



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **January 11, 2023**, which reads as follows:

**“G.R. No. 261710 (Norman R. Peñaflorida, Petitioner v. Delfi Foods, Inc., Ronie Zarate [HR Manager], Jimmad Manpower Services and Josephat Bravante [Operations Manager]). — The Court NOTES WITHOUT ACTION:**

- (1) the Motion for Leave to File the Attached Comment dated October 10, 2022, filed by respondents Delfi Foods, Inc. and Ronato Zarate, on the petition for review on *certiorari*.
- (3) said Comment dated October 10, 2022.

After a judicious study of the case, the Court resolves to **DENY** the instant Petition for Review on *Certiorari*<sup>1</sup> for failure of Norman R. Peñaflorida (petitioner) to show that the Court of Appeals committed any serious reversible error in dismissing his petition<sup>2</sup> and in denying his motion for reconsideration<sup>3</sup> thereof, in CA-G.R. SP No. 163716.

Incipiently, it is well settled that generally, the Court does not disturb the findings of the Court of Appeals in labor cases, especially if they are unanimous with the findings of the Labor Arbiter and the National Labor Relations Commission. This is in recognition of the expertise of administrative agencies whose jurisdiction is limited to specific fields of law. In this regard, Rule 45 petitions should raise only questions of law as the Court is not duty-bound to analyze and reexamine the evidence already passed upon by courts or tribunals below.<sup>4</sup> While there are recognized exceptions to this

<sup>1</sup> *Rollo*, pp. 10-30.

<sup>2</sup> *Id.* at 32-40. The Decision dated October 19, 2021 was penned by Associate Justice Germano Francisco D. Legaspi, with the concurrence of Associate Justices Ramon R. Garcia and Carlito B. Calpatura.

<sup>3</sup> *Id.* at 41-43. The Resolution dated May 10, 2022 was penned by Associate Justice Germano Francisco D. Legaspi, with the concurrence of Associate Justices Ramon R. Garcia and Carlito B. Calpatura.

<sup>4</sup> See *Mecaydor v. Saekyung Realty Corp.*, G.R. No. 249616, October 11, 2021 [Per J. Inting, Second Division] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

rule,<sup>5</sup> petitioner failed to prove, or even allege, that any of them arose in the case at bench.

At any rate, even on the merits, the Petition has no leg to stand on. It is basic that in labor disputes, grave abuse of discretion may be ascribed to the National Labor Relations Commission, which is reversible by the Court of Appeals on *certiorari*, when, *inter alia*, its findings and the conclusions reached thereby are not supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.<sup>6</sup>

In this regard, it is jurisprudentially settled that the determination of the existence of an independent contractor relationship involves a multitude of factors.<sup>7</sup> Here, as correctly found by the Labor Arbiter, and subsequently affirmed by the National Labor Relations Commission and the Court of Appeals, respondents Delfi Foods, Inc.; Ronie Zarate, the HR Manager; Jimmad Manpower Services; and Josephat Bravante, the Operations Manager, were able to substantiate that Jimmad Manpower Services is an independent contractor. It is duly registered as an employer with the Department of Trade and Industry, the Social Security System, the Philippine Health Insurance Corporation, Pag-IBIG Fund, as well as the Department of Labor and Employment, under Certificate of Registration No. NCR-PFO-78101-092916-136-LR. So, too, the finding that JMS has sufficient capitalization was supported by its audited financial statements and well within the minimum capitalization requirement under Department Order No. 174, Series of 2017.<sup>8</sup> Moreover, it was demonstrated that apart from Delfi Foods, Inc., Jimmad Manpower Services had other reputable and high-profile clients. Most importantly, Jimmad Manpower Services exercised the power of discipline and supervision over petitioner, as well as control over his conduct and performance.<sup>9</sup>

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<sup>5</sup> *I.e.*: (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify different conclusion. *See id.*

<sup>6</sup> *See Simon v. The Results Companies*, G.R. Nos. 249351-52, March 29, 2022[Per J. Inting, Second Division] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>7</sup> *I.e.*: whether or not the contractor is carrying on an independent business; the nature and extent of the work; the skill required; the term and duration of the relationship; the right to assign the performance of specified pieces of work; the control and supervision of the work to another; the employer's power with respect to the hiring, firing and payment of the contractor's workers; the control of the premises; the duty to supply premises, tools, appliances, materials and labor; and the mode, manner and terms of payment. *See Mecaydor v. Saekyung Realty Corp.*, *supra* note 4 at 11.

<sup>8</sup> RULES IMPLEMENTING ARTICLES 106 TO 109 OF THE LABOR CODE, AS AMENDED, approved on March 16, 2017.

<sup>9</sup> *Rollo*, pp. 34-35, 68-72, & 87-92.

Guided by the foregoing disquisitions, it is apparent that no illegal dismissal took place. The Labor Arbiter, the National Labor Relations Commission, and the Court of Appeals were all in harmony that Jimmad Manpower Services is a legitimate independent contractor which validly terminated petitioner's employment when he abandoned his work, thereby effectively ending his employment.

All told, the Court finds and so holds that there is substantial evidence to support the decision of the National Labor Relations Commission sustaining the ruling of the Labor Arbiter; hence, there exists no reversible error when the Court of Appeals affirmed the same.

Nevertheless, pursuant to prevailing jurisprudence, the Court modifies the dispositive portion of the subject rulings to impose legal interest at the rate of six percent (6%) *per annum* upon the monetary award granted to petitioner.<sup>10</sup>

**WHEREFORE**, the *Decision* dated October 19, 2021 and the *Resolution* dated May 10, 2022 of the Court of Appeals in CA-G.R. SP No. 163716 are **AFFIRMED** with **MODIFICATION**. Respondent Jimmad Manpower Services is **ORDERED** to pay petitioner Norman R. Peñaflorida nominal damages in the amount of PHP 30,000.00, which shall earn six percent (6%) legal interest *per annum* from finality of this Resolution until full payment.

**SO ORDERED."**

By authority of the Court:

*Misael Domingo C. Battung III*  
MISAEAL DOMINGO C. BATTUNG III  
Division Clerk of Court  
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<sup>10</sup> *Teodoro v. Teekay Shipping Philippines, Inc.*, G.R. No. 244721, February 5, 2020. [Per J. Perlas-Bernabe, Second Division] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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NLRC NCR CASE No. 08-13608-18)

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**G.R. No. 261710**

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