

**BAY HAVEN, INC., JOHNNY T. CO, AND VIVIAN TE-FERNANDEZ,
PETITIONERS, VS. FLORENTINO ABUAN, JOSELITO RAZON, JERRY
ASENSE, HERCULES RICAFUENTE, MARIO GURAY, ROLANDO
NAELGA, JUAN V...**

G.R. No. 160859. July 30, 2008

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, seeking a reversal of the Decision[1] of the Court of Appeals (CA) dated July 15, 2003, which denied the petition for certiorari filed by Bay Haven, Inc., Johnny T. Co and Vivian Te-Fernandez (Te) (petitioners) seeking the annulment of the Resolutions dated April 18, 2000 and September 19, 2001, issued by Undersecretary Jose M. Español, Jr. (DOLE Undersecretary) and Secretary Patricia Sto. Tomas (DOLE Secretary), respectively, of the Department of Labor and Employment (DOLE), as well as the Resolution[2] dated November 5, 2003 of the CA, which denied petitioners' motion for reconsideration.

The following are the antecedent facts.

Upon complaint of Florentino Abuan, one of herein respondents, the DOLE, in the exercise of its visitatorial, inspection and enforcement powers, through its Regional Director for the National Capital Region (NCR), issued an Order dated November 7, 1997 commanding petitioners to pay respondents a total of P638,187.15 corresponding to the latter's claims for underpayment as petitioners' workers.[3]

The Regional Director based his Order on the results of the inspection conducted on April 23, 1997 by one of its inspectors who found that petitioner New Bay Haven Restaurant, located at the Army and Navy Club, Kalaw St., Manila, under the ownership or management of petitioner Te, committed the following violations:

Labor Standards Law:

- Underpayment of minimum wage.
- Underpayment of thirteenth month pay.
- Underpayment of regular holiday pay.
- Underpayment of special holiday pay.
- Non-payment of night shift differential pay.

Occupational Safety and Health Standards.

- Non-registration of the firm under Rule 1020 of OSHS.[4]

On December 18, 1997, New Bay-Haven Restaurant and its co-petitioner Te filed with the DOLE-NCR Regional

Office a Motion for Reconsideration of the November 7, 1997 order, alleging that the office had no jurisdiction over the case and that the order was issued in denial of petitioners' right to due process.[5] They argued that jurisdiction over the case was lodged with the National Labor Relations Commission (NLRC), and not the DOLE-NCR, due to the amount of the claims involved. They added that their right to due process was also denied because the order was issued without them being furnished copies of the complaint and the inspection report and without being notified of the hearings held in the case.[6]

On June 16, 1998, the DOLE-NCR Assistant Regional Director, acting for the Regional Director, issued an Order granting petitioners' motion for reconsideration as he found merit in petitioners' allegation of absence of due process in the issuance of the first order.[7] The order, however, stated that the DOLE had jurisdiction over the case, pursuant to the Labor Code, as amended by Republic Act (R.A.) No. 7730, that intends to strengthen the visitorial and enforcement powers of the Secretary of Labor and Employment.[8] Consequently, another hearing for the case was set.

During the hearing on September 14, 1998, petitioners submitted their Position Paper attaching thereto payroll sheets and waivers and quitclaims allegedly signed by the respondents to prove that petitioner properly paid respondents the amounts due them.[9]

Respondents Florentino Abuan, Francisco Abentajado, Mario Guray, Juan Villaruz, Jerry Asense and Joselito Razon, however, outrightly denied the validity of the payroll sheets and quitclaims. In their Joint Affidavit dated October 29, 1998, respondents claimed that the actual daily pay they received was much smaller than the amounts stated in the payroll and they denied having received the cash amount stated in the quitclaims.[10] They added that they were merely forced to sign the payrolls and quitclaims in blank and in one sitting after they were accepted as applicants for their positions.[11]

On December 29, 1998, the DOLE-NCR Regional Director, giving credence to the affidavit of the respondents denying the validity of the payroll sheets and quitclaims, issued an Order denying petitioners' motion for reconsideration of the Order dated November 7, 1997.[12] The Order held petitioners New Bay Haven Restaurant, Bay Haven, Inc., its President Johnny T. Co, and/or Vivian Te as the ones liable as employers of respondents. However, the liability of petitioners was reduced to P468,444.16.[13]

