Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

FLORDIVINA M. GASPAR,[*]
Petitioner,

- versus -

M.I.Y REAL ESTATE CORP.,[**] **and MELISSA ILAGAN YU,**
Respondents.

G.R. No. 239385

Present:

GESMUNDO,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, *JJ.*

Promulgated:

APR 17 2024

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DECISION

HERNANDO, *J.*:

This Petition for Review on *Certiorari*[1] (Petition) challenges the Decision[2] and the Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 141835,

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[*] Referred to as "Flordivina G. Tenorio" in some parts of the *rollo*.

[**] Referred to as "MIY Real Estate Corporation" in some parts of the *rollo*.

1 *Rollo*, vol. 1, pp. 9–45.

2 *Id.* at 84–100. The April 26, 2017 Decision in CA-G.R. SP No. 141835 was penned by Associate Justice Henri Jeal Paul B. Inting (now a Member of this Court), and concurred in by Associate Justices Ramon R. Garcia and Leoncia R. Dimagiba of the Fourteenth Division, Court of Appeals, Manila.

3 *Id.* at 56–58. The October 11, 2017 Resolution in CA-G.R. SP. No. 141835 was penned by Associate Justice Henri Jeal Paul B. Inting (now a Member of this Court), and concurred in by Associate Justices Ramon R. Garcia and Leoncia R. Dimagiba of the Former Fourteenth Division, Court of Appeals, Manila.

which affirmed *in toto* the Decision[4] of the National Labor Relations Commission (NLRC) in NLRC LAC No. 01-000260-15 (NLRC NCR Case No. 08-10199-14).

The CA held that the labor tribunal did not commit grave abuse of discretion when it declared that: (1) petitioner Flordivina M. Gaspar was not an employee of M.I.Y. Real Estate Corporation (M.I.Y.); and (2) petitioner was engaged as a domestic worker of Melissa Ilagan Yu (Yu) (collectively respondents).[5]

Factual Antecedents

A Complaint[6] for illegal dismissal with money claims dated August 14, 2014 was filed by petitioner against M.I.Y. and Yu. Petitioner alleged (1) that she was a regular employee of M.I.Y;[7] (2) that she was hired on April 10, 2013 as Facilities Maintenance and Services (FM&S) personnel at the Goldrich Mansion, where M.I.Y. conducted its business and Yu maintained a separate residence;[8] (3) as FM&S personnel, her duty was to monitor and maintain the orderliness and cleanliness of every floor of the building, including its establishments such as a spa, massage parlor, salon, bar, transient rooms, and agency (yaya.com);[9] (3) that she cleaned, mopped the floor, washed the glass windows of every floor, changed the bedsheets, pillows, and curtains of the transient rooms, and cleaned all the transient rooms;[10] (4) that she also maintained the things used in the spa and massage parlor, like changing the towels used, checking the provisions for face towels, uniforms, and accessories, and monitored the staff;[11] and (5) that she was also assigned to handle, monitor, and clean the penthouse where Yu's office was located.[12] In other words, petitioner performed her tasks as FM&S staff for M.I.Y and Yu.

Petitioner further alleged that respondents crafted a policy to force her to end the contract with them every six months.[13] Petitioner was allegedly instructed to make a copy of a resignation letter given to her, then affix her name

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4 *Id.* at 276–284. The March 31, 2015 Decision of the National Labor Relations Commission-Sixth Division in NLRC LAC No. 01-000260-15 (NLRC NCR Case No. 08-10199-14) was penned by Presiding Commissioner Joseph Gerard E. Mabilog, and concurred in by Commissioners Isabel G. Panganiban-Ortiguerra and Nieves E. Vivar-De Castro of the Sixth Division, National Labor Relations Commission, Quezon City.

5 *Id.* at 93.

6 *Id.* at 86.

7 *Id.*

8 *Id.* at 86, 92.

9 *Id.* at 86.

