351 Phil. 1070

THIRD DIVISION

[G.R. No. 126529, April 15, 1998]

EDUARDO B. PRANGAN, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC), MASAGANA SECURITY SERVICES CORPORATION, AND/OR VICTOR C. PADILLA, RESPONDENTS.

D E C I S I O N

ROMERO, J.:

Private respondent, a corporation engaged in providing security services to its client, hired petitioner on November 4, 1980 as one of its security guards. Thereafter, he was assigned to the Cat House Bar and Restaurant with a monthly salary of ₱2,000.00 until its closure on August 31, 1993.

On May 4, 1994, petitioner filed a complaint[1] against private respondent for underpayment of wages, non-payment of salary from August 16-31, 1993, overtime pay, premium pay for holiday, rest day, night shift differential, uniform allowance, service incentive leave pay and 13th month pay from the year 1990 to 1993.

Private respondent, in its position paper,[2] rejected petitioner's claim alleging it merely acted as an agent of the latter in securing his employment at the Cat House Bar and Restaurant. Thus, the liability for the claims of the petitioner should be charged to Cat House Bar and its owner, being his direct employer.

In resolving the dispute in a decision dated May 31, 1995,[3] the Labor Arbiter brushed aside the private respondent's contention that it was merely an agent of the petitioner and concluded:

> "WHEREFORE, PREMISES CONSIDERED, respondents MASAGANA SECURITY SERVICE CORPORATION and/or VICTOR C. PADILLA are hereby ORDERED to pay within ten (10) days from receipt hereof herein complainant EDUARDO B. PRANGAN, the total sum of Nine Thousand Nine Hundred Thirty Two Pesos & Sixteen Centavos (₱9,932.16) premium pay for holiday and rest days, night shift differential, service incentive leave pay, 13th month pay, uniform allowance, and unpaid salary.
>
> Complainant's other claims as well as respondents' counter claim are hereby DISMISSSED either for the reason of prescription and/or lack of merit.
>
> SO ORDERED."

Apparently not satisfied with the above-mentioned monetary award, petitioner appealed to the National Labor Relations Commission (NLRC) contending that the Labor Arbiter erred in concluding that he only worked for four hours and not twelve hours a day. Evidently, the shorter work hours resulted in a lower monetary award by

the Labor Arbiter. However, the NLRC dismissed his appeal for failure to file the same within ten-day reglementary period.[4]

Undaunted, petitioner filed a motion for reconsideration which, in the "interest of justice," was favorably granted by the NLRC resulting in the reinstatement of his appeal. Nonetheless, petitioner's victory was short-lived as the NLRC eventually dismissed his appeal for lack of merit,[5] the dispositive portion of the decision reads:

> "WHEREFORE, the appeal is hereby dismissed for lack of merit and decision is affirmed *in toto*.
>
> SO ORDERED."

Petitioner is now before us imputing grave abuse of discretion on the part of respondent NLRC (a) declaring that he rendered only four hours and not twelve hours of work, and (b) affirming the monetary award.

The public respondent, through the Solicitor General, and the private respondent filed their respective comments on the petition refuting the allegation of the petitioner. Specifically, they asserted that the decision was supported by ample evidence showing that petitioner indeed worked for only four hours and not twelve hours a day.

A review of the alleged error raised by the instant petition leads us to conclude that the same is factual in nature which, as a rule, we do not pass upon. As a general rule, it is not for us to correct the NLRC's evaluation of the evidence, as our task is confined to issues of jurisdiction or grave abuse of discretion.[6] Obviously, however, the same will not apply where the evidence require a reversal or modification.[7]

As proof of petitioner's actual hours of work, private respondent submitted the daily time records allegedly signed by the petitioner himself showing that he only worked four hours daily.

In contrast, petitioner argues that these daily time records were falsified for the simple reason that he was not required to submit one. He further stressed that, assuming such documents exist, its authenticity and due execution are questionable and of doubtful source.

We find merit in the petition.

To be sure, findings of fact of quasi-judicial bodies like the NLRC, particularly when they coincide with those of the Labor Arbiter, are accorded with respect even finality if supported by substantial evidence.[8] In this regard, we have defined substantial evidence as such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[9] Absent such quantum of evidence, the Court is not precluded from making its own independent evaluation of facts.[10]

In the instant case, there is no dispute that matters concerning an employee's actual hours of work are within the ambit of management prerogative. However, when an employer alleges that his employee works less than the normal hours of employment as provided for in the law,[11] he bears the burden of proving his allegation with clear and satisfactory evidence.

In the instant petition, the NLRC, in declaring that petitioner only worked for four hours, relied solely on the supposed daily time records of the petitioner submitted by the