



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **08 July 2020** which reads as follows:*

“G.R. No. 251700 (Mike S. Cleofas, et al. v. ARMS Corporation of the Philippines, et al.). – The petition lacks merit.

The Labor Arbiter (LA), the National Labor Relations Commission (NLRC), and the Court of Appeals (CA) were unanimous in their findings and conclusions, based on the pieces of evidence presented, that respondent Support One Manpower Services, Inc. (SOMSI) is a legitimate job contractor and that petitioners are employees of respondent SOMSI and not of respondent ARMS Corporation of the Philippines (ARMSCOR).

Elementary is the principle that this Court is not a trier of facts; only errors of law are generally reviewed in petitions for review on *certiorari* under Rule 45 criticizing decisions of the Court of Appeals. Questions of fact are not entertained. And in labor cases, this doctrine applies with greater force. Factual questions are for labor tribunals to resolve. Judicial review of labor cases does not go beyond the evaluation of the sufficiency of the evidence upon which its labor officials’ findings rest. As such, the findings of facts and conclusion of the NLRC are generally accorded not only great weight and respect but even clothed with finality and deemed binding on this Court as long as they are supported by substantial evidence.¹

The Court finds no justification to deviate from the said doctrine wanting a clear showing that the findings of the LA, as affirmed by the NLRC, are bereft of substantiation. Particularly when passed upon and upheld by the Court of Appeals, they are binding and conclusive upon this Court and will not normally be disturbed.² While there are recognized exceptions to the doctrine above discussed, none of them applies in this case.

¹ *Acebedo Optical v. NLRC*, 554 Phil. 524, 541 (2007).

² *Id.*

In any event, a review of the records shows that no reversible error was committed by the CA.

Respondent SOMSI supported its claim of being a legitimate and independent job contractor by presenting its Certificate of Registration duly issued by the Department of Labor and Employment (DOLE), and its general information sheet showing that it has the required substantial capital to operate as a legitimate job contractor during the period of its service agreement with respondent ARMSCOR. The ₱6,000,000.00 paid up capital of respondent SOMSI was sufficient even when the capitalization requirement for contractors has been increased to ₱5,000,000.00 by DOLE Department Order No. 174, series of 2017. It pays the petitioners their salaries and remits to the government their monthly contributions to the Social Security System (SSS), Pag-ibig, and Philippine Health Insurance Corporation (Philhealth). It also solely exercised control and supervision over petitioners in the performance of their work.³

On the other hand, other than petitioners' general allegation that they were initially interviewed by respondent ARMSCOR's employees and that they were using the tools and equipment owned by respondent ARMSCOR, petitioners presented no other evidence to substantiate their claim that they are employees of respondent ARMSCOR. Petitioners also failed to substantiate their claim that they started working for respondent ARMSCOR prior to November 2, 2016 through a different agency.⁴

In labor cases, as in other administrative and quasi-judicial proceedings, the quantum of proof necessary is substantial evidence, or such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.⁵ And the burden of proof rests upon the party who asserts the affirmative of an issue. Here, it is petitioners who are claiming to be employees of respondent ARMSCOR. Thus, it is incumbent upon them to proffer evidence to prove the existence of employer-employee relationship between them. They need to show by substantial evidence that they were indeed employees of respondent ARMSCOR. Verily, the burden to prove the elements of an employer-employee relationship, viz.: (1) the selection and engagement of the employee; (2) the payment of wages; (3) the power of dismissal; and (4) the power of control, lies upon petitioners.⁶

WHEREFORE, the petition is **DENIED**. The Court of Appeals' Decision dated November 8, 2019 and the Resolution dated January 16, 2020 are **AFFIRMED**.

SO ORDERED." (J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020.)

³ DOLE DO No. 174 Section 3(l), series of 2017.

⁴ Appears in some part of the records as November 7, 2016.

⁵ *Marsman & Co., Inc. v. Sta. Rita*, G.R. No. 194765, April 23, 2018.

⁶ *Atienza v. Saluta*, G.R. No. 233413, June 17, 2019.

Very truly yours,


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09 SEP 2020

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