

THIRD DIVISION

[G.R. No. 103144, April 04, 2001]

**PHILSA INTERNATIONAL PLACEMENT AND SERVICES
CORPORATION, PETITIONER, VS. THE HON. SECRETARY OF LABOR
AND EMPLOYMENT, VIVENCIO DE MESA, RODRIGO MIKIN AND
CEDRIC LEYSON, RESPONDENTS.**

D E C I S I O N

GONZAGA-REYES, J.:

This is a petition for certiorari from the Order dated November 25, 1991 issued by public respondent Secretary of Labor and Employment. The November 25, 1991 Order affirmed *en toto* the August 29, 1988 Order of the Philippine Overseas Employment Administration (hereinafter the "POEA") which found petitioner liable for three (3) counts of illegal exaction, two (2) counts of contract substitution and one count of withholding or unlawful deduction from salaries of workers in POEA Case No. (L) 85-05-0370.

Petitioner Philsa International Placement and Services Corporation (hereinafter referred to as "Philsa") is a domestic corporation engaged in the recruitment of workers for overseas employment. Sometime in January 1985, private respondents, who were recruited by petitioner for employment in Saudi Arabia, were required to pay placement fees in the amount of P5,000.00 for private respondent Rodrigo L. Mikin and P6,500.00 each for private respondents Vivencio A. de Mesa and Cedric P. Leyson^[1].

After the execution of their respective work contracts, private respondents left for Saudi Arabia on January 29, 1985. They then began work for Al-Hejailan Consultants A/E, the foreign principal of petitioner.

While in Saudi Arabia, private respondents were allegedly made to sign a second contract on February 4, 1985 which changed some of the provisions of their original contract resulting in the reduction of some of their benefits and privileges^[2]. On April 1, 1985, their foreign employer allegedly forced them to sign a third contract which increased their work hours from 48 hours to 60 hours a week without any corresponding increase in their basic monthly salary. When they refused to sign this third contract, the services of private respondents were terminated by Al-Hejailan and they were repatriated to the Philippines^[3].

Upon their arrival in the Philippines, private respondents demanded from petitioner Philsa the return of their placement fees and for the payment of their salaries for the unexpired portion of their contract. When petitioner refused, they filed a case before

the POEA against petitioner Philsa and its foreign principal, Al-Hejailan., with the following causes of action:

1. Illegal dismissal;
2. Payment of salary differentials;
3. Illegal deduction/withholding of salaries;
4. Illegal exactions/refund of placement fees; and
5. Contract substitution.^[4]

The case was docketed as POEA Case No. (L) 85-05-0370.

Under the rules of the POEA dated May 21, 1985, complaints involving employer-employee relations arising out of or by virtue of any law or contract involving Filipino workers for overseas employment, including money claims, are adjudicated by the Workers' Assistance and Adjudication Office (hereinafter the "WAAO") thru the POEA Hearing Officers^[5]. On the other hand, complaints involving recruitment violations warranting suspension or cancellation of the license of recruiting agencies are cognizable by the POEA thru its Licensing and Recruitment Office (hereinafter the "LRO").^[6] In cases where a complaint partakes of the nature of both an employer-employee relationship case and a recruitment regulation case, the POEA Hearing Officer shall act as representative of both the WAAO and the LRO and both cases shall be heard simultaneously. In such cases, the Hearing Officer shall submit two separate recommendations for the two aspects of the case.^[7]

In the case at bench, the first two causes of action were in the nature of money claims arising from the employer-employee relations and were properly cognizable by the WAAO. The last two causes of action were in the nature of recruitment violations and may be investigated by the LRO. The third cause of action, illegal deduction/withholding of salary, is both a money claim and a violation of recruitment regulations and is thus under the investigatory jurisdiction of both the WAAO and the LRO.

Several hearings were conducted before the POEA Hearing Officer on the two aspects of private respondents' complaint. During these hearings, private respondents supported their complaint with the presentation of both documentary and testimonial evidence. When it was its turn to present its evidence, petitioner failed to do so and consequently, private respondents filed a motion to decide the case on the basis of the evidence on record.^[8]

On the aspects of the case involving money claims arising from the employer-employee relations and illegal dismissal, the POEA rendered a decision dated August 31, 1988^[9], the dispositive portion of which reads:

"CONFORMABLY TO THE FOREGOING, judgment is hereby rendered ordering respondent PHILSA INTERNATIONAL PLACEMENT AND SERVICE

CORPORATION to pay complainants, jointly and severally with its principal Al-Hejailan, the following amounts, to wit:

1. TWO THOUSAND TWO HUNDRED TWENTY FIVE SAUDI RIYALS (SR2,225.00) to each complainant, representing the refund of their unpaid separation pay;
2. ONE THOUSAND SAUDI RIYALS (SR1,000.00) for V.A. de Mesa alone, representing the salary deduction from his March salary;
3. TWO THOUSAND SAUDI RIYALS (SR2,000.00) each for R.I. Mikin and C.A.P. Leyson only, representing their differential pay for the months of February and March, 1985; and
4. Five percent (5%) of the total awards as and by way of attorney's fees.

All payments of the abovestated awards shall be made in Philippine Currency equivalent to the prevailing exchange rate according to the Central Bank at the time of payment.

All other claims of complainants as well as the counterclaims of respondent are dismissed for lack of merit.

SO ORDERED."^[10]

Under the Rules and Regulations of the POEA, the decision of the POEA-Adjudication Office on matters involving money claims arising from the employer-employee relationship of overseas Filipino workers may be appealed to the National Labor Relations Commission (hereinafter the "NLRC")^[11]. Thus, as both felt aggrieved by the said POEA Decision, petitioner and private respondents filed separate appeals from the August 31, 1988 POEA Decision to the NLRC.

In a decision dated July 26, 1989^[12], the NLRC modified the appealed decision of the POEA Adjudication Office by deleting the award of salary deductions and differentials. These awards to private respondents were deleted by the NLRC considering that these were not raised in the complaint filed by private respondents. The NLRC likewise stated that there was nothing in the text of the decision which would justify the award.

Private respondents filed a Motion for Reconsideration but the same was denied by the NLRC in a Resolution dated October 25, 1989.

Private respondents then elevated the July 26, 1989 decision of the NLRC to the Supreme Court in a petition for review for certiorari where it was docketed as G.R. No. 89089. However, in a Resolution dated October 25, 1989, the petition was dismissed outright for "insufficiency in form and substance, having failed to comply with the Rules of Court and Circular No. 1-88 requiring submission of a certified true copy of the questioned resolution dated August 23, 1989."^[13]

Almost simultaneous with the promulgation of the August 31, 1988 decision of the

POEA on private respondents' money claims, the POEA issued a separate Order dated August 29, 1988^[14] resolving the recruitment violations aspect of private respondents' complaint. In this Order, the POEA found petitioner guilty of illegal exaction, contract substitution, and unlawful deduction. The dispositive portion of this August 29, 1988 POEA Order reads:

"WHEREFORE, premises considered, this Office finds herein respondent PHILSA International Placement and Services Corporation liable for three (3) counts of illegal exaction, two (2) counts of contract substitution and one count of withholding or unlawful deduction from salaries of workers.

Accordingly, respondent is hereby ordered to refund the placement fees in the amount of P2,500.00 to Rodrigo L. Mikin, P4,000.00, each, to Vivencio A. de Mesa and Cedric A.P. Leyson plus restitution of the salaries withheld in the amount of SR1,000.00 to Vivencio A. de Mesa.

Moreover, respondent's license is hereby suspended for eight (8) months to take effect immediately and to remain as such until full refund and restitution of the above-stated amounts have been effected or in lieu thereof, it is fined the amount of SIXTY THOUSAND (P60,000.00) PESOS plus restitution,

SO ORDERED."

In line with this August 29, 1988 Order, petitioner deposited the check equivalent to the claims of private respondents and paid the corresponding fine under protest. From the said Order, petitioner filed a Motion for Reconsideration which was subsequently denied in an Order dated October 10, 1989.

Under the POEA Rules and Regulations, the decision of the POEA thru the LRO suspending or canceling a license or authority to act as a recruitment agency may be appealed to the Ministry (now Department) of Labor and Employment.^[15] Accordingly, after the denial of its motion for reconsideration, petitioner appealed the August 21, 1988 Order to the Secretary of Labor and Employment. However, in an Order dated September 13, 1991^[16], public respondent Secretary of Labor and Employment affirmed *en toto* the assailed Order. Petitioner filed a Motion for Reconsideration but this was likewise denied in an Order dated November 25, 1991.

Hence, the instant Petition for Certiorari where petitioner raises the following grounds for the reversal of the questioned Orders:

I.

THE PUBLIC RESPONDENT HAS ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN HOLDING PETITIONER GUILTY OF ILLEGAL EXACTIONS. THE FINDING IS NOT SUPPORTED BY EVIDENCE. AND IN ANY EVENT, THE LAW ON WHICH THE CONVICTION IS BASED IS VOID.

II.