10 *Id.*

11 *Id.*

12 *Id.*

13 *Id.* at 87.

and signature.[14] Furthermore, she was instructed to take a two-week vacation, then return to work thereafter.[15] Petitioner also complained and reported to respondents that, by the negligence of another employee, her eyes were hit by a hot blower sprayed by the steamer in the spa, and that she did not receive any medication or medical help.[16]

Petitioner returned to work on December 13, 2013 until the termination of her services on July 2, 2014.[17] In the morning of July 2, 2014, petitioner tried to enter the building to report for work, but a certain Ms. Josephine, her supervisor, advised her not to report for work anymore.[18] Unrelenting, petitioner went back to the office to clarify on the reason for her termination.[19] However, she was instead forced to sign an end-of-contract statement again or a notice of termination dated July 11, 2014, which was unsigned by the HR & T Supervisor.[20] When she refused to sign the document, a certain Mr. Jason, the assistant of the HR & T Supervisor, informed petitioner that she would not receive her last salary if she did not sign the document.[21] Petitioner also alleged that Yu sent her hurtful and threatening text messages warning her not to file any labor case.[22]

In all, petitioner alleged that the facts stated above clearly established that she was a regular employee of M.I.Y. by operation of law.[23] Petitioner also claimed that: (1) the duration of her employment lasted for almost 15 months or one year and three months;[24] (2) her work was considered necessary and desirable in the usual business or trade of the company, and that she was directly hired by M.I.Y;[25] and (3) M.I.Y. imposed a scheme to prevent her from attaining the status of a regular employee within the company.[26]

To rebut these accusations, M.I.Y. alleged in its Position Paper[27] that it was a small realty and development company with only four employees, and that petitioner was not one of the four employees.[28] M.I.Y. presented the payment receipts it made to the Social Security System, Home Development Mutual Fund, and Philippine Health Corporation, which did not include

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14 *Id.*
15 *Id.* at 88.
16 *Id.*
17 *Id.*
18 *Id.*
19 *Id.*
20 *Id.*
21 *Id.*
22 *Id.*
23 *Id.* at 89.
24 *Id.*
25 *Id.*
26 *Id.*
27 *Id.* at 317–325.
28 *Id.* at 89.

petitioner's name.[29] Finally, M.I.Y. alleged that petitioner was a domestic worker or a *kasambahay* of Yu, who is a director of M.I.Y. and a resident of the penthouse in the same building that M.I.Y. held its office.[30]

In her Position Paper,[31] Yu claimed that petitioner was originally hired by her mother in April 2013 so that petitioner could help in Yu's household needs in her Pasig City residence located at No. 604 Manila Luxury Condominium, Pearl Drive Street, Ortigas, Pasig City.[32] However, petitioner frequently fought with other domestic workers in her Pasig City residence which prompted Yu to transfer petitioner to her penthouse located at Goldrich Mansion in Makati City.[33] In Yu's Makati City residence, petitioner was assigned with the task of cleaning and maintaining its orderliness from time to time for which she was paid PHP 4,000.00 per month.[34]

Yu further alleged that petitioner behaved and acted in a way that caused the ire of herself and everyone else.[35] Yu finally alleged that petitioner left her household on July 1, 2014.[36]

Ruling of the Labor Arbiter

On November 12, 2014, the Labor Arbiter (LA) ruled that petitioner was not an employee of M.I.Y.[37] The Complaint was therefore dismissed for lack of merit and jurisdiction.[38]

The decretal portion of the LA Decision[39] reads:

> WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the complaint for lack of merit and jurisdiction.
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> SO ORDERED.[40]

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29 *Id.*
30 *Id.*
31 *Id.* at 326–331.
32 *Id.* at 89.
33 *Id.* at 89–90.
34 *Id.* at 90.
35 *Id.*
36 *Id.*
37 *Id.*
38 *Id.*
39 *Id.* at 288–295. The November 12, 2014 Decision in NCR-08-10199-14 was penned by Labor Arbiter Enrique L. Flores, Jr. of the National Labor Relations Commission, Quezon City.
40 *Id.* at 295.

