

SECOND DIVISION

[CA-G.R. SP. NO. 133306, March 18, 2015]

EM PETROLEUM HAULERS^[*], ERIC MARTEL AND JOSE MA. YTURRI PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION AND LEONARDO CURSILLES, RESPONDENTS.

D E C I S I O N

SALAZAR-FERNANDO, J.:

Before this Court is a Petition for Certiorari^[1] under Rule 65 of the 1997 Revised Rules of Civil Procedure assailing the Resolutions dated July 31, 2013^[2] and October 30, 2013^[3] of the National Labor Relations Commission (NLRC), Second Division in NLRC LAC No. 05-001485-13 NLRC NCR No. 10-15744-12 entitled "Leonardo R. Cursilles, *Complainant*, vs. EMP Petroleum Haulers/Eric Martel/Jose Ma. Yturri, *Respondents*.", the dispositive portions of which read:

Resolution dated July 31, 2013:

"**WHEREFORE**, premises considered, the instant appeal is hereby declared partially with merit. The appealed decision is hereby **MODIFIED** declaring the claim for illegal dismissal to be not a cause of action in this case, and correspondingly deleting the awards of separation pay, backwages, and damages, and correspondingly adjusting the value of the 10% attorney's fees.

The rest of the decision, **STANDS**.

SO ORDERED.^[4]"

Resolution dated October 30, 2013:

"**WHEREFORE**, the motion for reconsideration is denied for lack of merit.

NO FURTHER MOTION OF SIMILAR NATURE SHALL BE ENTERTAINED.

SO ORDERED.^[5]"

The facts are:

Petitioner EM Petroleum (company for brevity) is engaged in the business of hauling petroleum, crude oil, and other allied by-products all over Luzon.^[6] Sometime in September 2012, private respondent Leonardo Cursilles (Cursilles for brevity) together with a company driver, Ramil Rosales, made a delivery of petroleum to a

port in Calaca, Batangas.^[7] When they reached the port, the roof of the delivery truck got caught on the ropes that were hanging between the docked ships and bollards.^[8] Despite the strong winds brought by the typhoon, private respondent Cursilles still went up the roof of the delivery truck to untangle the ropes, but said ropes started swinging and swept him off his feet causing him to fall from the truck.^[9] He fell unconscious and severely injured his right knee.^[10] He was rushed to and confined at the Balayan Bayview Hospital & Medical Center where he received medical treatments.^[11] Petitioners learned about the incident and they settled the latter's hospital bills at the Balayan hospital.^[12] Thereafter, he continued to seek treatments for his right knee at the Philippine Orthopedic Center (POC), but petitioners refused to extend further assistance to finance the same.^[13] As a result, he filed a Complaint^[14] for Medical Assistance, non-payment of salary/wages, damages and attorney's fees against the company and its responsible officers (hereinafter referred to as petitioners for brevity). Mandatory conciliation proceedings followed, but despite notice, petitioners failed to attend.^[15] Consequently, private respondent Cursilles was directed to file his position paper while petitioners were deemed to have waived their right to file the same.^[16]

This notwithstanding, petitioners still filed a Position Paper (with Leave to Admit),^[17] where they denied the existence of employer-employee relationship and maintained that private respondent Cursilles was not their regular employee. In their defense, they emphasized on the fact that in his complaint he did not mention that he was dismissed by petitioners, neither did he ask to be reinstated nor paid backwages. Moreover, they argued that what happened to private respondent Cursilles was an unfortunate accident and could not be considered as a work-related injury because his services were not authorized nor sanctioned by the company. Accordingly, there is no truth to the claim that he was illegally dismissed nor is there a justification for the grant of moral and exemplary damages as a consequence thereof.

On the other hand, private respondent Cursilles insisted in his position paper^[18] that he was a regular employee and had been employed as the company's "helper" since January 2012. To support his allegation, he presented a company ID^[19] issued in his name and signed by its General Manager, Jose Ma. T. Yturri, bearing the following statements:

"xxx I hereby certify that bearer whose personal data and signature appear on this card is a BONA FIDE EMPLOYEE of the COMPANY. xxx"

As a regular employee, he is entitled to receive medical assistance and other monetary benefits from petitioners because he sustained injuries while he was performing his duty as a "helper". Furthermore, he asserted that he was illegally terminated when he filed his complaint because there was no justification for his removal and neither was due process observed when he was dismissed. His illegal termination therefore calls for his reinstatement as well as the payment of his backwages, damages and attorney's fees. On March 27, 2013, the Labor Arbiter declared that private respondent Cursilles was illegally dismissed and ordered the petitioners to pay the amount of Php255,733.67 representing the latter's wage differentials, unpaid holiday pay, pro-rata 13th month pay, separation pay with backwages, medical assistance and damages, plus 10% of the total judgment award

as attorney's fees.^[20] Aggrieved, petitioners filed an appeal before the NLRC.^[21] On July 31, 2013, the NLRC set aside the finding of illegal dismissal on the ground that private respondent Cursilles failed to raise the same as a cause of action in his complaint, and deleted the award of separation pay, backwages, damages and adjusted the amount of attorney's fees.^[22] Not satisfied, petitioners moved for reconsideration but the motion was also denied.^[23]

Hence, this petition raising the following assignment of errors:^[24]

I.

THE HONORABLE PUBLIC RESPONDENT SERIOUSLY ERRED WHEN IT AWARDED 13TH MONTH PAY AND HOLIDAY PAY TO THE PRIVATE RESPONDENT DESPITE INSUFFICIENT EVIDENCE TO SHOW THAT HE WAS A REGULAR EMPLOYEE.

II.

THE HONORABLE PUBLIC RESPONDENT SERIOUSLY ERRED WHEN IT RULED THAT PRIVATE RESPONDENT IS ENTITLED TO MEDICAL ASSISTANCE DESPITE INSUFFICIENT EVIDENCE TO SUPPORT THE SAME.

The petition is without merit.

Petitioners maintain that public respondent NLRC erred in upholding the award of 13th month pay and holiday pay upon private respondent Cursilles claiming that the latter was not their regular employee. Petitioners argue that public respondent NLRC's reliance on the company ID presented by private respondent Cursilles as proof of his employment is not sufficient to establish the existence of employer-employee relationship since there were no other proof that they offered to hire him, paid his salaries and exercise control over him in the performance of his duties.

The argument of petitioners is misplaced.

It has long been established that in administrative and quasi-judicial proceedings, substantial evidence is sufficient as a basis for judgment on the existence of employer-employee relationship.^[25] Substantial evidence, as the quantum of proof in labor cases, only requires the presentation of such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.^[26] In this case, this quantum of proof necessary to establish private respondent Cursilles' employment is already satisfied upon his presentation of his company ID which categorically admitted that he is a *bona fide* employee of the company. Vis-a-vis such admission, the self-serving denial and bare allegations made by petitioners that said company ID was issued not as an acknowledgment of employment cannot be given credence. It follows no logic for the General Manager to indiscriminately issue the company ID to just anyone who is not connected to the company. The significance of the issuance of a company ID is illuminated in the case of *Eddie Domasig vs. NLRC, et al.*,^[27] viz.:

"xxx In a business establishment, an identification card is usually provided not only as a security measure but mainly to identify the holder thereof as a bona fide employee of the firm that issues it. Xxx"

As such, the only viable explanation for the issuance of the company ID in favor of private respondent Cursilles is that the latter is indeed petitioners' employee. This is reflected in the findings of public respondent NLRC, to wit:

"xxx We find no reason to disturb the appealed decision of the Labor Arbiter on this issue. Indeed, and without dispute, respondents issued complainant an Identification card, duly signed by individual Respondent Jose Ma. T. Yturri, after the statement written at its dorsal side, which reads:

'I hereby certify that the bearer whose personal data and signature appear on this card is a BONAFAIDE EMPLOYEE of this COMPANY.

(sgd.)

JOSE MA. T. YTURRI'

This proof of employment strongly supports the claim of Complainant that he is Respondents' employee. On the other hand, the claim of Respondents/Appellants that the ID was issued 'only for the purpose of allowing the truck xxx to enter the customer's premise' is too weak to be given credence. xxx"

After establishing that private respondent Cursilles is an employee of the petitioners, the next question to be answered is whether the latter can be categorized as a regular employee^[28] for the purpose of receiving his monetary benefit. Jurisprudence states that the primary determinant of a regular employment is the reasonable connection between the particular activity performed by the employee in relation to the usual business or trade of the employer.^[29] The test is whether the former is usually necessary or desirable in the usual business or trade of the employer.^[30] The connection can be determined by considering the nature of the work performed and its relation to the scheme of the particular business or trade in its entirety.^[31] Applying these guidelines in the present case, it can be said that private respondent Cursilles is a regular employee of petitioners because as a "helper" or "*pahinante*", his task of loading and unloading deliveries for petitioners is definitely necessary and desirable to the latter's main business of hauling petroleum, crude oil and other by-products. Significantly, his regular employment entitles him to receive all the benefits due to a regular employee, like payment of 13th month pay^[32] and holiday pay.^[33]

With respect to the award for medical assistance, petitioners declare the quotation^[34] in the amount of Php 120,000.00 as exorbitant claiming that the grant thereof lacked factual basis. To support this contention, they cited the X-Ray Report^[35] issued by the Radiology Department of Balayan Bayview Hospital & Medical Center which stated that:

"xxx RIGHT THIGH INCLUDING THE KNEE/AP/L:

There is dislocation of the right knee joint with associated soft tissue swelling. No other significant finding