SUPREME COURT
THIRD DIVISION

MOISES B. PANLILIO,
***Petitioner*,**

-versus-

G.R. No. 117459
October 17, 1997

NATIONAL LABOR RELATIONS COMMISSION (NLRC FIRST DIVISION) AND FINDSTAFF PLACEMENT SERVICES, INC. AND OMAN SHERATON HOTEL, INC.,
***Respondents*.**
x----------x

D E C I S I O N

ROMERO, *J.*:

Herein petitioner, unfazed by countless tales of overseas workers who embark adventurously on trips to "Promised Lands" only to find themselves shortchanged, or worse jobless, dares to trek the same path. His glorious dream lasted but six months when he was peremptorily dismissed on the ground that his position had become redundant.

The facts as borne out by the records reveal that:

Petitioner Moises B. Panlilio was recruited by private respondent Findstaff Placement Services (FPS) for employment in the Sheraton Hotel in Oman as Recreational Manager in October 1991. The contract was for a period of two years with a monthly compensation of one thousand one hundred dollars ($1,100.00). Petitioner's good fortune, however, did not last long, for in March 1992 his services were terminated on the ground that his position had become redundant.

He then filed a complaint for illegal dismissal before the Adjudication Office of the Philippine Overseas Employment Administration (POEA) which was docketed as POEA Case No. (L) 92-03-551. After due trial, the POEA rendered a decision dated April 21, 1993 ruling that petitioner was illegally dismissed on the premise that the alleged redundancy of his position was not adequately proven.[1]

FPS filed an appeal before the National Labor Relations Commission. In its decision dated April 19, 1994,[2] despite newly submitted affidavits from the officers of the Director of Personnel and Training Division of Sheraton Hotel by FPS substantiating the redundancy of petitioner's position, the NLRC affirmed the POEA's decision and dismissed the appeal for lack or merit.

Undaunted by another setback, FPS filed a motion for reconsideration. To petitioner's surprise and dismay, the NLRC reversed itself and rendered a new decision[3] upholding the validity of his dismissal on ground of redundancy. Hence, this petition.

Petitioner claims that the NLRC gravely abused its discretion when it reversed its original ruling on the basis of the affidavits which it had earlier ruled out as self-serving and of no evidentiary value.

After a careful study of the relevant facts, we are constrained to reverse the findings of the NLRC.

In the case at bar, FPS failed to present substantial evidence to justify the dismissal of petitioner on the ground of redundancy. The affidavits and documents it submitted are entitled to little weight, for it does not prove the superfluity of petitioner's position.[4] In fact, these documents do not even present the necessary factors which

would confirm that a position is indeed redundant, such as overhiring of workers, decreased volume of business or dropping of a product line or service activity.[5]

On this matter, we agree with the observation and conclusion of the POEA which we quote, to wit:

> "Not a single evidence was submitted to bolster their contention. It is not enough for respondent to allege that complainant's position became redundant and that there was restructuring of the staff at the Health Club of the Oman Sheraton Hotel. Respondents should have presented evidence to support this contention, such as but not limited to the new staffing pattern, feasibility studies/proposal, on the viability of the newly created positions, job description and the approval by the management of the restructuring."[6]

This view was bolstered by the NLRC in its original decision wherein it held that:

> "The affidavits just recently submitted merely touched on the issue of discrimination denying it ever existed or that complainant was its victim. Apart from being self-serving as having been issued by present employees of respondent Oman Sheraton Hotel to whom their loyalty are (sic) expected to lie, we simply cannot give much weight to it in the light of our inability and that of the complainant to confront them with the documents they purportedly signed under oath. More so, even granting arguendo that no discrimination transpired still, the fact remains that the restructuring and redundancy that became the basis of complainant's severance from employment remains an imaginary preposition unsupported by concrete evidence."[7]

In its resolution granting FPS's motion for reconsideration, however, the NLRC made a sudden turnaround and, relying on the same evidence, ruled that redundancy of petitioner's position was adequately proven, necessitating the reversal of its original decision. We cannot accommodate the new stance of the NLRC.

In overturning its earlier decision, the NLRC reasoned out that since it could have summoned one of the affiants to amplify his statement, it erred in ruling that said affidavits were self-serving and of little value.

This argument fails to impress us. Undoubtedly, said documents still do not sufficiently explain the reason why petitioner's position had become redundant, but only elucidated the fact that he was not a victim of any discrimination in effecting the termination.

We have held that it is important for a company to have fair and reasonable criteria in implementing its redundancy program, such as but not limited to, (a) preferred status, (b) efficiency and (c) seniority.[8] Unfortunately for FPS, such appraisal was not done in the instant case.

Petitioner alleges that the NLRC erred in considering these affidavits which were introduced for the first time on appeal. We rule that the NLRC acted correctly when it admitted the affidavits submitted by FPS on appeal, for it cannot be disputed that technical rules of evidence are not binding in labor cases.[9] Labor officials should use every reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law or procedure, all in the interest of due process.[10]

In line with the Court's liberal stance regarding procedural deficiencies in labor cases, we have held that even if the evidence was not submitted at the earliest possible opportunity, the fact that it was duly introduced on appeal to the NLRC is enough basis for its eventual admission.[11]

The admissibility of the affidavits notwithstanding, we cannot affirm the decision of the NLRC especially when its findings of fact on which the conclusion was based are not supported by substantial evidence,[12] that is, the amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[13]

WHEREFORE, the instant petition is **GRANTED**. The challenged resolution is **SET ASIDE** and the decision of the Philippine Overseas

Employment Agency is hereby **REINSTATED**. Costs against private respondent.

SO ORDERED.

Narvasa, *C.J.*, Melo, Francisco and Panganiban, *JJ.*, concur.

---

[1] Rollo, pp. 25-29.
[2] Ibid., pp. 19-24.
[3] Id., pp. 13-18.
[4] Rollo, p. 22.
[5] American Home Assurance Co. vs. NLRC, 259 SCRA 280 (1996).
[6] Rollo, pp. 27-28.
[7] Ibid., p. 23.
[8] Capitol Wireless, Inc. vs. Hon Secretary Ma. Nieves R. Confesor, et al., G.R. No. 117174, November 13, 1996.
[9] Art. 221, Labor Code.
[10] Magna Rubber Manufacturing Corporation vs. Drilon, December 29, 1988.
[11] Philippine Telegraph and Telephone Corporation vs. NLRC, 183 SCRA 451 (1990); Bristol Laboratories Employees Association vs. NLRC, 187 SCRA 118 (1990).
[12] Labor vs. NLRC, 248 SCRA 183 (1995).
[13] Remo Foods, Inc. vs. NLRC, 249 SCRA 379 (1995).