Applying the four-fold test to the case, the arbiter found no employer-employee relationship between petitioner and M.I.Y.[41] The arbiter instead held that petitioner was a domestic worker who rendered household work for Yu, and was under the control of Yu.[42]

Petitioner then filed her appeal to the NLRC.[43]

Ruling of the National Labor Relations Commission

On March 31, 2015, the NLRC dismissed the appeal of petitioner for lack of merit, and affirmed the LA Decision with respect to the dismissal of the Complaint.[44] The dispositive portion of the NLRC Decision[45] states:

> **WHEREFORE**, premises considered, the appeal is hereby dismissed for lack of merit. The Decision of the Labor Arbiter dated 12 November 2014 is affirmed with respect to the dismissal of the complaint.
>
> **SO ORDERED.**[46]

The NLRC ruled that petitioner had the burden to prove that she was an employee of M.I.Y. and Yu through substantial evidence.[47] However, the pieces of evidence submitted by petitioner were insufficient to prove an employer-employee relationship between her and M.I.Y.[48]

Moreover, petitioner failed to specifically deny the allegations of Yu with regard to her hiring as a domestic worker.[49] Thus, petitioner's engagement as a domestic worker was inconsistent with company employment.[50]

Undeterred, petitioner filed a motion for reconsideration before the appellate court. However, the same was denied for lack of merit in a Resolution[51] promulgated on May 29, 2015.[52]

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41 *Id.* at 290–294.
42 *Id.* at 294.
43 *Id.* at 276.
44 *Id.* at 91.
45 *Id.* at 276–284.
46 *Id.* at 283.
47 *Id.* at 279.
48 *Id.* at 279–283.
49 *Id.* at 282–283.
50 *Id.* at 283.
51 *Id.* at 285–286.
52 *Id.* at 286.

Dissatisfied with the proceedings before the LA and the NLRC, petitioner lodged her appeal before the CA through a Petition for *Certiorari*.[53]

As directed by the appellate court in a Resolution[54] dated September 11, 2015, petitioner filed an Amended Petition for *Certiorari*[55] impleading the NLRC as a respondent.

Ruling of the Court of Appeals

On April 26, 2017, the appellate court dismissed the appeal. The dispositive portion of the CA Decision[56] reads:

> WHEREFORE, the petition is DISMISSED.
>
> Accordingly, the Decision dated March 31, 2015 and the Resolution dated May 29, 2015 of the National Labor Relations Commission (NLRC)-Sixth Division in NLRC LAC No. 01-000260-15 (NLRC NCR CASE No. 08-10199-14) are AFFIRMED *in toto*.
>
> SO ORDERED.[57]

The appellate court found that the NLRC did not commit grave abuse of discretion when it declared as follows: (1) that petitioner was not an employee of M.I.Y.; (2) that she was only engaged as a domestic worker of Yu; and, (3) that these findings and conclusions were supported by substantial evidence.[58]

Undaunted, petitioner sought reconsideration.[59] However, on October 11, 2017, the appellate court denied the motion for reconsideration. The CA found that the contentions of petitioner were already considered, weighed, and resolved in its assailed Decision dated April 26, 2017.[60]

Thus, the dispositive portion of the CA Resolution[61] states:

> WHEREFORE, the MOTION FOR RECONSIDERATION is DENIED for lack of merit.
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> SO ORDERED.[62]

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53 *Id.* at 85.
54 *Id.* at 174–224.
55 *Id.* at 225.
56 *Id.* at 84–100.
57 *Id.* at 99–100.
58 *Id.* at 285–286.
59 *Id.* at 57.
60 *Id.*
61 *Id.* at 56–58.
62 *Id.* at 57–58.

Dissatisfied, petitioner filed the instant Petition ascribing several errors on the part of the appellate court. Essentially, she argues that the appellate court committed grave abuse of discretion amounting to lack or in excess of jurisdiction when it affirmed that she was a domestic worker of Yu and that there was no employer-employee relationship between her and M.I.Y.[63]

Issue

The pivotal issue is whether the CA committed grave abuse of discretion amounting to lack or in excess of jurisdiction in ruling that petitioner is not an employee of M.I.Y. and consequently affirming the dismissal of the appeal for lack of jurisdiction.

Our Ruling

We rule in the negative and deny the Petition for lack of merit.

Petitioner did not establish with substantial evidence her employment with M.I.Y. Thus, the CA did not commit grave abuse of discretion amounting to lack or in excess of jurisdiction when it declared petitioner as a domestic worker of Yu and consequently affirmed the labor tribunals.

Judicial review of a labor case

Petitioner alleges that the CA committed grave abuse of discretion amounting to lack or in excess of jurisdiction when it affirmed the finding that she was a domestic worker of Yu, and not an employee of M.I.Y.[64]

We disagree.

