. 06-04-10169-95, a case which involved a money claim filed by herein respondents against petitioner, as principal employer, and Jose Castillon, as contractor. There, the labor arbiter held Castillon liable but absolved petitioner from liability upon the thesis that it was Jose Castillon, not petitioner, who engaged the services of respondents. The decision became final since neither party took an appeal therefrom.

Private respondents, in opposing the motion to dismiss, maintained that Perez vs. Castillon was not a bar to the instant case, the former being a mere case for money claim and the latter being for confirmation of regular employment. Private respondents also relied on the ruling in “Hawaiian Philippine Company vs. NLRC, et al.,”^[1] where, they claimed, the Court, in a minute resolution, in effect, sustained the finding that Hawaiian Philippine Company was the real employer of private respondents.

The labor arbiter, in its order of 09 July 1998, granted petitioner’s motion to dismiss. When the order was appealed to it, the NLRC reversed the labor arbiter, holding the two cases, aforementioned, to be distinct actions. The case was appealed to the Court of Appeals. The appellate court, in its decision of 12 January 2001, affirmed the ruling of the NLRC and later denied a motion for its reconsideration.

The instant petition assails the affirmance by the appellate court of the decision of the NLRC.

The Court of Appeals committed no reversible error. The two cases in question indeed involved different causes of action. The previous case of “Humphrey Perez vs. Hawaiian Philippine Company” concerned a money claim and pertained to the years 1987 up until 1995. During that period, private respondents were engaged by contractor Jose Castillon to work for petitioner at its warehouse. It would appear that the finding of the Labor Arbiter, to the

effect that no employer-employee relationship existed between petitioner and private respondents, was largely predicated on the absence of privity between them. The complaint for confirmation of employment, however, was filed by private respondents on 12 September 1997, by which time, Jose Castillon was no longer the contractor. The Court of Appeals came out with these findings; viz:

“At first glance, it would appear that the case at bench is indeed barred by Labor Arbiter Drilon’s findings since both petitioner and private respondents are parties in Perez and the issue of employer-employee relationship was finally resolved therein.

“However, the factual milieu of the Perez case covered the period November 1987 to April 6, 1995 (date of filing of the complaint), during which time private respondents, by their own admission, were engaged by Castillon to work at petitioner’s warehouse.

“In contrast, the instant case was filed on September 12, 1997, by which time, the contractor involved was Fela Contractor; and private respondents’ prayer is for confirmation of their status as regular employees of petitioner.

“Stated differently, Perez pertains to private respondents’ employment from 1987 to 1995, while the instant case covers a different (subsequent) period. Moreover, in Perez, the finding that no employer-employee relationship existed between petitioner and private respondents was premised on absence of privity between Castillon and petitioner. Consequently, Perez and the instant case involve different subject matters and causes of action.

“On the other hand, resolution of the case at bench would hinge on the nature of the relationship between petitioner and Fela Contractor. In other words, private respondents’ action for declaration as regular employees of petitioner will not succeed unless it is established that Fela Contractor is merely a ‘labor-only’ contractor and that petitioner is their real employer.

“Indeed, it is pure conjecture to conclude that the circumstances obtaining in Perez subsisted until the filing of the case at bench as there is no evidence supporting such conclusion. There is, as yet, no showing that Fela Contractor merely stepped into the shoes of Castillon. Neither has Fela Contractor’s real principal been shown: petitioner or the sugar traders/planters?

“Consequently, factual issues must first be ventilated in appropriate proceedings before the issue of employer-employee relationship between petitioner and private respondents can be determined.

“xxx xxx xxx

“It is premature to conclude that the evidence in Perez would determine the outcome of the case at bench because, as earlier pointed out, there is still no showing that the contractor (Fela Contractor) in this case can be considered as on the same footing as the previous contractor (Castillon). Such factual issue is crucial in determining whether petitioner is the real employer of private respondents.”[2]

The Court finds no cogent ground to vacate the above findings of the appellate court. It goes without saying that only errors of law and not of facts are reviewable by this Court in petitions for review on certiorari under Rule 45.[3]

WHEREFORE, the petition is DENIED, and the assailed decision of the Court of Appeals is AFFIRMED. Costs against petitioner.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] G.R. No. 100712, 02 September 1992.

[2] Rollo, pp. 311-313.

[3] Republic vs. Court of Appeals, 349 SCRA 45; PMI Colleges vs. NLRC, 277 SCRA 462.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.