

## **SPECIAL SECOND DIVISION**

**[ CA-G.R. SP No. 132685, June 26, 2014 ]**

**NORTHSTAR PETROLEUM INC. AND/OR JAY NANO, RAYMUND VILLAVICENCIO, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION (SECOND DIVISION) AND ROEL M. TORIO, LORETO M. ALMONTE, JR., JOEL D. MADRIAGA, JOJET G. MANGAOANG, RESPONDENTS.**

**NORTHSTAR PETROLEUM INC. AND/OR JAY NANO, RAYMUND VILLAVICENCIO, JCV GASOLINE STATION AND/OR ROWENA GARCIA, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION (SECOND DIVISION) AND SONNY BOY M. TORIO, LITO C. CATBAGAN, JR., MELCHOR B. DULAY, EDGAR ALLAN A. MANGAOANG, FRANCO T. MANGAOANG, JOFFER M. SANTOS, EDUARDO O. SICAT, JR. RESPONDENTS.**

**NORTHSTAR PETROLEUM INC. AND/OR JAY NANO, RAYMUND VILLAVICENCIO, PETITIONERS, V. NATIONAL LABOR RELATIONS COMMISSION (2ND DIVISION) AND RODERICK M. ALTERADO, RESPONDENTS.**

### **D E C I S I O N**

**SALAZAR-FERNANDO, J.:**

Before this Court is a Petition for Certiorari<sup>[1]</sup> under Rule 65 of the 1997 Revised Rules of Civil Procedure seeking to annul and set aside the Resolutions dated July 31, 2013<sup>[2]</sup> and September 13, 2013<sup>[3]</sup> of the National Labor Relations Commission (Second Division) in NLRC LAC No. 05-001716- 13, NLRC CASE No. RAB I-11-1102-12(LU-2), NLRC CASE NO. RAB I-11-1103-12(LU-2), NLRC CASE NO. RAB I-11-1104- 12(LU-2), entitled "Roel M. Torio, Loreto M. Almonte, Jr., Joel D. Madriaga, Jojet G. Mangaoang, Complainants, vs. Northstar Petroleum Inc. and/or Jay Nano, Raymund Villavicencio, Respondents; Sonny Boy M. Torio, Lito C. Catbagan, Jr., Melchor B. Dulay, Edgar Allan A. Mangaoang, Franco T. Mangaoang, Jofer M. Santos, Eduardo O. Sicat, Jr., Complainants, vs. Northstar Petroleum Inc. and/or Jay Nano, Raymund Villavicencio, JVC Gasoline Station and/or Rowena C. Garcia, Respondents; Roderick M. Alterado, Complainant, vs. Northstar Petroleum Inc. and/or Raymund Villavicencio, Jay Nano, Respondents.", respectively, the dispositive portions of which read:

July 31, 2013 Resolution

"WHEREFORE, premises considered, the assailed Decision of Labor Arbiter Irenarco R. Rimando is hereby MODIFIED in that respondents Northstar Petroleum Inc., JVC Gas Station Agoo and Flying V Gas Station, Aringay are also directed to jointly and severally pay complainants,

holiday and service incentive leave pay, and correspondingly adjusting the 10% of the total award as attorney's fees, hence, the following:

	Sustained awards	Holiday pay	SILP	TOTAL
1. Roel M. Torio	P177,870.00	10,560.00	4,606.25	193,036
2. Loreto M. Almonte	131,793.50	7,044.00	3,077.08	141,914.58
3. Jojet G. Mangaoang	131,793.50	7,044.00	3,077.08	141,914.58
4. Sonny Boy M. Torio	114,584.50	7,044.00	3,261.33	124,889.83
5. Melchor B. Dulay	114,584.50	7,044.00	3,261.33	124,889.83
6. Franco T. Mangaoang	113,400.00	8,960.00	4,128.83	126,488.83
7. Joel D. Madriaga	69,608.00	1,368.00	754.35	71,729.35
8. Roderick M. Alterado	68,185.50	7,044.00	3,077.08	78,306.58
9. Lito C. Catbagan, Jr.	82,221.50	4,104.00	2,086.20	88,414.17
10. Edgar Allan A. Mangaoang	82,221.50	7,044.00	3,261.33	92,526.83
11. Jofer M. Santos	72,859.50	2,736.00	1,199.85	76,795.35
12. Eduardo O. Sicat	78,221.00	2,964.00	1,389.85	82,575.35
	P1,237,343.50	72,956.00	33,180.56	1,343,481.53

