



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 7, 2022**, which reads as follows:

“G.R. No. 258397 (Green Arkka Choice Services, Inc. and Albert Y. Sy, *Petitioners*, vs. Rex Bonita and Domingo Carbonel, *Respondents*.) — Considering the allegations, issues, and arguments, adduced in the Petition for Review on *Certiorari*,¹ the Court resolves to **DENY** it for failure of Green Arkka Choice Services, Inc. (GACSI) and Albert Y. Sy (Sy) (collectively, petitioners) to show that the Court of Appeals (CA) committed any reversible error in its assailed Decision² dated January 15, 2021 and Resolution³ dated October 14, 2021 in CA-G.R. SP No. 163354. The CA properly held that the National Labor Relations Commission (NLRC) in NLRC LAC No. 04-001300-19 (4) / NLRC NCR Case No. 03-04593-18 committed no grave abuse of discretion: (1) in not admitting the evidence which petitioners submitted for the first time on appeal;⁴ (2) in holding that Domingo Carbonel and Rex Bonita (respondents) were not properly paid their wages and benefits and illegally dismissed from employment;⁵ and (3) in holding that petitioners’ liability is joint and solidary.⁶

Settled is the rule that in a petition for review on *certiorari* under Rule 45 of the Rules of Court, only questions of law may be put in issue and questions of facts will not be entertained.⁷ Moreover, the factual findings of administrative agencies and quasi-judicial bodies, such as the labor tribunals, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but finality when affirmed by the CA.⁸ There are, however, recognized exceptions to this rule, and one of which is when the labor tribunals and the

¹ *Rollo*, pp. 12-33.

² *Id.* at 186-197. Penned by Associate Justice Mariflor P. Punzalan Castillo and concurred in by Associate Justices Maria Elisa Sempio Diy and Alfredo D. Ampuan.

³ *Id.* at 240-241.

⁴ *Id.* at 191-192. See Court of Appeals Decision dated January 15, 2021.

⁵ *Id.* at 192-194.

⁶ *Id.* at 194.

⁷ *Coca-Cola Femsa Philippines, Inc. v. Congress of Independent Organization-Iloilo Coca-Cola Sales Force Union, Panay Chapter*, G.R. No. 240493 (Notice), June 19, 2019.

⁸ *Id.*

CA rendered conflicting rulings.⁹

Still, in the case, the labor tribunals and the CA unanimously held that: (1) respondents were not properly paid their wages and benefits; (2) respondents were illegally dismissed from employment; and (3) petitioners' liability is joint and solidary.

Notably, while the NLRC did not admit petitioners' evidence as they failed to justify its submission for the first time on appeal, both the NLRC and the CA determined that such evidence, even if admitted, would not prove the allegations sought to be proven. The belatedly submitted evidence did not convince them to reverse the ruling of the Labor Arbiter (LA) that respondents were illegally dismissed.

To prove that they properly paid respondents their wages and benefits as well as returned to them their so-called *pondo*, petitioners presented the affidavits of other employees and some payroll documents. On this score, the CA aptly held:

x x x the documents presented by petitioners did not sufficiently prove that Bonita and Carbonel received the monetary benefits due them. The affidavits from other employees of GACSI stating that they received their 13th month pay and their *pondo* did not prove that [respondents] received the same. Furthermore, despite the several documents provided by GACSI, it failed to prove that it regularly paid [respondents] their 13th month pay and their *pondo*. As pointed out by the NLRC, GACSI only provided payroll documents covering the months of January-May 2018, and cash vouchers covering the year 2015.¹⁰

Moreover, to show that respondents did not report for work despite notice to do so, petitioners adduced the purported Memoranda which they allegedly sent to respondents for them to return to work. The CA and the NLRC correctly pointed out that the tenor of the Memoranda does not establish petitioners' cause but actually supports respondents' allegations that they were forced to leave the company premises after being barred to return to work due to their filing of the Complaint on February 6, 2018, viz.:

x x x February 6, ikaw ay pumasok sa office pero hindi ka pinapasok hanggat hindi mo tinatanggap ang iyong memo at pirmahan ito. February 8, 2018[,] [i]kaw ay pinapaduty na sa iyong trabaho bilang latero. Ikaw ay nag punta sa office hindi nag tagal ikaw ay umuwi din agad.¹¹ x x x

Furthermore, the Court adheres to the factual findings of the labor tribunals and the CA that petitioners' liability is joint and solidary. As a rule, a corporate officer, such as Sy, is not personally liable for the money claims of discharged employees unless he or she acted with evident malice and bad

⁹ See *Samson v. National Labor Relations Commission*, 386 Phil. 669, 681 (2000).

¹⁰ *Id.* at 193.

¹¹ *Id.* at 192. As culled from the Court of Appeals Decision dated January 15, 2021.

faith in terminating their employment.¹² Here, Sy's bad faith was manifested by his act of always admonishing, badmouthing, and belittling respondents. After respondents filed their Complaint with the LA to have a dialogue with him, Sy unceremoniously terminated them from employment by barring them from the company premises. He even said to respondents "*pera pera lang mga yan!*"¹³ For his malice and bad faith in dismissing respondents from work, Sy should indeed be held solidarily liable with GACSI in paying the judgment award due to respondents.

Accordingly, the CA correctly denied petitioners' Petition for *Certiorari* and affirmed the NLRC Decision finding respondents to have been illegally dismissed from employment and declaring them entitled to their monetary claims. Further, the NLRC correctly affirmed the LA in ordering petitioners to jointly and solidarily pay respondents their monetary claims, full backwages, and separation pay in lieu of reinstatement.

All told, petitioners failed to show that the CA committed any reversible error as to warrant the Court's exercise of its discretionary appellate jurisdiction. Besides, petitioners' failure to submit a soft copy in compact disc, USB, or e-mail containing the PDF file of the signed Petition for Review on *Certiorari* and a hard copy thereof pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC further justifies the denial of the petition.

Lastly, pursuant to *Nacar vs. Gallery Frames*,¹⁴ the Court imposes legal interest on the total monetary award in favor of respondents at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until full satisfaction.

WHEREFORE, the Petition is **DENIED**. The Decision dated January 15, 2021 and the Resolution dated October 14, 2021 of the Court of Appeals in CA-G.R. SP No. 163354 are **AFFIRMED** with modification in that the total monetary award in favor of respondents shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until full satisfaction.

The case is **REMANDED** to the Labor Arbiter for the computation of the amounts due to respondents Domingo Carbonel and Rex Bonita and for the immediate execution of this Resolution.

¹² See *Valenzuela v. Alexandra Mining and Oil Ventures, Inc.*, 796 Phil. 873, 885 (2016). Citation omitted.

¹³ Id. at 41. See Position Paper dated June 28, 2018.

¹⁴ 716 Phil. 267, 281 (2013).

SO ORDERED.”

By authority of the Court:

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