On January 18, 1999, petitioners filed a Motion for Reconsideration of the Order dated December 29, 1998.[14] In the motion, petitioners insisted that their documentary evidence proved that their obligations to respondents had been discharged and that the DOLE had no jurisdiction over the case.[15]

Treating the motion for reconsideration as an appeal, the DOLE Undersecretary issued a Resolution dated April 18, 2000, denying the appeal filed by petitioners,[16] upholding the Regional Director's finding that the quitclaims could not be relied upon to deny respondents' claims, and reiterating that the DOLE had jurisdiction to decide the case.[17]

On May 12, 2000, petitioners filed a Motion for Reconsideration[18] of the April 18, 2000 Resolution which was denied by DOLE Secretary Sto. Tomas in a Resolution[19] dated September 19, 2001.

Aggrieved, petitioners filed a Petition for Certiorari under Rule 65 of the Rules of Court with the CA, seeking to annul and set aside the April 18, 2000 Resolution and the September 19, 2001 Resolution,[20] docketed as CA-G.R. No. 68397.

On July 15, 2003, the CA rendered its Decision,[21] dismissing the petition, ruling that the DOLE had jurisdiction over the labor standards case and that petitioners did not present enough evidence to refute the claims made by respondents.

Petitioners filed a Motion for Reconsideration of the Decision which the CA denied in its Resolution[22] dated November 5, 2003.

Hence, herein petition assigning the following errors of the CA:

- THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT UPHELD THE JURISDICTION OF THE REGIONAL DIRECTOR FOR THE NATIONAL CAPITAL REGION OF THE DEPARTMENT OF LABOR AND EMPLOYMENT IN CASE NO. NCR-00-9703-RI-048-SPL ENTITLED FLORENTINO ABUAN, ET AL., COMPLAINANTS VERSUS NEW BAY HAVEN RESTAURANT, ET AL., RESPONDENTS; AND THE APPELLATE JURISDICTION OF THE OFFICE OF THE SECRETARY OF THE DEPARTMENT OF LABOR AND EMPLOYMENT IN CASE NO. OS-LS-005-019-099.
- THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT SUSTAINED THE RULING OF THE REGIONAL DIRECTOR OF DOLE-NCR AND THE OFFICE OF THE SECRETARY OF THE DOLE WHICH DECLARED THAT RESPONDENTS CALPITO MENDOLES AND RENE CORALES ARE EMPLOYEES OF BAY HAVEN, INC., DESPITE LACK OF EVIDENCE TO SUPPORT THE RULING ON THE EXISTENCE OF EMPLOYER-EMPLOYEE RELATIONSHIP.
- THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT UPHELD THE MONETARY AWARD OF P25,952.83 TO RESPONDENT ROLANDO NAELGA WHO WAS NOT ONE OF THOSE WHOSE CLAIMS WAS [sic] MADE THE SUBJECT OF THE FINDINGS OF THE LABOR AND [sic] EMPLOYMENT AND ENFORCEMENT OFFICER OF THE DEPARTMENT OF LABOR AND EMPLOYMENT.
- THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT SUSTAINED THE AWARD OF OVERTIME PAY DESPITE ABSENCE OF EVIDENCE TO SHOW THAT OVERTIME WORK HAD INDEED BEEN RENDERED.

Respondents did not file a comment on the petition, but instead filed a Memorandum[23] simultaneous with petitioners' filing of their Memorandum.[24]

In their Memorandum, respondents aver that the decision of the DOLE-NCR, as upheld by the DOLE Secretary, was rendered in the exercise of its jurisdiction, specifically its visitorial and enforcement powers as conferred by law.[25] They also allege that petitioners were given the opportunity to present evidence to refute respondents' claims, but failed to do so.[26]

We summarize the issues as follows: 1) whether the DOLE Secretary and her authorized representatives have jurisdiction to impose the monetary liability against petitioners; and 2) whether the DOLE-NCR, as upheld by the DOLE Secretary and the CA committed an error in awarding the claims of respondents.

We deny the petition.

The DOLE Secretary and her authorized representatives such as the DOLE-NCR Regional Director, have jurisdiction to enforce compliance with labor standards laws under the broad visitorial and enforcement powers conferred by Article 128 of the Labor Code, and expanded by R.A. No. 7730, to wit:

Art. 128. Visitorial and Enforcement Power. -

- (a) The Secretary of Labor and Employment or his duly authorized representatives, including labor regulation officers, shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact,

condition or matter which may be necessary to determine violations or which may aid in the enforcement of this Code and of any labor law, wage order or rules and regulations issued pursuant thereto.