The decision of the NLRC may be reviewed by the CA through a Rule 65 petition when there is grave abuse of discretion amounting to lack or in excess of jurisdiction.[65]

Grave abuse of discretion is defined in jurisprudence as such capricious and arbitrary exercise of judgment as equivalent, in the eyes of the law, to lack of jurisdiction.[66] There is grave abuse of discretion where the power is exercised

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63 *Id.* at 14–16.

64 *Id.* at 16–38.

65 *Ditiangkin v. Lazada E-Services Philippines, Inc.*, G.R. No. 246892, September 21, 2022 [Per SAJ. Leonen, Second Division], *citing St. Martin Funeral Home v. National Labor Relations Commission*, 356 Phil. 811, 819 (1998) [Per J. Regalado, *En Banc*] at 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

66 *Bacelonia v. Court of Appeals*, 445 Phil. 300, 307–308 (2003) [Per J. Corona, Third Division]; *Vda. De Bacaling v. Laguna*, 153 Phil. 524, 533–534 (1973) [Per J. Esguerra, First Division].

in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility amounting to an evasion of a positive duty, or a virtual refusal to perform the duty enjoined, or to act at all in contemplation of law.[67] Through time, the meaning of grave abuse of discretion has been expanded to include any action done contrary to the Constitution, the law, or jurisprudence.[68]

In *Ditiangkin v. Lazada E-Services Philippines, Inc.*,[69] this Court ruled that the decisions of the NLRC may be imputed with grave abuse of discretion in the following instances: (1) when they are not supported by substantial evidence or are in total disregard of evidence material to or even decisive of the controversy; (2) when it is necessary to prevent a substantial wrong or to do substantial justice; (3) when the findings of the NLRC contradict those of the LA; and (4) when necessary to arrive at a just decision of the case.[70]

From the appellate court, a party may elevate the case before this Court through a petition for review on *certiorari* under Rule 45 of the Rules of Court raising purely questions of law.[71] For labor cases, a petition for review on *certiorari* under Rule 45 is essentially limited to resolving whether the appellate court correctly determined that there exists grave abuse of discretion and other jurisdictional errors in the ruling of the NLRC.[72]

Furthermore, in jurisprudence, We have recognized the expertise and authority of the NLRC in resolving labor issues.[73] Similar to this Court's appreciation of a trial court's factual findings, the latter being in the best position to observe the demeanor and conduct of the witnesses, We equally regard and value the competence of the arbiters and the NLRC in resolving labor disputes.[74] The NLRC's conclusions relating to questions of fact set forth in the case are accorded great weight and respect, and even clothed with finality and are binding on this Court especially if they are supported by sufficient and substantial evidence.[75]

Juxtaposing the foregoing with the instant Petition, both the NLRC and the CA considered all relevant pieces of evidence for their proper disposition of the present case. To recall, the NLRC and the CA uniformly found that petitioner did not establish with substantial evidence her employment with M.I.Y. Thus,

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67 *Benito v. Commission on Elections*, 402 Phil. 764, 773 (2001) [Per J. De Leon, Jr., *En Banc*]; *Cuison v. Court of Appeals*, 351 Phil. 1089, 1102 (1998) [Per J. Panganiban, First Division].

68 *Republic v. COCOFED*, 423 Phil. 735, 774 (2001) [Per J. Panganiban, *En Banc*].

69 G.R. No. 246892, September 21, 2022 [Per J. Leonen, Second Division].

70 *Id.* at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

71 *Id.*

72 *Id.* (Citation omitted)

73 *Philam Homeowners Association, Inc. v. De Luna*, G.R. No. 209437, March 17, 2021 [Per J. Hernando, Third Division].

74 *Id.*

75 *Id.*, citing *Eastern Shipping Lines, Inc. v. Canja*, 771 Phil. 169, 176 (2015) [Per J. Peralta, Third Division].

the appellate court did not commit any reversible error in its factual and legal findings, which consequently led to the dismissal of petitioner's appeal.

Despite finding no error committed by the labor tribunals and the appellate court, We nonetheless proceed with a resolution of whether petitioner is an employee of M.I.Y.

Petitioner is not a regular employee of M.I.Y. absent an employer-employee relationship

The Court scrutinized the relationship between petitioner and M.I.Y., and found that there is no employer-employee relationship between them.

