

## THIRD DIVISION

[ G.R. No. 211411, March 16, 2016 ]

**SILVERTEX WEAVING CORPORATION/ARMANDO  
ARCENAL/ROBERT ONG, PETITIONERS, VS. TEODORA F. CAMPO,  
RESPONDENT.**

### RESOLUTION

**REYES, J.:**

Before the Court is a petition for review on *certiorari*<sup>[1]</sup> filed by Silvertex<sup>[2]</sup> Weaving Corporation (STWC), Armando Arcenal (Arcenal) and Robert Ong (petitioners) assailing the Decision<sup>[3]</sup> dated June 13, 2013 and Resolution<sup>[4]</sup> dated February 12, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 124881.

#### Facts of the Case

The case stems from a complaint for illegal dismissal and monetary claims filed by Teodora F. Campo (respondent) against the petitioners, wherein she claimed that she worked for STWC as a weaving machine operator beginning June 11, 1999, until she was unlawfully dismissed from employment on November 21, 2010. Prior to her dismissal, she was suspended for one week beginning November 14, 2010 after a stitching machine that she was operating overheated and emitted smoke on November 13, 2010. When the respondent tried to report back to work on November 21, 2010, she was denied entry by the STWC's security guard, reportedly upon the instructions of Arcenal.<sup>[5]</sup>

For their defense, the petitioners argued that the respondent, who was hired only in June 2009, voluntarily resigned from STWC after she was reprimanded for poor job performance. They submitted a handwritten resignation letter<sup>[6]</sup> allegedly executed by the respondent on November 13, 2010, together with the Waiver, Release and Quitclaims Statement<sup>[7]</sup> that she supposedly signed following her receipt of P30,000.00 from STWC.<sup>[8]</sup> The respondent, however, denied having executed the resignation letter, the quitclaim, and the supposed receipt of the P30,000.00.<sup>[9]</sup>

#### **Ruling of the Labor Arbiter and National Labor Relations Commission**

After finding merit in the documentary evidence presented by the petitioners, Labor Arbiter Fatima Jambaro-Franco (LA Franco) rendered on June 30, 2011 a Decision<sup>[10]</sup> dismissing the respondent's complaint for lack of merit.

Dissatisfied, the respondent appealed to the National Labor Relations Commission (NLRC). On November 29, 2011, the NLRC issued its Resolution<sup>[11]</sup> initially granting the appeal. It ruled that the respondent's signatures on the petitioners'

documentary evidence appeared to be mere forgeries.<sup>[12]</sup> During the conciliation proceedings, the petitioners also failed to raise the existence of the documents, leading the NLRC to conclude that they were merely fabricated to suit the interests of STWC.<sup>[13]</sup> In conclusion, the respondent was found to have been constructively dismissed, and thus entitled to reinstatement and monetary awards. Accordingly, the dispositive portion of the NLRC resolution reads:

WHEREFORE, premises considered, the instant appeal is GRANTED, and the assailed Decision dated June 30, 2011 is REVERSED and SET ASIDE to the effect that the [respondent] was illegally dismissed, and the [petitioners] are hereby held solidarily liable to the [respondent] as follows:

1. REINSTATE the [respondent] to her former or substantially equivalent position without loss of seniority rights;
2. FULL BACKWAGES - partially computed at ---- P135,672.09  
-
3. PRO-RATED 13TH Month Pay for 2010 ----- P 9,103.47  
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4. SILP for 2009 and 2010 ----- P 3,605.67  
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5. Moral Damages----- P 20,000.00  
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6. Attorney's fees ----- P16,838.12  
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equivalent to 10% of the total monetary award

SO ORDERED.<sup>[14]</sup>

Upon Motion for Reconsideration<sup>[15]</sup> filed by the petitioners, the NLRC however issued Resolution<sup>[16]</sup> dated March 19, 2012 granting the motion. It then reinstated and affirmed *in toto* the decision of LA Franco. It heavily considered a Questioned Document Report (QDR)<sup>[17]</sup> from the Philippine National Police (PNP) Crime Laboratory, which purportedly indicated that upon examination, the disputed signatures on the resignation letter and quitclaim were written by the respondent.<sup>[18]</sup> The burden to disprove the authenticity of the submitted documents allegedly fell upon the respondent, through evidence other than a bare denial.<sup>[19]</sup>

### **Ruling of the CA**

Feeling aggrieved, the respondent filed with the CA a petition for *certiorari*, which was later granted by the CA in its Decision dated June 13, 2013. The decretal portion of the decision reads:

**WHEREFORE**, the instant petition for certiorari is **GRANTED**. The 29 November 2011 Resolution of the [NLRC] is **REINSTATED** with **MODIFICATIONS**, as follows: (1) the award of moral damages in favor of the [respondent] is increased from P20,000.00 to P50,000.00; and (2)

legal interest at the rate of 6% per annum is imposed on the total monetary awards in favor of the [respondent] computed from 21 November 2010 until fully paid.

**SO ORDERED.**<sup>[20]</sup>

Hence, the present petition for review on *certiorari* wherein the petitioners impute error upon the CA declaring the respondent to have been illegally dismissed, given the documentary evidence that they presented to prove the fact of the latter's resignation. They further refer to the QDR issued by the PNP Crime Laboratory, allegedly attesting to the genuineness of the respondent's signatures appearing in the resignation letter and quitclaim, waiver and release.

### **Ruling of the Court**

The Court denies the petition.

The Court underscores the petitioners' insistent claim that the respondent was not dismissed, but had voluntarily resigned from employment with STWC. The respondent, on the other hand, consistently and vehemently denied the genuineness of the signatures in the two subject documents presented by the petitioners. She likewise denied any intention to sever her employment with the company.

Anent the foregoing circumstances, it is well-settled by jurisprudence that in labor cases, "the employer has the burden of proving that the employee was not dismissed, or, if dismissed, that the dismissal was not illegal."<sup>[21]</sup> The NLRC's pronouncement that it was incumbent upon the respondent to dispute the genuineness of her signature on the resignation letter was then clearly misplaced. As the Court emphasized in *San Miguel Properties Philippines, Inc. v. Gucaban*:<sup>[22]</sup>

Resignation - the formal pronouncement or relinquishment of a position or office - is the voluntary act of an employee who is in a situation where he believes that personal reasons cannot be sacrificed in favor of the exigency of the service, and he has then no other choice but to disassociate himself from employment. The intent to relinquish must concur with the overt act of relinquishment; hence, the acts of the employee before and after the alleged resignation must be considered in determining whether he in fact intended to terminate his employment. **In illegal dismissal cases, fundamental is the rule that when an employer interposes the defense of resignation, on him necessarily rests the burden to prove that the employee indeed voluntarily resigned.** x x x.<sup>[23]</sup> (Citations omitted and emphasis ours)

The petitioners attempted to discharge the burden of proving the respondent's resignation by referring mainly to a letter allegedly executed by the respondent. The CA, however, correctly explained that the NLRC's reliance thereon and on the QDR from the PNP Crime Laboratory to prove the letter's authenticity was unsatisfactory. In contrast with the NLRC's conclusion in its Resolution dated March 19, 2012 that the respondent actually executed the resignation letter, the full report of the PNP