(b) Notwithstanding the provisions of Articles 129 and 217 of this Code to the contrary, and in cases where the relationship of employer-employee still exists, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of this Code and other labor legislation based on the findings of labor employment and enforcement officers or industrial safety engineers made in the course of inspection. The Secretary or his duly authorized representatives shall issue writs of execution to the appropriate authority for the enforcement of their orders, except in cases where the employer contests the findings of the labor employment and enforcement officer and raises issues supported by documentary proofs which were not considered in the course of inspection.

An order issued by the duly authorized representative of the Secretary of Labor and Employment under this article may be appealed to the latter. In case said order involves a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Secretary of Labor and Employment and Employment in the amount equivalent to the monetary award in the order appealed from. (Emphasis supplied)

The Court has held that the visitorial and enforcement powers of the Secretary, exercised through his representatives, encompass compliance with all labor standards laws and other labor legislation, regardless of the amount of the claims filed by workers.[27] This has been the rule since R.A. No. 7730 was enacted on June 2, 1994, amending Article 128(b) of the Labor Code, to expand the visitorial and enforcement powers of the DOLE Secretary. Under the former rule, the DOLE Secretary had jurisdiction only in cases where the amount of the claim does not exceed P5,000.00.

Petitioners argue, however, that DOLE-NCR should not have taken jurisdiction of the case, because in respondent Abuan's complaint, one of the entries reads as follows:

Is there anything that the Department of Labor and Employment can do to be of further assistance to you?

[Answer:] Illegal dismissal, no overtime, no holiday pay.[28]

Petitioners contend that the complaint's own allegation of illegal dismissal meant that no more employer-employee relationship existed between petitioners and respondents, depriving DOLE-NCR and the Secretary of Labor and Employment of jurisdiction to entertain the complaint.[29] This allegedly is a requirement under Art. 128(b) of the Labor Code, hereinbefore quoted.

Petitioners' contentions are untenable. While it may be true that as far as respondent Abuan is concerned, his allegation of illegal dismissal had deprived the DOLE of jurisdiction as per Art. 217 of the Labor Code,[30] the same does not hold for the rest of the respondents, who do not claim to have been illegally dismissed. For one, petitioners failed to raise this matter with the Regional Director or even the DOLE Secretary, thus, preventing the issue from being clarified.

The records also clearly indicate that the Regional Director and the DOLE Secretary resolved the case based only on the following violations found by the labor inspection officer, which do not include illegal dismissal, thus:

- Underpayment of minimum wage.
- Underpayment of thirteenth month pay.
- Underpayment of regular holiday pay.
- Underpayment of special holiday pay.

- Non-payment of night shift differential pay.
- Non-registration of the firm under Rule 1020 of OSHS.

The above-mentioned violations are within the jurisdiction of the DOLE Secretary and his representatives to address. The questioned Orders dated December 29, 1998, April 18, 2000 and September 19, 2001 did not mention illegal dismissal, and properly so, because there was no such finding in the inspector's report.[31] Being in the nature of compliance orders, said orders, under Art. 128(b) of the Labor Code, are strictly based on "the findings of labor employment and enforcement officers x x x made in the course of inspection," and not on any complaint filed. Though a complaint may initiate the case or an inspection, its allegations may not necessarily be upheld by the labor inspector or the Regional Director.

Moreover, Abuan's allegation of illegal dismissal was his personal accusation, and did not necessarily apply to all the other employees. The records also do not support a contrary finding. But Abuan's other allegations of underpayment and other potential violations of labor laws and regulations were within the obligation of the Regional Director to investigate, especially insofar as they affect Abuan's remaining co-workers. Under Art. 128, the Regional Director can conduct inspections and check all violations of labor laws, and enforce compliance measures for the benefit of all employees, without being compelled to rely on a complaint that has been filed or its allegations. In fact, the article is silent on whether the filing of a complaint is even required to initiate the exercise of the inspection and enforcement powers.

Petitioners also insinuate that they were effectively denied due process at the earlier stages of the controversy, as they claim that during the inspection, the inspector "did not even bother to talk to any them." [32] Again, petitioners are raising serious, factual allegations in this late stage of their appeal. They never mentioned this alleged infraction in the very first motion they filed or in their Motion for Reconsideration [33] of the Regional Director's Order dated November 7, 1997. Neither did they raise it in their Position Paper [34] dated September 14, 1998, depriving the concerned officer, that is, the labor inspector, of the chance to deny or refute such serious allegations.