In the recent case of *Ditiangkin*,[76] this Court ruled that the existence of an employer-employee relationship is determined by employing a two-tiered test: the four-fold test and the economic dependence test.[77]

The often-cited four-fold test requires the concurrence of the following factors: (1) the employer's selection and engagement of the employee; (2) the payment of wages; (3) the power to dismiss; and (4) the power to control the employee's conduct.[78] The Court has held that the power to control is the most significant among the four factors.[79] Under this test, an employer-employee relationship exists where the person for whom the services are performed reserves the right to control not only the end achieved, but also the manner and means to be used in reaching that end.[80]

In *Ditiangkin*, the Court elaborated that the power to control extends not only over the work done but over the means and methods by which the employee must accomplish the work.[81] Moreover, it is sufficient that the employer "has a right to wield the power [of control]" even without actually exercising such power.[82]

This Court only applies the economic dependence test when the control test is insufficient.[83] In the economic dependence test, the economic realities of

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76 G.R. No. 246892, September 21, 2022 [Per SAJ. Leonen, Second Division].

77 *Id.* at 15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

78 *Id.* (Citation omitted)

79 *Id.* (Citation omitted).

80 *Rollo*, vol. 1, p. 97, *citing Atok Big Wedge Co. v. Gison*, 670 Phil. 615, 627 (2011) [Per J. Peralta, Third Division].

81 G.R. No. 246892, September 21, 2022 [Per J. Leonen, Second Division] at 15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

82 *Id.* (Citation omitted)

83 *Id.* at 16.

the employment, such as, among others, the extent to which the services performed are an integral part of the employer's business, or the extent of the worker's investment in equipment and facilities, are considered to get a comprehensive assessment of the true classification of the worker.[84]

We agree with the appellate court's application of the four-fold test in the case at bar and its finding that there is an absence of an employer-employee relationship between petitioner and M.I.Y.[85]

First, there is no evidence to prove that M.I.Y. selected petitioner and engaged her to work as FM&S staff in the company. She merely presented clearances from a certain "Asian Group of Companies," which do not prove that she was hired by M.I.Y.[86]

Second, there is no evidence to prove that M.I.Y. paid her wages. Although petitioner presented petty cash vouchers and an unauthenticated and unverified copy of an ATM Card, these pieces of evidence cannot be considered as evidence of an employment relationship between the parties.[87] Based on the records, the petty cash vouchers were signed only by petitioner[88] while the portion for "approved for payment" was unsigned.[89] The petty cash vouchers were also the standard petty cash vouchers available at bookstores and other shops, which can easily be manufactured by any person.[90] On the other hand, it cannot be identified that M.I.Y. is the payor of the ATM Card.[91]

Third, M.I.Y. does not have the power to dismiss petitioner. The Notice of Termination presented by petitioner was not signed by an employee of M.I.Y.[92] Based on the records, the Notice of Termination designated a certain Jerickson Anonuevo as the HR & T Supervisor but the Notice of Termination remained unsigned.[93] It was not proven that Jerickson Anonuevo is in any way connected to M.I.Y.[94]

Finally, M.I.Y. does not have the power to control petitioner's conduct. M.I.Y. did not control the means and methods by which petitioner performed her tasks as FM&S staff.[95] The clear absence of the power of control leads to the conclusion that petitioner is not an employee of M.I.Y.

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84 *Id.* at 16–17. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)
85 *Rollo*, vol. 1, p. 97.
86 *Id.* at 97, 291.
87 *Id.* at 98.
88 *Id.*
89 *Id.* at 293.
90 *Id.*
91 *Id.* at 98.
92 *Id.*
93 *Id.* at 293.
94 *Id.*
95 *Id.* at 98.

Here, the control test is sufficient to determine the absence of an employer-employee relationship between petitioner and M.I.Y. Thus, the economic realities of the employment under the economic dependence test will not be discussed.

