

TWELFTH DIVISION

[CA-G.R. SP NO. 131268, May 07, 2014]

**VIRGINIA R. LANOY, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION AND CRISTITA B. JUMADAS,
RESPONDENTS.**

D E C I S I O N

DICDICAN, J.:

Before us is a Petition for Certiorari filed pursuant to Rule 65 of the 1997 Revised Rules of Court by Virginia R. Lanoy ("petitioner") seeking to set aside the Decision^[1] promulgated by the National Labor Relations Commission ("NLRC") on March 25, 2013 in NLRC Case No. NCR-03-05043-12(NLRC LAC No. 01-000361-13) as well as the Resolution^[2] promulgated on May 21, 2013 denying the Motion for Reconsideration thereof.

The material and relevant facts of the case, as culled from the record, are as follows:

The present petition arose from a Complaint for unfair labor practice, non-payment of holiday pay, 13th month pay, separation pay and illegal deduction with claims for damages filed with the Labor Arbiter in Quezon City by Cristita B. Jumadas ("private respondent") against the herein petitioner which was docketed as NLRC NCR Case No. 03-05043-12.

Private respondent Jumadas was employed by the petitioner as an all-around house helper in her home at Abuyog, Leyte with a monthly salary of P3,000.00.

As synthesized by the Labor Arbiter in his Decision dated August 31, 2012, the following factual antecedents are as follows:

"Complainant alleged that she was under the employ of respondent Lanoy as an all-around maid since 1993 with a monthly salary of P3,000.00

"In 2007, respondent informed her that her salary would be increased to P4,000.00 Not long after she learned of the increase in her salary, respondent told her that the amount of P1,000.00 would be deducted from her salary for payment of life insurance premium. With a heavy heart, she did not complain about it for fear that her employment might be terminated.

"In 2010, complainant spoke with respondent Lanoy and told her about her plan to resign due to old age. Respondent Lanoy told her to extend her services. She acceded because of her love for the family of the respondent.

"On April 20, 2011, she finally decided to resign. She asked about the deductions made from her salary but the respondent replied saying "talaga!" Nanlumo ako dahil parang nauwi ang umento ko na isang libo."

"On the other hand, respondent for her part, alleged that complainant had been initially employed with the respondent Lanoy in 1995 as house helper in her home at Abuyog, Leyte province until she suddenly left her employment to go with her husband in 1997.

"Sometime in 2007, complainant went to respondent Lanoy in Muntinlupa City and sought employment. Considering her previous employment in Leyte, respondent Lanoy hired the complainant. Complainant was hired to take care of respondent's infant granddaughter, then four months old. Respondent Lanoy allowed complainant to live with her family at respondent's compound for free and sent her youngest son to school. It was only when one of complainant's son was employed that the complainant started to pay costs of electricity and water usage. Because complainant was in her middle age, respondent Lanoy, with the consent of complainant, included the latter in a group insurance. Complainant was covered by two insurance policies.

"In March 2011, complainant just left respondent's house. Since respondent was used to complainant's practice to take several day-offs to stay with her family at their house in Laguna, respondent assumed that she would eventually return. She never returned. The next information that respondent received of from the complainant when the latter complained to Mr. Tulfo about not being able to get the full surrender value of her two insurance policies."

At this juncture, private respondent filed her Complaint for unfair labor practice, non-payment of holiday pay, 13th month pay, separation pay and illegal deduction with claims for damages against the herein petitioner before the Labor Arbiter in Quezon City.

By reason of the filing by the private respondent of the said Complaint against the petitioner, proceedings were conducted by the Labor Arbiter. First, there was a mandatory conciliatory conference with the parties which was held by the Labor Arbiter. When no settlement was arrived at, the parties were directed to file their respective position papers which the parties filed in due time.

Eventually, on August 31, 2012, the Labor Arbiter rendered a Decision in favor of the petitioner. The pertinent portion of the said Decision reads:

"WHEREFORE, premises considered, decision is hereby rendered ordering the dismissal of this case for lack of merit.

"SO ORDERED."

Unsatisfied with the Labor Arbiter's disposition, the herein private respondent appealed from the former's Decision to the NLRC.

On March 25, 2013, the NLRC promulgated the herein assailed Decision, the decretal portion of which reads:

"WHEREFORE, the appealed Decision dated August 31, 2012 of Labor Arbiter Eduardo J. Carpio is Affirmed with MODIFICATION that respondent Virginia Lanoy is hereby ordered to pay the sum of P18,100.00 with 12 percent interest per annum from the time of the filing of the complaint until fully paid to complainant Cristita B. Jumadas.

"SO ORDERED."

On this score, petitioner filed a Motion for Reconsideration of the said Decision of the NLRC. On May 21, 2013, the NLRC issued a Resolution denying petitioner's Motion for Reconsideration.

Unperturbed, petitioner filed the present petition before this Court raising the sole act of grave abuse of discretion purportedly committed by the NLRC, to wit:

THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION IN MODIFYING THE LABOR ARBITER'S DECISION DATED AUGUST 31, 2012 AND DECIDED THE CASE BASED ON SPECULATION.

After a careful and judicious scrutiny of the whole matter, together with the applicable laws and jurisprudence in the premises, we find the petition at bench to be meritorious.

Prefatorily, well-settled is the rule that, when supported by substantial evidence, factual findings made by quasi-judicial and administrative bodies are accorded great respect and even finality by the courts. These findings are not infallible, though; when there is a showing that they were arrived at arbitrarily or in disregard of the evidence on record, they may be examined by the courts. Hence, when factual findings of the NLRC are contrary to those of the labor arbiter, the evidentiary facts may be reviewed by the appellate court.

In the case at bench, petitioner contended that the public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction when it indulged in speculation despite contrary evidence that there had been no overpayment in petitioner's insurance. According to the herein petitioner, the NLRC failed to recognize the certification issued by the insurance company showing the actual amounts paid by the private respondent. Petitioner likewise argued that the NLRC erred in assuming that only one pension plan was paid.

We rule in favor of the petitioner.

After an exhaustive review of the record of the case, there is no quibble that the Labor Arbiter and the NLRC recognized that the herein private respondent was not entitled to a the refund of her insurance contribution. The NLRC correctly ratiocinated in its Decision dated March 25, 2013 that:

"Article 113 of the Labor Code allows a deduction from the wages of the employees by the employer, only in three instances to wit:

"Art. 113 Wage Deduction-- No employer in his own behalf or in behalf of any person shall make any deduction from the wages of his employees, except: