659 Phil. 236

SECOND DIVISION

[G.R. No. 179242, February 23, 2011]

AVELINA F. SAGUN, PETITIONER, VS. SUNACE INTERNATIONAL MANAGEMENT SERVICES, INC., RESPONDENT.

RESOLUTION

NACHURA, J.:

This is a Petition for Review on *certiorari* under Rule 45 of the Rules of Court, seeking to reverse and set aside the Court of Appeals (CA) Decision[1] dated March 23, 2007 and Resolution[2] dated August 16, 2007 in CA-G.R. SP No. 89298.

The case arose from a complaint for alleged violation of Article 32 and Article 34(a) and (b) of the Labor Code, as amended, filed by petitioner Avelina F. Sagun against respondent Sunace International Management Services, Inc. and the latter's surety, Country Bankers Insurance Corporation, before the Philippine Overseas Employment Administration (POEA). The case was docketed as POEA Case No. RV 00-03-0261.[3]

Petitioner claimed that sometime in August 1998, she applied with respondent for the position of caretaker in Taiwan. In consideration of her placement and employment, petitioner allegedly paid P30,000.00 cash, P10,000.00 in the form of a promissory note, and NT$60,000.00 through salary deduction, in violation of the prohibition on excessive placement fees. She also claimed that respondent promised to employ her as caretaker but, at the job site, she worked as a domestic helper and, at the same time, in a poultry farm.[4]

Respondent, however, denied petitioner's allegations and maintained that it only collected P20,840.00, the amount authorized by the POEA and for which the corresponding official receipt was issued. It also stressed that it did not furnish or publish any false notice or information or document in relation to recruitment or employment as it was duly received, passed upon, and approved by the POEA.[5]

On December 27, 2001, POEA Administrator Rosalinda Dimapilis-Baldoz dismissed[6] the complaint for lack of merit. Specifically, the POEA Administrator found that petitioner failed to establish facts showing a violation of Article 32, since it was proven that the amount received by respondent as placement fee was covered by an official receipt; or of Article 34(a) as it was not shown that respondent charged excessive fees; and of Article 34(b) simply because respondent processed petitioner's papers as caretaker, the position she applied and was hired for.

Aggrieved, petitioner filed a Motion for Reconsideration[7] with the Office of the

Secretary of Labor. The Secretary treated the motion as a Petition for Review. On January 13, 2004, then Secretary of Labor Patricia A. Sto. Tomas partially granted[8] petitioner's motion, the pertinent portion of which reads:

> WHEREFORE, premises considered, the Motion for Reconsideration, herein treated as a petition for review, is PARTIALLY GRANTED. The Order dated December 27, 2001 of the POEA Administrator is partially MODIFIED, and SUNACE International Management Services, Inc. is held liable for collection of excessive placement fee in violation of Article 34 (a) of the Labor Code, as amended. The penalty of suspension of its license for two (2) months, or in lieu thereof, the penalty of fine in the amount of Twenty Thousand Pesos (P20,000.00) is hereby imposed upon SUNACE. Further, SUNACE and its surety, Country Bankers Insurance Corporation, are ordered to refund the petitioner the amounts of Ten Thousand Pesos (P10,000.00) and NT$65,000.00, representing the excessive placement fee exacted from her.
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> SO ORDERED.[9]

On appeal by respondent, the Office of the President (OP) affirmed[10] the Order of the Secretary of Labor. In resolving the case for petitioner, the OP emphasized the State's policy on the full protection to labor, local and overseas, organized and unorganized. It also held that it was impossible for respondent to have extended a loan to petitioner since it was not in the business of lending money. It likewise found it immaterial that no evidence was presented to show the overcharging since the issuance of a receipt could not be expected.

Respondent's motion for reconsideration was denied in an Order[11] dated March 21, 2005, which prompted respondent to elevate the matter to the CA via a petition for review under Rule 43 of the Rules of Court.

On March 23, 2007, the CA decided in favor of respondent, disposing, as follows:

> ***WHEREFORE***, premises considered, the instant petition is ***GRANTED*** and the decision of the Office of the President dated 07 January 2005 is ***REVERSED*** and ***SET ASIDE*** for lack of sufficient evidence. The Order of the POEA Administrator dismissing the complaint of respondent for violation of Article 34(a) and (b) of the Labor Code is hereby ***AFFIRMED***.
>
> **SO ORDERED**.[12]

The appellate court reversed the rulings of the Secretary of Labor and the OP mainly because their conclusions were based not on evidence but on speculation, conjecture, possibilities, and probabilities.

Hence, this petition filed by petitioner, raising the sole issue of:

> WHETHER THE COURT OF APPEALS ERRED IN GRANTING THE RESPONDENT'S PETITION FOR REVIEW REVERSING THE DECISION AND ORDER [OF THE] OFFICE OF THE PRESIDENT.[13]

The petition is without merit.

Respondent was originally charged with violation of Article 32 and Article 34(a) and (b) of the Labor Code, as amended. The pertinent provisions read:

> **ART. 32.** ***Fees to be Paid by Workers.*** **-** Any person applying with a private fee charging employment agency for employment assistance shall not be charged any fee until he has obtained employment through its efforts or has actually commenced employment. Such fee shall be always covered with the appropriate receipt clearly showing the amount paid. The Secretary of Labor shall promulgate a schedule of allowable fees.
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> **ART. 34.** ***Prohibited Practices.*** **-** It shall be unlawful for any individual, entity, licensee, or holder of authority:
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> (a) To charge or accept, directly or indirectly, any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor; or to make a worker pay any amount greater than that actually received by him as a loan or advance;
>
> (b) To furnish or publish any false notice or information or document in relation to recruitment or employment.

The POEA, the Secretary of Labor, the OP, and the CA already absolved respondent of liability under Articles 32 and 34(b). As no appeal was interposed by petitioner when the Secretary of Labor freed respondent of said liabilities, the only issue left for determination is whether respondent is liable for collection of excess placement fee defined in Article 34(a) of the Labor Code, as amended.

Although initially, the POEA dismissed petitioner's complaint for lack of merit, the Secretary of Labor and the OP reached a different conclusion. On appeal to the CA, the appellate court, however, reverted to the POEA conclusion. Following this turn of events, we are constrained to look into the records of the case and weigh anew the evidence presented by the parties.

We find and so hold that the POEA and the CA are correct in dismissing the complaint for illegal exaction filed by petitioner against respondent.

In proceedings before administrative and quasi-judicial agencies, the quantum of

evidence required to establish a fact is substantial evidence, or that level of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[14]

In this case, are the pieces of evidence presented by petitioner substantial to show that respondent collected from her more than the allowable placement fee? We answer in the negative.

To show the amount it collected as placement fee from petitioner, respondent presented an acknowledgment receipt showing that petitioner paid and respondent received P20,840.00. This notwithstanding, petitioner claimed that she paid more than this amount. In support of her allegation, she presented a photocopy of a promissory note she executed, and testified on the purported deductions made by her foreign employer. In the promissory note, petitioner promised to pay respondent the amount of P10,000.00 that she borrowed for only two weeks.[15] Petitioner also explained that her foreign employer deducted from her salary a total amount of NT$60,000.00. She claimed that the P10,000.00 covered by the promissory note was never obtained as a loan but as part of the placement fee collected by respondent. Moreover, she alleged that the salary deductions made by her foreign employer still formed part of the placement fee collected by respondent.

We are inclined to give more credence to respondent's evidence, that is, the acknowledgment receipt showing the amount paid by petitioner and received by respondent. A receipt is a written and signed acknowledgment that money or goods have been delivered.[16] Although a receipt is not conclusive evidence, an exhaustive review of the records of this case fails to disclose any other evidence sufficient and strong enough to overturn the acknowledgment embodied in respondent's receipt as to the amount it actually received from petitioner. Having failed to adduce sufficient rebuttal evidence, petitioner is bound by the contents of the receipt issued by respondent. The subject receipt remains as the primary or best evidence.[17]

The promissory note presented by petitioner cannot be considered as adequate evidence to show the excessive placement fee. It must be emphasized that a promissory note is a solemn acknowledgment of a debt and a formal commitment to repay it on the date and under the conditions agreed upon by the borrower and the lender. A person who signs such an instrument is bound to honor it as a legitimate obligation duly assumed by him through the signature he affixes thereto as a token of his good faith.[18] Moreover, as held by the CA, the fact that respondent is not a lending company does not preclude it from extending a loan to petitioner for her personal use. As for the deductions purportedly made by petitioner's foreign employer, we reiterate the findings of the CA that "there is no single piece of document or receipt showing that deductions have in fact been made, nor is there any proof that these deductions from the salary formed part of the subject placement fee."[19]

At this point, we would like to emphasize the well-settled rule that the factual findings of quasi-judicial agencies, like the POEA, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect, but at times even finality if such findings are supported by substantial evidence.[20] While

the Constitution is committed to the policy of social justice and to the protection of the working class, it should not be presumed that every dispute will automatically be decided in favor of labor.[21]

To be sure, mere general allegations of payment of excessive placement fees cannot be given merit as the charge of illegal exaction is considered a grave offense which could cause the suspension or cancellation of the agency's license. They should be proven and substantiated by clear, credible, and competent evidence.[22]

WHEREFORE, premises considered, the petition is **DENIED** for lack of merit. The Court of Appeals Decision dated March 23, 2007 and Resolution dated August 16, 2007 in CA-G.R. SP No. 89298 are **AFFIRMED**.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and *Mendoza, JJ.,* concur.

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[1] Penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Martin S. Villarama, Jr. (now a member of this Court) and Rosmari D. Carandang, concurring; *rollo*, pp. 232-248.

[2] Id. at 257-258.

[3] Id. at 101.

[4] Id. at 101-102.

[5] Id. at 102.

[6] Id. at 101-104.

[7] Id. at 105-107.

[8] Id. at 136-139.

[9] Id. at 139.

[10] Embodied in a Decision dated January 7, 2005; id. at 169-175.

[11] Id. at 191-192.

[12] Supra note 1, at 247-248.

[13] *Rollo*, p. 60.

[14] *Philemploy Services and Resources, Inc. v. Rodriguez*, G.R. No. 152616, March 31, 2006, 486 SCRA 302, 314.

[15] *Rollo*, p. 108.

[16] *Cham v. Paita-Moya*, A.C. No. 7494, June 27, 2008, 556 SCRA 1, 8; *Towne & City Development Corporation v. Court of Appeals*, 478 Phil. 466, 475 (2004).

[17] *Towne & City Development Corporation v. Court of Appeals*, supra, at 475.

[18] *Dela Peña v. Court of Appeals*, G.R. No. 177828, February 13, 2009, 579 SCRA 396, 413.

[19] *Rollo*, p. 243.

[20] *Philsa Int'l. Placement and Services Corp. v. Sec. of Labor and Employment*, 408 Phil. 270, 282 (2001).

[21] *Ropali Trading Corporation v. NLRC*, 357 Phil. 314, 320 (1998).

[22] Opinion of the POEA Administrator in *Alindao v. Hon. Joson*, 332 Phil. 239, 246 (1996).