Moreover, We agree with the CA that petitioner's employment with Yu is undisputed under the records and that this fact strengthens M.I.Y.'s argument that petitioner is not its regular employee:

> What is undisputed under the records is that [Gaspar] was hired by [Yu] as house helper and was assigned initially at the latter's residence in Pasig. Later she was transferred to [Yu's Makati City residence] located in the same building where [M.I.Y.] holds office. **These pieces of factual evidence strengthen the allegation that [Gaspar] is not an employee of [M.I.Y.] Since the employer-employee relationship was not proven, there is no *illegal dismissal* to speak of. Therefore, [Gaspar] is not entitled to separation pay, backwages, and damages.**[96] (Emphasis supplied)

Accordingly, the CA correctly ruled that there was no illegal dismissal and that Gaspar is not entitled to any of her money claims.[97] The specific provisions mandating the grant of overtime pay, holiday pay, premium pay, and service incentive leave are provided under Book III, Title I of the Labor Code of the Philippines (Labor Code).[98] In fact, Article 82 of the Labor Code[99] specifically defines the scope of application of the relevant provisions and expressly excludes domestic helpers from its coverage.[100]

Petitioner is a domestic worker of Yu

The Court scrutinized the relationship between petitioner and Yu, and found that there exists a domestic employment relationship between her and Yu.

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96 *Id.* (Citations omitted)

97 *Id.*

98 *Id.* at 99.

99 Art. 82. Coverage. **The provisions of this Title shall apply to employees in all establishments and undertakings whether for profit or not, but not to** government employees, managerial employees, field personnel, members of the family of the employer who are dependent on him for support, **domestic helpers**, persons in the personal service of another, and workers who are paid by results as determined by the Secretary of Labor in appropriate regulations.

As used herein, "managerial employees" refer to those whose primary duty consists of the management of the establishment in which they are employed or of a department or subdivision thereof, and to other officers or members of the managerial staff.

"Field personnel" shall refer to non-agricultural employees who regularly perform their duties away from the principal place of business or branch office of the employer and whose actual hours of work in the field cannot be determined with reasonable certainty. (Emphasis supplied)

100 *Rollo*, vol. 1, p. 99.

Under Republic Act No. 10361, known as the "Domestic Workers Act" or "*Batas Kasambahay*,"[101] "domestic work" is defined as work performed in or for a household or households.[102] The same law defines a "domestic worker" or "*kasambahay*" as any person engaged in domestic work within an employment relationship such as, but not limited to, the following: general house help (sic), nursemaid or "yaya", cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis.[103]

In her Petition, petitioner argues that she is an employee of M.I.Y. because her workplace was at the Goldrich Mansion in Makati City, which is a commercial establishment where Yu's businesses were located and operating.[104] Petitioner cites and applies the cases of *Apex Mining Company, Inc. v. National Labor Relations Commission*[105] and *Remington Industrial Sales Corporation v. Castaneda*,[106] where the Court ruled that a house helper in the staff houses of an industrial company was a regular employee of said firm.[107] To petitioner, she is a regular employee and not a domestic worker because she did not serve for the personal comfort and enjoyment of the family of Yu, and instead worked in all the businesses of Yu and/or business of M.I.Y., which were housed in the same workplace at Makati City.[108]

Petitioner's contentions are untenable.

Contrary to her arguments that she is not a domestic worker,[109] We agree with the CA that petitioner's employment with Yu as a domestic worker remained undisputed under the records.[110] She was hired as a house worker at the latter's Pasig City residence then later transferred to the Makati City residence, where M.I.Y., coincidentally, also held its office.[111] Clearly, petitioner was a domestic worker of Yu and performed household work solely for Yu's benefit.

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED.** The April 26, 2017 Decision and the October 11, 2017 Resolution of the Court of Appeals in CA-G.R. SP No. 141835 are **AFFIRMED.**

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101 Republic Act No. 10361 (2013), An Act Instituting Policies for the Protection and Welfare of Domestic Workers.
102 *See* Republic Act No. 10361, section 4 (c).
103 *See* Republic Act No. 10361, section 4 (d).
104 *Rollo*, vol. 1, p. 21.
105 273 Phil. 477, 481 (1991) [Per J. Gancayco, First Division].
106 537 Phil. 549, 566 (2006) [Per J. Puno, Second Division].
107 *Rollo*, vol. 1, pp. 19–25.
108 *Id.* at 24.
109 *Id.* at 17–25.
110 *Id.* at 98. (Citations omitted)
111 *Id.* (Citations omitted)

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice
Working Chairperson

WE CONCUR:

ALEXANDER G. GESMUNDO
Chairperson
Chief Justice

RODIL V. ZALAMEDA
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice