



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 15, 2022** which reads as follows:*

**“G.R. No. 260600 (*San Miguel Security Agency v. Antonio S. Putol, Hector Itable, Marjess Salvador, et al.*)**. – In view of the Resolution dated June 27, 2022 which granted (with warning against further extension) petitioner San Miguel Security Agency’s (petitioner) motion for extension of thirty (30) days within which to file a petition for review on *certiorari*, the Court **NOTES WITHOUT ACTION** counsel for petitioner’s Urgent Manifestation with Request for Status Update dated May 13, 2022, requesting for an urgent update on the status of their motion for extension to file petition.

This is a petition for review on *certiorari*<sup>1</sup> with prayer for injunctive relief assailing the Decision<sup>2</sup> of the Court of Appeals (CA) dated October 14, 2021 and the Resolution<sup>3</sup> dated March 18, 2022 in CA-G.R. SP No. 10251-MIN which affirmed the labor tribunals’ award of overtime pay.

After review of the records, the Court resolves to **DENY** the petition for failure to sufficiently show that the CA committed any reversible error as to warrant the exercise of the Court’s appellate jurisdiction. As the CA aptly ruled, respondents Antonio S. Putol, Hector Itable, Marjess Salvador, *et al.* submitted substantial evidence that they rendered overtime work. Moreover, it is not for the employees to prove non-payment of benefits to which they are entitled by law. Rather, the burden of proving payment of these claims rests

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<sup>1</sup> *Rollo*, pp. at 11–43.

<sup>2</sup> *Id.* at 48–64. Penned by Associate Justice Evalyn M. Arellano-Morales, with the concurrence of Associate Justices Richard D. Mordeno and Alfonso C. Ruiz II.

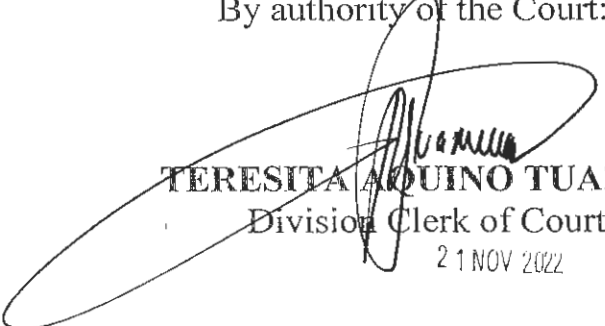
<sup>3</sup> *Id.* at 66–69. Penned by Associate Justice Evalyn M. Arellano-Morales, with the concurrence of Associate Justices Lily V. Biton and Richard D. Mordeno.

on the employer.<sup>4</sup> Here, petitioner failed to discharge this burden. As employer, petitioner possesses pertinent documents which tend to prove payment. Yet, petitioner relied on bare allegation as evidence. However, the Court deems it proper to modify the Decision of the CA such that the amounts awarded shall earn legal interest at the rate of six percent (6%) per annum until full payment.<sup>5</sup>

**FOR THESE REASONS**, the petition is **DENIED**. The Decision dated October 14, 2021 and the Resolution dated March 18, 2022 of the Court of Appeals in CA-G.R. SP No. 10251-MIN are **AFFIRMED** with **MODIFICATION** in that the amounts awarded shall earn legal interest at the rate of six percent (6%) per annum until full payment. The prayer for injunctive relief is denied for lack of merit.

**SO ORDERED.”**

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
Division Clerk of Court <sup>mm</sup> 11/24  
21 NOV 2022

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3/F, Cahulogan Square, Xavier Estates  
Mastersons Avenue, Upper Balulang,  
Cagayan de Oro City  
(NLRC Case No. MAC-07-016572-2020  
SRAB Y-03-23335-20, et al.)

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Supreme Court, Manila

COURT OF APPEALS (reg)  
Cagayan de Oro City  
CA-G.R. SP No. 10251-MIN

\*with copy of CA Decision dated October 14, 2021  
*Please notify the Court of any change in your address.*  
GR260600. 08/15/2022(210)URES

<sup>4</sup> *JIPNB Transport Service v. KAKAMPI*, G.R. No. 229489, September 23, 2019, <<https://sc.judiciary.gov.ph/9476/>>, citing *Pigcaulan v. Security and Credit Investigation, Inc.*, 679 Phil. 1, 6 (2012).

<sup>5</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 282-283 (2013).