Petitioners themselves cannot deny that due process was afforded them after the inspection. For one thing, their motion for reconsideration of the Order dated November 7, 1997 was granted, which resulted in the re-opening of the proceedings and the holding of subsequent hearings. In these hearings, petitioners were given the chance to air their side. Petitioners also submitted their position paper, in which they summarized all their arguments and presented their documentary evidence, such as a contract of lease, payroll sheets and quitclaims, to refute the respondents' claims, as well as the inspector's findings. In the petition now before us, petitioners themselves claim that they seasonably contested the findings of the labor inspector. [35] Taking all these into consideration, the ineluctable conclusion is that the demands of due process were satisfied, as petitioners had been given all the opportunity to be heard. It has been held that where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of due process. [36]

Next, petitioners argue that the regional director was divested of jurisdiction because petitioners contested the findings of the labor inspection officer. This, allegedly, is in accordance with Art. 128(b) of the Labor Code, which states:

Art. 128. Visitorial and Enforcement Power. -

(b) Notwithstanding the provisions of Articles 129 and 217 of this Code to the contrary, and in cases where the relationship of employer-employee still exists, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of this Code and other labor legislation based on the findings of labor employment and enforcement officers or

industrial safety engineers made in the course of inspection. The Secretary or his duly authorized representatives shall issue writs of execution to the appropriate authority for the enforcement of their orders, except in cases where the employer contests the findings of the labor employment and enforcement officer and raises issues supported by documentary proofs which were not considered in the course of inspection.

x x x x (Emphasis supplied)

Again, petitioners fail to persuade. The mere disagreement by the employer with the findings of the labor officer, or the simple act of presenting controverting evidence, does not automatically divest the DOLE Secretary or any of his authorized representatives such as the regional directors, of jurisdiction to exercise their visitorial and enforcement powers under the Labor Code.

Under prevailing jurisprudence, the so-called exception clause in Art. 128(b) of the Labor Code has the following elements, which must all concur to divest the regional director of jurisdiction over workers' claims:

- (a) that the employer contests the findings of the labor regulations officer and raises issues thereon;
- (b) that in order to resolve such issues, there is a need to examine evidentiary matters; and
- (c) that such matters are not verifiable in the normal course of inspection.[37]

Thus, in *SSK Parts Corporation v. Camas*,[38] in which the employer contested the Regional Director's finding of violations of labor standards, but such issue was resolved by an examination of evidentiary matters which were verifiable in the ordinary course of inspection, it was held that there was no more need to indorse the case to the arbitration branch of the NLRC. In *Ex-Bataan Veterans Security Agency, Inc. v. Secretary of Labor*,[39] the Court held:

The Court notes that EBVSAI did not contest the findings of the labor regulations officer during the hearing or after receipt of the notice of inspection results. It was only in its supplemental motion for reconsideration before the Regional Director that EBVSAI questioned the findings of the labor regulations officer and presented documentary evidence to controvert the claims of private respondents. But even if this was the case, the Regional Director and the Secretary of Labor still looked into and considered EBVSAI's documentary evidence and found that such did not warrant the reversal of the Regional Director's order. The Secretary of Labor also doubted the veracity and authenticity of EBVSAI's documentary evidence. Moreover, the pieces of evidence presented by EBVSAI were verifiable in the normal course of inspection because all employment records of the employees should be kept and maintained in or about the premises of the workplace, which in this case is in Ambuklao Plant, the establishment where private respondents were regularly assigned.[40] (Emphasis supplied)

Thus, the key requirement for the Regional Director and the DOLE Secretary to be divested of jurisdiction is that the evidentiary matters are not verifiable in the course of inspection. Where the evidence presented was verifiable in the normal course of inspection, even if presented belatedly by the employer, the Regional Director, and later the DOLE Secretary, may still examine them; and these officers are not divested of jurisdiction to decide the case.

In the present case, petitioners' pieces of evidence of the alleged contract of lease, payroll sheets, and quitclaims were all verifiable in the normal course of inspection and, granting that they were not examined by the labor inspector, they have nevertheless been thoroughly examined by the Regional Director and the DOLE Secretary. For these reasons, the exclusion clause of Art. 128(b) does not apply.

