

THIRD DIVISION

[G.R. No. 148407, November 12, 2003]

**MA. LUISA OLARTE, DOING BUSINESS UNDER THE NAME AND
STYLE, SUNACE INTERNATIONAL MANAGEMENT SERVICES,
PETITIONERS, VS. LEOCADIA NAYONA, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Our overseas workers belong to a disadvantaged class. Most of them come from the poorest sector of our society. Their profile shows they live in suffocating slums, trapped in an environment of crimes. Hardly literate and in ill health, their only hope lies in jobs they can hardly find with difficulty in our country. Their unfortunate circumstance makes them easy prey to avaricious employers. They will climb mountains, cross the seas, endure slave treatment in foreign lands just to survive. Out of despondence, they will work under sub-human conditions and accept salaries below the minimum. The least we can do is to protect them with our laws.^[1]

Before us is a petition for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision^[2] dated September 14, 2000 and the Resolution^[3] dated May 31, 2001 rendered by the Court of Appeals in CA-G.R. SP No. 57473, entitled "Sunace International Management Services vs. National Labor Relations Commission (NLRC), Third Division, Quezon City, Hon. Rolando D. Gambito, in his capacity as Labor Arbiter, NLRC, Sub- Regional Arbitration Branch No. 1, Dagupan City and Leocadia A. Nayona".

The factual antecedents, as found by the Court of Appeals, are:

On April 8, 1998, Leocadia A. Nayona (*herein respondent*) executed a contract of employment as a domestic helper/caretaker with Sunace International Management Services (*herein petitioner*) for its Taiwan-based agency/employer Chung I Manpower Agency. Respondent's employment covered a period of one (1) year or from May 22, 1998 to May 22, 1999.

On May 22, 1998, respondent was deployed to Taiwan to work for Wu Dian Man with a monthly salary of New Taiwan \$ 15,840.00.

On June 11, 1998, Tseng Wen, the owner/manager of Chung I Manpower Agency pre-terminated respondent's work assignment at Wu Dian Man, with an express promise of another employment. But Tseng Wen reneged on his commitment. Consequently, respondent was repatriated to the Philippines on June 13, 1998.

Aggrieved, respondent, on August 18, 1998, filed with the Sub-Regional Arbitration Branch of Dagupan City a complaint for illegal dismissal, payment of salaries, refund of placement fee and other monetary claims against petitioners, docketed as SRB-

On March 9, 1999, the Labor Arbiter rendered a Decision,^[4] the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING PREMISES, judgment is hereby rendered as follows:

1. Declaring that the dismissal of the complainant is illegal;
2. Ordering respondents Chung I Manpower Agency/Tseng Wen- Shu and Sunace International Management Services to pay jointly and severally the complainant the following:
 - a) Unpaid salary from May 22 to June 13, 1998 = New Taiwan Dollars - NT \$ 11,616 or its equivalent in Philippine currency at the time of actual payment;
 - b) Salary for the unexpired portion of her contract (May 22, 1998 to May 22, 1999) equivalent to three (3) months (15,840 NT \$ x 3) = New Taiwan Dollars (NT\$) 47,520;
 - c) Refund of placement fee: P 23,000;
 - d) Overtime pay for three weeks = 500 NT \$ or its peso equivalent;
 - e) Moral and exemplary damages in the amount of P 20,000 each, or P 40,000.00.

All other claims of the complainant and the respondents' counterclaims for damages, attorney's fees and expenses for documentation are hereby denied for want of merit.

TOTAL = NT\$ 59,136
AWARD
 P 63,000

SO ORDERED."

On appeal, the National Labor Relations Commission (NLRC) rendered its Decision^[5] affirming with modification the Arbiter's Decision with respect to the monetary award, thus:

"WHEREFORE, the Decision appeal(ed) from is Modified. Respondents are ordered to pay complainant the following:

1. unpaid salary from 22 May to 13 June 1998 - NT\$ 11,616.00
2. salary for the unexpired portion of her contract (14 June 1998 to 22 May 1999) ----- NT\$ 47,520.00 (for three months)
3. Refund of placement fee: P 23,000.00.