

SPECIAL SEVENTH DIVISION

[CA-G.R. SP NO. 123685, August 19, 2014]

CARE MAINTENANCE SPECIALIST, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND ROSELA SABANDAL, RESPONDENTS.

DECISION

REYES, JR., J.C., J.:

Care Maintenance Specialist, Inc. (petitioner) is now before the Court via a petition for certiorari under Rule 65 of the Rules of Court assailing the Decision dated August 18, 2011 and Resolution dated December 15, 2011 of the National Labor Relations Commission (NLRC) in NLRC LAC No. 02-000494-11, NLRC-NCR Case No. 06-08530-10 which denied their appeal and motion for reconsideration, respectively.

Rosela G. Sabandal (respondent), a utility worker of petitioner company since January 22, 2010 and assigned to companies petitioner has a service contract with, filed a complaint before the NLRC on June 22, 2010 for illegal dismissal and non-payment of 13th month pay against petitioner company and Josephine T. Melad. She claimed that she (respondent) was accused of consuming a cake without permission in the call center company she was assigned to. On March 22, 2010, instead of reporting to her assignment, respondent was directed to report to petitioner's office. She was directed to write an explanation regarding the incident for one whole day. Upon submitting her written explanation, she was directed to sign a piece of paper which she did not have the opportunity to read or understand. After signing it, respondent's secretary informed her that what she signed was a resignation letter. Shocked, she protested the incident. (Rollo, pp. 50-52, 78-79).

Petitioner on the other hand claimed that respondent resigned after she was charged with loitering and abandonment of post during her duty. Respondent was hired by petitioner as janitress and assigned to Tiger Philippines Corporation. On March 16, 2010, while on duty, respondent was caught on camera loitering and talking to the security guard for more than an hour. The client-company verbally requested the immediate relief of respondent from her assignment. Petitioner informed respondent of the charges against her, for her to be able to air her side. Upon receiving the violation notice, respondent requested that she be given a graceful exit so she could have a good employment record for her application for another work. Respondent said that she will file a resignation letter. She later agreed to execute and sign a Release and Quitclaim. After she signed the Release and Quitclaim, however, respondent never submitted her resignation letter and instead filed a complaint with the NLRC. (Rollo, pp. 51-52).

On January 3, 2011, Labor Arbiter Quintin B. Cueto III rendered his Decision finding respondent to have been illegally dismissed, as follows:

"WHEREFORE, premises on the above, complainant is found to have been illegally dismissed.

Respondent Care Maintenance Specialist, Inc. and Josephine T. Melad, in her capacity as President of the afore-mentioned corporate entity is jointly and severally liable to pay complainant Rosela G. Sabandal backwages, separation pay and 13th month pay in the total amount of P134,148.33 as computed above.

Claims for damages is denied for lack of merit.

SO ORDERED." (Rollo, p. 58)

The Labor Arbiter held that respondent's act of filing a complaint less than a month after she was let go is inconsistent with petitioner's claim that respondent voluntarily resigned. Respondent was a mere utility worker, and her job was something she needed for her survival. Quitclaims are looked upon with disfavor, particularly those by employees who were pressured into signing them. (Rollo, pp. 55-56)

Petitioner elevated the case to the NLRC which dismissed the appeal in this wise:

"WHEREFORE, judgment is hereby rendered, dismissing the appeal for lack of merit. However, individual respondent Josephine Melad is hereby absolved from any liability arising from the assailed Decision of the Labor Arbiter.

SO ORDERED." (Rollo, p. 25)

The NLRC held that petitioner failed to discharge its burden of proving that respondent's resignation was voluntary. It did not give weight to the Release and Quitclaim signed by respondent. It noted that respondent was notified of the alleged CCTV infraction only on March 20, 2010. However the day before, March 19, respondent has already executed the quitclaim. It also upheld the principle that doubts in the evidence of the parties shall be resolved in favor of labor. Having found respondent to have been dismissed illegally, the NLRC further held that she is entitled to reinstatement and backwages. In view of strained relations however, the award of separation pay, instead of reinstatement is proper. (Rollo, pp. 23-25).

Petitioner filed a Motion for Reconsideration which was denied for lack of merit by the NLRC on December 15, 2011. (Rollo, p. 27).

Hence the present petition where the following issues are being raised:

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WHETHER OR NOT THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DECLARING THAT THE PRIVATE RESPONDENT WAS ILLEGALLY DISMISSED

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