In addition, the findings of the said officers on the invalidity or low probative value of these documents are findings of a factual nature which this Court will accord with great respect.[41]

As to the quitclaims, we need only to reiterate the policy laid down in *AFP Mutual Benefit Association, Inc. v. AFP-MBAI-EU*,[42] which states:

In labor jurisprudence, it is well established that quitclaims and/or complete releases executed by the employees do not estop them from pursuing their claims arising from the unfair labor practice of the employer. The basic reason for this is that such quitclaims and/or complete releases are against public policy and, therefore, null and void. The acceptance of termination pay does not divest a laborer of the right to prosecute his employer for unfair labor practice acts. (*Cariño vs. ACCFA*, L-19808, September 29, 1966, 18 SCRA 163; *Philippine Sugar Institute vs. CIR*, L-13475, September 29, 1960, 109 Phil. 452; *Mercury Drug Co. vs. CIR*, L-23357, April 30, 1974, 56 SCRA 694, 704)

In the *Cariño* case, *supra*, the Supreme Court, speaking thru Justice Sanchez, said:

Acceptance of those benefits would not amount to estoppel. The reason is plain. Employer and employee, obviously, do not stand on the same footing. The employer drove the employee to the wall. The latter must have to get hold of money. Because, out of job, he had to face the harsh necessities of life. He thus found himself in no position to resist money proffered. His, then, is a case of adherence, not of choice. One thing sure, however, is that petitioners did not relent their claim. They pressed it. They are deemed not to have waived any of their rights. *Renuntiatio non praesumitur*.

The principle enunciated above, however, should benefit only the respondents in the present case who outrightly denied the quitclaims' validity, because it may be supposed that those who did not protest petitioners' presentation of the quitclaims in evidence have admitted the same by their silence.[43] In such instance, only respondents Francisco Abentajado, Mario Guray, Juan Villaruz, Jerry Asense and Joselito Razon are deemed to have blocked the quitclaims' applicability against them.[44]

Anent the second issue, petitioners contend that the Regional Director and the DOLE Secretary committed error in their award of the various claims of respondents, specifically citing the award to certain respondents whom they deny having worked as their employees.

Here, there is merit in petitioners' contentions. Although the basic rule is that questions of facts like this may not be addressed in a petition for review, there are certain exceptions, such as when the judgment is based on a misapprehension of facts.[45] At the earliest possible opportunity, that is, as early as the position paper filed on September 14, 1998, petitioners already denied being the employers of the respondents Calpito Mendoles and Rene Corales. Later, in their Motion for Reconsideration[46] dated January 8, 2004, petitioners also disclaimed liability to Rolando Naelga, who was not in the labor inspector's and Regional Director's original list of petitioners' workers and against whom petitioners were not afforded the chance to present countervailing evidence. Since then, petitioners have consistently denied liability as employers of these respondents. These respondents, however, not only failed to controvert this denial by petitioners, they also did not participate in the proceedings of the case, as shown by the records. Thus, there was a failure to prove the existence of an employer-employee relationship between petitioners and these particular respondents. Respondents could have easily proven their relationship by presenting any of the following: their appointment letters or employment contracts, payrolls, organization charts, Social Security System registration, personnel list, as well as the testimonies of co-employees to confirm their status,[47] but failed to do so. We can only conclude, therefore, that there is no substantial evidence to prove petitioners' obligations to these respondents.

However, we do not sustain petitioners' allegation that the Regional Director and the DOLE Secretary erroneously awarded overtime pay to the respondents, despite the lack of proof that overtime work had been rendered. Suffice it to state that petitioners' own evidence, which are the payroll sheets they submitted to the Regional Director,[48] show that respondents indeed rendered overtime work. This amounts to an admission by petitioners, which may be used in evidence against them.[49] Aptly, this then became one of the bases of the Regional Director's award of overtime pay to respondents.

In summary, we hold that only the awards granted to the following respondents be affirmed:

- Juan Villaruz
- Francisco Abentajado
- Jerry Asense
- Mario Guray
- Joselito Razon

The award in favor of Florentino Abuan is deleted, as his claim for illegal dismissal is within the original and exclusive jurisdiction of the Labor Arbiter, and outside of the jurisdiction of the DOLE Secretary and the Regional Director. The awards granted to the rest of the respondents are likewise deleted for lack of evidence to prove petitioners' liability as to them.