The computation of this Commission's Computation Unit forms part of the resolution

The rest of the decision STANDS.

SO ORDERED."

September 13, 2013 Resolution

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

NO FURTHER MOTION OF SIMILAR NATURE SHALL BE ENTERTAINED.

SO ORDERED."

The facts are:

Private respondents were hired by the petitioners on the following dates: Roel Torio in 2005; Jojet G. Mangaoang in 2007; Loreto M. Almonte, Jr, in 2007; Joel D. Madriaga in February 2012 and Roderick M. Alterado in March 2012. They all received a salary of P200 per day except for Roel M. Torio who was paid P330.00 a day and worked for seven (7) days a week. All of them were assigned at Flying V, Aringay, La Union under the name of petitioner Northstar Petroleum, Inc. (Northstar for brevity) and managed by its sister company, Sunrie Petroleum, Inc.

On September 29, 2012, private respondents Roel Torio, Jojet G. Mangaoang, Loreto M. Almonte, Jr., Joel D. Madriaga and Roderick M. Alterado, reported for duty but were surprised to discover that somebody else were performing their assigned tasks. They were told by petitioner Jay Nano (Nano for brevity) that as per instruction of the management, their services are no longer needed. They had no recourse but to leave the workplace and seek redress from the Arbitration Branch of public respondent NLRC.

On the other hand, the following private respondents were hired on the following dates: Franco T. Mangaoang in June 2009; Sonny Boy M. Torio in June 2009; Melchor B. Dulay in June 2009; Lito C. Catbagan in 2011, Edgar Allan A. Mangaoang in 2011; Jofer M. Santos in November 2011; and Eduardo O. Sicat, Jr. in September 2011. They were assigned at JCV Gasoline Station, Agoo, La Union which is under the name of petitioner Northstar and managed by Sunrie Petroleum, Inc. Said private respondents received salary of P200.00 per day except for Franco T. Mangaoang who received a salary of P280.00 per day.

On October 10, 2012, private respondents Sonny Boy M. Torio, Franco T. Mangaoang, Melchor B. Dulay, Lito C. Catbagan, Jr., Edgar Allan A. Mangaoang, Jofer M. Santos and Eduardo O. Sicat, Jr., were likewise told by petitioner Nano that the management decided to terminate their services. When private respondents reported for duty, they were no longer allowed to perform their customary tasks.

During the course of their employment, private respondents, except for Roel M. Torio and Loreto Almonte, were required to affix their signatures in an Employment Agreement Contract with RP Robbean Staffing Services Company (Robbean for brevity). Petitioner Northstar alleged that private respondents, during the period of their employment, committed actions and omissions that were inimical to its operations or interests. These were documented by its officer-in-charge, petitioner Nano, and blotted in the police stations of Agoo and Aringay, La Union.

Despite the infractions committed by the private respondents, petitioner Northstar did not legally pursue them because it already incurred losses due to such infractions.

As a result of their dismissal, private respondents filed a complaint for illegal dismissal, non-payment and underpayment of salaries/wages, 13<sup>th</sup> month pay, service incentive leave, separation pay, damages and attorney's fees.

On March 30, 2013, the Labor Arbiter rendered a decision, the dispositive portion of which reads:

"IN VIEW THEREOF, judgment is hereby rendered declaring that the complainants were illegally dismissed; and that except for Roel M. Torio and Franco T. Mangaoang, who were paid daily rate of P330.00 and P280.00 per day, the rest of the complainants were underpaid.