

SPECIAL NINETEENTH DIVISION

[CA-G.R. CEB-SP No. 05565, June 27, 2014]

DENNIS RODRIGUEZ, JIMMY BRAVO, ALLEN MINOZA, JOHNRAY ACEBES, MILICIO RENDON, ERIC RODRIGUEZ, VICENTE RODRIGUEZ, JOSEPH DELA CONCEPCION, RAMIL RODRIGUEZ, RUSTICO CADUNGOG AND LUCELITO BUHAWE, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC), PAINTWORKS ENTERPRISES, INC., ALFONSO LUZURIAGA AND DIONESIO MABANO, RESPONDENTS.

D E C I S I O N

LAGURA-YAP, J.:

This is a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure seeking to nullify and set aside the Decision^[1] dated 30 July 2010 and the Resolution^[2] dated 30 September 2010 rendered by the National Labor Relations Commission.

The facts, as culled from the records, are as follows:

The petitioners alleged that they are employees of private respondent Paint Works Enterprises, Inc. ("Paint Works") under the following circumstances:

NAME	DATE EMPLOYED	POSITION	SALARY/DAY
1. Acebedes, Johnray	May 24, 2007	Painter	P195.00
2. Buhawe, Lucelito	2005	Painter	210.00
3. Dela Concepcion, Joseph	Oct. 16, 2008	Painter	190.00
4. Cadungog, Rustico	May 24, 2007	Painter	210.00
5. Miñoza, Allen	May 24, 2007	Painter	195.00
6. Rendon, Melecio	May 24, 2007	Painter	175.00
7. Rodriguez, Dennis	May 24, 2007	Painter	260.00
8. Rodriguez, Eric	May 24, 2007	Painter	210.00
9. Rodriguez, Ramil	May 24, 2007	Painter	210.00

10. Rodriguez, Vicente	May 24, 2007	Painter	210.00
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Petitioners said that they were underpaid as their wages were not in accordance with law. They were not granted holiday pay, 13th month pay, service incentive leave pay and rest day pay and premium pay when they were required to work during their rest days.

On April 30, 2009, petitioners filed with the Regional Office of the Department of Labor and Employment (DOLE), a complaint for violations of labor standard laws such as non-payment of service incentive leave and holiday pay, underpayment of wages, premium pay for holiday and rest days and for violation of the General Safety and Health Standards. Consequently, the DOLE conducted an inspection of the respondent's premises on May 4, 2009. However, no results were given as the complaint was withdrawn.

The petitioners claimed that when private respondent knew of the complaint filed with the DOLE, the latter retaliated by dismissing the former on May 6, 2009. Hence, this present complaint^[3] for illegal dismissal, underpayment of wages, non-payment of holiday pay, premium pay for holiday and rest day, 13th month pay, service incentive leave pay, damages and attorney's fees, was filed and docketed as NLRC RAB VII-05-1233-09.

On the other hand, private respondent Paint Works contends that it is not the employer of petitioners. It is not engaged in the business of contracting paint jobs as it is not provided in their Articles of Incorporation. It claims that the petitioners confused the former with Dionisio Mabano ("Mabano"), the actual owner, who frequently buys paints and other paraphernalia from Paint Works for contracted paint projects. Paint Work's relationship with Mabano is that of a vendor of paint products and the latter, a vendee.

Dionisio Mabano voluntarily enters his appearance as a respondent in this case. He is the proprietor of PWA Construction Services. As such, he hires workers on a project-to-project basis. Petitioners were hired by Mabano sometime in April 2009, to augment his usual pool of workers for the Quest Homes project located in North Reclamation Area, Mandaue City.

On February 26, 2010, the Labor Arbiter issued a Decision^[4] finding petitioners as employees of Dionisio Mabano, and not of Paint Works Enterprises, Inc. Petitioners were not able to prove the existence of an employer-employee relationship with Paint Works. The dispositive portion of said Decision states:

"WHEREFORE, in view of the foregoing, a decision is hereby rendered declaring that no employer-employee relationship exist between herein complainants and respondent Paint Works Enterprises, Inc. Instead, employer-employee relationship exist between herein complainants and Dionisio Mabano, proprietor of PWA Construction Services. Consequently, the complaint for illegal dismissal and other money claims are dismissed, including the claim for moral and exemplary damages and attorney's fees.

SO ORDERED.”

Dissatisfied with the Labor Arbiter's Decision, petitioners filed an appeal^[5] to the National Labor Relations Commission (NLRC) docketed as NLRC No. VAC-04-000213-2010.

On July 30, 2010, the National Labor Relations Commission (NLRC) Fourth Division rendered the assailed Decision^[6] affirming the Decision of the Labor Arbiter that petitioners failed to prove that they were employees of Paint Works. The dispositive of the assailed Decision provides thus:

“WHEREFORE, premises considered, the decision of the Labor Arbiter, dated 26 February 2010, is, hereby, AFFIRMED.

SO ORDERED.”

Dissatisfied with the Decision, petitioners filed a Motion for Reconsideration^[7] on October 22, 2008. On September 30, 2010, the NLRC issued the assailed Resolution^[8] denying the Motion for Reconsideration.

Aggrieved, petitioners filed this instant petition^[9] raising the following issues:

I

WITH DUE RESPECT, THE RESPONDENT NLRC COMMITTED GRAVE ABUSE OF DISCRETION WHICH AMOUNTED TO LACK OF JURISDICTION IN NOT RULING THAT THE PETITIONERS ARE EMPLOYEES OF PRIVATE RESPONDENT PAINTWORKS.

II

WITH DUE RESPECT, THE RESPONDENT NLRC COMMITTED GRAVE ABUSE OF DISCRETION WHICH AMOUNTED TO LACK OF JURISDICTION IN RELYING ON THE CASE OF LOPEZ VS. BODEGA CITY IN REJECTING THE IDs ISSUED TO THE PETITIONERS BY PRIVATE RESPONDENT PAINTWORKS.

III

WITH DUE RESPECT, THE RESPONDENT NLRC COMMITTED GRAVE ABUSE OF DISCRETION WHICH AMOUNTED TO LACK OF JURISDICTION IN NOT FINDING THAT THE PRIVATE RESPONDENTS ARE GUILTY OF ILLEGAL DISMISSAL AND SHOULD BE LIABLE FOR THE PAYMENT OF THE PETITIONERS' MONEY CLAIMS.^[10]

A petition for certiorari under Rule 65 of the Rules of Court is a pleading limited to correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction.^[11] It is intended to correct only errors of jurisdiction where the court or tribunal has acted with grave abuse of discretion.^[12] The burden is on the part of the petitioner to prove not merely reversible error, but grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the public