WHEREFORE, the decision appealed from is AFFIRMED, with the MODIFICATION that only respondents Juan Villaruz, Francisco Abentajado, Jerry Asense, Mario Guray, and Joselito Razon be GRANTED their monetary awards while the awards given to the rest of the respondents are DELETED.

No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Reyes, JJ., concur.

[1] Penned by now Presiding Justice Conrado M. Vasquez, Jr., with the concurrence of Associate Justices Mercedes Gozo-Dadole and Rosmari D. Carandang, rollo, pp. 57-65.

[2] Id. at 66-67.

[3] Rollo, pp. 124-126.

[4] Id. at 123.

[5] Id. at 127-131.

[6] Rollo.

[7] Id. at 132-134.

[8] Id. at 133.

[9] Id. at 144-173.

[10] Id. at 174-175.

[11] Id. at 174.

[12] Rollo, pp. 180-189.

[13] Id. at 188.

[14] Id. at 190-194.

[15] Id. at 191-192.

[16] Id. at 111-114.

[17] Id. at 113-114.

[18] Id. at 195-206.

[19] Id. at 115-116.

[20] Id. at 68-108.

[21] Supra note 2.

[22] Rollo, pp. 66-67.

[23] Rollo, pp. 253-263.

[24] Id. at 264-303.

[25] Id. at 260.

[26] Id. at 261.

[27] *Cirineo Bowling Plaza, Inc. v. Sensing*, G.R. No. 146572, January 14, 2005, 448 SCRA 175, 186; *V.L. Enterprises v. Court of Appeals*, G.R. No. 167512, March 12, 2007, 518 SCRA 174, 181-182; *Ex-Bataan Veterans Security Agency, Inc. v. Secretary of Labor*, G.R. No. 152396, November 20, 2007, 537 SCRA 651, 663; *Allied Investigation Bureau, Inc. v. Secretary of Labor*, G.R. No. 122006, November 24, 1999, 319 SCRA 77, 83; *Guico, Jr. v. Secretary of Labor*, G.R. No. 131750, November 16, 1998, 298 SCRA 666, 675.

[28] Rollo, pp. 33-34, 122.

[29] Id. at 32-33.

[30] Art. 217. Jurisdiction of Labor Arbiters and the Commission. (a) Except as otherwise provided under this Code, the Labor Arbiters shall have original and exclusive jurisdiction to hear and decide within thirty (30) calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers, whether agricultural or non-agricultural:

1. Unfair labor practice cases;
2. Termination disputes;
- x x x (Emphasis supplied)

[31] Rollo, p. 123.

[32] Rollo, p. 34.

[33] Id. at 127-131.

[34] Id. at 144-173.

[35] Rollo, pp. 37-41.

[36] *Gacutana-Fraile v. Domingo*, G.R. No. 138518, December 15, 2000, 348 SCRA 414, 423, citing *Alba v. Nitorreda*, G.R. No. 120223, March 13, 1996, 254 SCRA 753, 763-764.

[37] *SSK Parts Corporation v. Camas*, G.R. No. 85934, January 30, 1990, 181 SCRA 675; *Batong Buhay Gold Mines, Inc. v. Sec. Dela Serna*, 370 Phil. 872 (1999); *Ex-Bataan Veterans Security Agency, Inc. v. Secretary of Labor*, supra note 27.

[38] *SSK Parts Corporation v. Camas*, id.

[39] Ex-Bataan Veterans Security Agency, Inc. v. Secretary of Labor, id.

[40] Id. at 664.

[41]Mehitabel Furniture Co., Inc. v. National Labor Relations Commission, G.R. No. 101268, March 30, 1993, 220 SCRA 602, 605; Aggabao v. Gamboa, No. L-54760, August 30, 1982, 116 SCRA 280.

[42]No. L-39140, May 17, 1980, 97 SCRA 715, 729-730.

[43] RULES OF COURT, Rule 130, Sec. 32.

[44]Respondent Mario Santiago is named in the Affidavit but is not a signatory.

[45]BPI Credit Corporation v. Court of Appeals, G..R. No. 96755, December 4, 1991, 204 SCRA 601.

[46]Rollo, pp. 207-226, 217.

[47]MacLeod v. National Labor Relations Commission, G.R. No. 146667, January 23, 2007, 512 SCRA 222, 245.

[48] Rollo, pp. 144-172.

[49] RULES OF COURT, Rule 130, Sec. 26.

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