

HERMINIGILDO ILAS, GLICERIO BELARMINO, MARIO BARBOSA AND TEODORO ENRIQUEZ, PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION AND ALL SEASONS MANPOWER INTERNATIONAL SERVIC...

G.R. Nos. 90394-97. February 07, 1991

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

Can a recruitment agency be liable for unpaid wages and other claims of certain overseas workers who appear to have been recruited by its agent without its knowledge and consent? This is the focal issue in this petition.

Petitioners applied for overseas employment in Doha, Qatar, with CBT/Shiek International, an unlicensed recruitment agency, under the management of spouses Francisco Ngoho, Jr. and Corazon Ngoho. To enable them to leave, they were assisted by Eddie Sumaway and Erlinda Espeno, the latter being a liaison officer of private respondent All Seasons Manpower International Services, a licensed placement agency. Petitioners filed their application papers and paid their placement fees with the Ngohos. However, it was Espeno who processed their papers and gave them travel exit passes (TEPS). They were made to sign two-year contracts of employment but they were not given copies thereof. Subsequently, they were deployed to Doha, Qatar, where they worked for four (4) months without being paid. They sought the assistance of the Philippine Embassy and were able to come home to the Philippines with the help of the Philippine Overseas Employment Administration (POEA).

Hence, they filed a complaint to recover their unpaid salaries and for wages covering the unexpired portion of their contracts against private respondent.

On June 30, 1989, the POEA rendered a decision, the dispositive part of which reads as follows:

"WHEREFORE, judgment is hereby rendered, ordering the respondent to refund to complainants Bonifacio Gagascas, Herminigildo Ilas, Diosdado Galang, Antonio Frias, Perfecto Lora, Jr., Rolando Ernacio, Emmanuel Padilla, Andres Lontabo, Juanito Cueto, Camilo Pastrana, Mario Barbosa, Romeo Muldong, Arnold Cresidio, Dominguez de la Cruz, Samuel Leaño, Teodoro Enriquez and Jaime Ramos, the amount of TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) each, representing placement fees.

The claims for the salaries corresponding to the unexpired portion of the complainant's contracts are hereby ordered DISMISSED for lack of merit.

The claims of Pedro Pabillonía, Glicerio Belarmino, Jaime Ramos, Rodolfo de Jesus, Romeo Toledo, Pedro Sagayap, Macario Valdez, Benjamin Julio, Ernesto Yadao, Severino Pilon are hereby ordered severed from the other complaints in view of settlement.

SO ORDERED."[1]

Both parties appealed to public respondent National Labor Relations Commission (NLRC) which in due course

rendered a decision on September 23, 1988 modifying the appealed decision to the effect that petitioners were adjudged entitled to their four (4) months unpaid salaries to be paid by private respondent but the refund of placement fees was deleted.

A motion for reconsideration thereof was filed by private respondent. On April 28, 1989, a decision was rendered by public respondent setting aside the decision dated September 23, 1988 and dismissing the case for lack of merit.[2] A motion for reconsideration filed by petitioners was denied in a resolution dated June 7, 1989.[3]

Hence, the herein petition for certiorari wherein it is alleged that public respondent committed a grave abuse of discretion in setting aside its decision dated September 23, 1988 and rendering the questioned decision dated April 28, 1989.

The petition must fail.

No rule is more settled than that this Court is not a trier of facts and that the findings of facts of administrative bodies, as public respondent, shall not be disturbed on appeal unless it is shown that it committed a grave abuse of discretion or otherwise acted without jurisdiction or in excess of its jurisdiction. In this case, petitioners failed to discharge their burden to warrant a departure from this rule.

All evidence indicate that private respondent cannot be held liable for the claims of petitioners.

Firstly, petitioners applied for overseas deployment with CBT/Shiek International through spouses Francisco and Corazon Ngoho, Eddie Sumaway and Erlinda Espeno. They never transacted their business with the office of private respondent.

Secondly, when they worked at Doha, Qatar, their employer was CBT/Shiek International who failed to pay their wages.

Thirdly, in the TEPS provided by Espeno to enable them to travel, it was made to appear that private respondent was their agency/contractor of petitioners and Yacoub Trading Est. is their foreign employer. They were signed by petitioners knowing that private respondent was not their recruiter. Apparently, Espeno conspired with petitioners and Ngoho to enable petitioners to travel to the Middle East, ostensibly under the name of private respondent as agent/recruiter.

Fourthly, it turned out that petitioners were recruited for Mabeco Trading and Contracting Establishment, as the foreign principal and not Yacoub Trading Est., which is the principal of private respondent.

Fifthly, in the very complaints filed by petitioners against private respondent they admitted that they applied for overseas employment with the CBT/Shiek International under the management of the Ngohos.[4]

It is true that the rules and regulations of the POEA provide that the private employment or recruitment agency is made to assume full and complete responsibility for all acts of its officials and representatives done in connection with recruitment and placement.[5] However, when as in this case the recruitment was actually made by Espeno in behalf of CBT/Shiek International, not the private respondent, and the name of private respondent was only used as a means to enable petitioners to be issued TEPS for travel purposes, obviously without the knowledge and consent of private respondent, the latter cannot be held liable for the claims of petitioners.

The observation of public respondent that the documents used in the deployment abroad of petitioners were all fake and that petitioners knew about it is borne by the records. They did not come to court with clean hands. Thus, petitioners should suffer the consequences of their wrongful acts.

WHEREFORE, the petition is DISMISSED for lack of merit.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Page 36, Rollo.

[2] Pages 19 to 29, Rollo; Annex A to Petition.

[3] Pages 30 to 31, Rollo; Annex A-1 to Petition.

[4] Pages 84 to 85, Original Records.

[5] Book II, Rule II, Section 1, Rules and Regulations of the POEA.

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