THE PUBLIC RESPONDENT HAS ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN PENALIZING PETITIONER WITH CONTRACT SUBSTITUTION. IN THE PREMISES, THE CONTRACT SUBSTITUTION IS VALID AS IT IMPROVED THE TERMS AND CONDITIONS OF PRIVATE RESPONDENTS' EMPLOYMENT.

III.

THE PUBLIC RESPONDENT HAS ACTED WITHOUT OR IN EXCESS OF JURISDICTION, OR WITH GRAVE ABUSE OF DISCRETION IN HOLDING PETITIONER LIABLE FOR ILLEGAL DEDUCTIONS/WITHHOLDING OF SALARIES. FOR THE SUPREME COURT ITSELF HAS ALREADY ABSOLVED PETITIONER FROM THIS CHARGE.

With respect to the first ground, petitioner would want us to overturn the findings of the POEA, subsequently affirmed by the Secretary of the Department of Labor and Employment, that it is guilty of illegal exaction committed by collecting placement fees in excess of the amounts allowed by law. This issue, however, is a question of fact which cannot be raised in a petition for certiorari under Rule 65.^[17] As we have previously held:

"It should be noted, in the first place, that the instant petition is a special civil action for certiorari under Rule 65 of the Revised Rules of Court. An extraordinary remedy, its use is available only and restrictively in truly exceptional cases wherein the action of an inferior court, board or officer performing judicial or quasi-judicial acts is challenged for being wholly void on grounds of jurisdiction. The sole office of the writ of certiorari is the correction of errors of jurisdiction including the commission of grave abuse of discretion amounting to lack or excess of jurisdiction. It does not include correction of public respondent NLRC's evaluation of the evidence and factual findings based thereon, which are generally accorded not only great respect but even finality."^[18]

The question of whether or not petitioner charged private respondents placement fees in excess of that allowed by law is clearly a question of fact which is for public respondent POEA, as a trier of facts, to determine. As stated above, the settled rule is 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.^[19]

On this point, we have carefully examined the records of the case and it is clear that the ruling of public respondent POEA that petitioner is guilty of illegal exaction is supported by substantial evidence. Aside from the testimonial evidence offered by private respondents, they also presented documentary evidence consisting of receipts

issued by a duly authorized representative of petitioner which show the payment of amounts in excess of those allowed by the POEA. In contrast, petitioner did not present any evidence whatsoever to rebut the claims of private respondents despite the many opportunities for them to do so.

Petitioner insists, however, that it cannot be held liable for illegal exaction as POEA Memorandum Circular No. II, Series of 1983, which enumerated the allowable fees which may be collected from applicants, is void for lack of publication.

There is merit in the argument.

In *Tañada vs. Tuvera*^[20], the Court held, as follows:

"We hold therefore that all statutes, including those of local application and private laws, shall be published as a condition for their effectivity, which shall begin fifteen days after publication unless a different effectivity date is fixed by the legislature.

Covered by this rule are presidential decrees and executive orders promulgated by the President in the exercise of legislative powers whenever the same are validly delegated by the legislature or, at present, directly conferred by the Constitution. Administrative rules and regulations must also be published if their purpose is to enforce or implement existing law pursuant to a valid delegation.

Interpretative regulations and those merely internal in nature, that is, regulating only the personnel of the administrative agency and the public, need not be published. Neither is publication required of the so-called letter of instructions issued by the administrative superiors concerning the rules or guidelines to be followed by their subordinates in the performance of their duties."

Applying this doctrine, we have previously declared as having no force and effect the following administrative issuances: a) Rules and Regulations issued by the Joint Ministry of Health-Ministry of Labor and Employment Accreditation Committee regarding the accreditation of hospitals, medical clinics and laboratories^[21]; b) Letter of Instruction No. 416 ordering the suspension of payments due and payable by distressed copper mining companies to the national government^[22]; c) Memorandum Circulars issued by the POEA regulating the recruitment of domestic helpers to Hong Kong^[23]; d) Administrative Order No. SOCPEC 89-08-01 issued by the Philippine International Trading Corporation regulating applications for importation from the People's Republic of China^[24]; and e) Corporate Compensation Circular No. 10 issued by the Department of Budget and Management discontinuing the payment of other allowances and fringe benefits to government officials and employees^[25]. In all these cited cases, the administrative issuances questioned therein were uniformly struck down as they were not published or filed with the National Administrative Register as required by the Administrative Code of 1987^[26].

POEA Memorandum Circular No. 2, Series of 1983 must likewise be declared ineffective as the same was never published or filed with the National Administrative Register.

POEA Memorandum Order No. 2, Series of 1983 provides for the applicable schedule of placement and documentation fees for private employment agencies or authority holders. Under the said Order, the maximum amount which may be collected from prospective Filipino overseas workers is P2,500.00. The said circular was apparently issued in compliance with the provisions of Article 32 of the Labor Code which provides, as follows:

"Article 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 approved receipt clearly showing the amount paid. The Secretary of Labor shall promulgate a schedule of allowable fees." (italics supplied)

It is thus clear that the administrative circular under consideration is one of those issuances which should be published for its effectivity, since its purpose is to enforce and implement an existing law pursuant to a valid delegation^[27]. Considering that POEA Administrative Circular No. 2, Series of 1983 has not as yet been published or filed with the National Administrative Register, the same is ineffective and may not be enforced.

The Office of the Solicitor General argues however that the imposition of administrative sanctions on petitioner was based not on the questioned administrative circular but on Article 32 and Article 34 (a)^[28] of the Labor Code.

The argument is not meritorious. The said articles of the Labor Code were never cited, much less discussed, in the body of the questioned Orders of the POEA and Secretary of Labor and Employment. In fact, the said Orders were consistent in mentioning that petitioner's violation of Administrative Circular No. 2, Series of 1983 was the basis for the imposition of administrative sanctions against petitioner. Furthermore, even assuming that petitioner was held liable under the said provisions of the Labor Code, Articles 32 and 34 (a) of the Labor Code presupposes the promulgation of a valid schedule of fees by the Department of Labor and Employment. Considering that, as previously discussed, Administrative Circular No. 2, Series of 1983 embodying such a schedule of fees never took effect, there is thus no basis for the imposition of the administrative sanctions against petitioner. Moreover, under Book VI, Chapter II, Section 3 of the Administrative Code of 1987, "(r)ules in force on the date of the effectivity of this Code which are not filed within three (3) months from that date shall not thereafter be the basis of any sanction against any party or persons." Considering that POEA Administrative Circular No. 2 was never filed with the National Administrative Register, the same cannot be used as basis for the imposition of administrative sanctions against petitioner.

The Office of the Solicitor General likewise argues that the questioned administrative circular is not among those requiring publication contemplated by *Tañada vs. Tuvera* as it is addressed only to a specific group of persons and not to the general public.

Again, there is no merit in this argument.

The fact that the said circular is addressed only to a specified group, namely private employment agencies or authority holders, does not take it away from the ambit of our ruling in *Tañada vs. Tuvera*. In the case of *Phil. Association of Service Exporters vs. Torres*^[29], the administrative circulars questioned therein were addressed to an even smaller group, namely Philippine and Hong Kong agencies engaged in the recruitment of workers for Hong Kong, and still the Court ruled therein that, for lack of proper publication, the said circulars may not be enforced or implemented.

Our pronouncement in *Tañada vs. Tuvera* is clear and categorical. Administrative rules and regulations must be published if their purpose is to enforce or implement existing law pursuant to a valid delegation. The only exceptions are interpretative regulations, those merely internal in nature, or those so-called letters of instructions issued by administrative superiors concerning the rules and guidelines to be followed by their subordinates in the performance of their duties. Administrative Circular No. 2, Series of 1983 has not been shown to fall under any of these exceptions.

In this regard, the Solicitor General's reliance on the case of *Yaokasin vs. Commissioner of Customs*^[30] is misplaced. In the said case, the validity of certain Customs Memorandum Orders were upheld despite their lack of publication as they were addressed to a particular class of persons, the customs collectors, who were also the subordinates of the Commissioner of the Bureau of Customs. As such, the said Memorandum Orders clearly fall under one of the exceptions to the publication requirement, namely those dealing with instructions from an administrative superior to a subordinate regarding the performance of their duties, a circumstance which does not obtain in the case at bench.

With respect to the second ground, petitioner would want us to review the findings of fact of the POEA regarding the two counts of alleged contract substitution. Again, this is a question of fact which may not be disturbed if the same is supported by substantial evidence. A reading of the August 29, 1988 Order of the POEA shows that, indeed, the ruling that petitioner is guilty of two (2) counts of prohibited contract substitution is supported by substantial evidence. Thus:

"2. As admitted by respondent, there was definitely a contract of substitution in the first count. The first contract was duly approved by the Administration and, therefore, the parties are bound by the terms and condition thereof until its expiration. The mere intention of respondents to increase the number of hours of work, even if there was a corresponding increase in wage is clear violation of the contract as approved by the Administration, and notwithstanding the same, the amendment is evidently contrary to law, morals, good customs and public policy and hence, must be shunned (Art. 1306, Civil Code of the Philippines, Book III, Title I, Chapter 1, Article 83, Labor Code of the Philippines, as amended). Moreover, it would appear that the proposed salary increase corresponding to the increase in number of work bonus may just have been a ploy as complainant were (sic)

thereafter not paid at the increased rate.

As to contract substitution in the second part, a third contract was emphatically intended by respondent to be signed by complainants which, however, was not consummated due to the adamant refusal of complainants to sign thereon. Mere intention of the respondent to commit contract substitution for a second time should not be left unpunished. It is the duty of this Office to repress such acts by teaching agencies a lesson to avoid repetition of the same violation."^[31]

With respect to the third ground, petitioner argues that the public respondent committed grave abuse of discretion in holding petitioner liable for illegal deductions/withholding of salaries considering that the Supreme Court itself has already absolved petitioner from this charge. Petitioner premises its argument on the fact that the July 26, 1989 Decision of the NLRC absolving it from private respondent de Mesa's claim for salary deduction has already attained finality by reason of the dismissal of private respondents' petition for certiorari of the said NLRC decision by the Supreme Court.

Petitioner is correct in stating that the July 26, 1989 Decision of the NLRC has attained finality by reason of the dismissal of the petition for certiorari assailing the same. However, the said NLRC Decision dealt only with the money claims of private respondents arising from employer-employee relations and illegal dismissal and as such, it is only for the payment of the said money claims that petitioner is absolved. The administrative sanctions, which are distinct and separate from the money claims of private respondents, may still be properly imposed by the POEA. In fact, in the August 31, 1988 Decision of the POEA dealing with the money claims of private respondents, the POEA Adjudication Office precisely declared that "respondent's liability for said money claims is without prejudice to and independent of its liabilities for the recruitment violations aspect of the case which is the subject of a separate Order."^[32]

The NLRC Decision absolving petitioner from paying private respondent de Mesa's claim for salary deduction based its ruling on a finding that the said money claim was not raised in the complaint^[33]. While there may be questions regarding such finding of the NLRC, the finality of the said NLRC Decision prevents us from modifying or reviewing the same. But the fact that the claim for salary deduction was not raised by private respondents in their complaint will not bar the POEA from holding petitioner liable for illegal deduction or withholding of salaries as a ground for the suspension or cancellation of petitioner's license.

Under the POEA Rules and Regulations, the POEA, on its own initiative, may conduct the necessary proceeding for the suspension or cancellation of the license of any private placement agency on any of the grounds mentioned therein.^[34] As such, even without a written complaint from an aggrieved party, the POEA can initiate proceedings against an erring private placement agency and, if the result of its investigation so warrants, impose the corresponding administrative sanction thereof. Moreover, the POEA, in an investigation of an employer-employee relationship case, may still hold a respondent liable for administrative sanctions if, in the course of its investigation,

violations of recruitment regulations are uncovered.^[35] It is thus clear that even if recruitment violations were not included in a complaint for money claims initiated by a private complainant, the POEA, under its rules, may still take cognizance of the same and impose administrative sanctions if the evidence so warrants.

As such, the fact that petitioner has been absolved by final judgment for the payment of the money claim to private respondent de Mesa does not mean that it is likewise absolved from the administrative sanctions which may be imposed as a result of the unlawful deduction or withholding of private respondents' salary. The POEA thus committed no grave abuse of discretion in finding petitioner administratively liable of one count of unlawful deduction/withholding of salary.

To summarize, petitioner should be absolved from the three (3) counts of illegal exaction as POEA Administrative Circular No. 2, Series of 1983 could not be the basis of administrative sanctions against petitioner for lack of publication. However, we affirm the ruling of the POEA and the Secretary of Labor and Employment that petitioner should be held administratively liable for two (2) counts of contract substitution and one (1) count of withholding or unlawful deduction of salary.

Under the applicable schedule of penalties imposed by the POEA, the penalty for each count of contract substitution is suspension of license for two (2) months or a fine of P10,000.00 while the penalty for withholding or unlawful deduction of salaries is suspension of license for two (2) months or fine equal to the salary withheld but not less than P10,000.00 plus restitution of the amount in both instances^[36]. Applying the said schedule on the instant case, the license of petitioner should be suspended for six (6) months or, in lieu thereof, it should be ordered to pay fine in the amount of P30,000.00. Petitioner should likewise pay the amount of SR1,000.00 to private respondent Vivencio A. de Mesa as restitution for the amount withheld from his salary.

WHEREFORE, premises considered, the September 13, 1991 and November 25, 1991 Orders of public respondent Secretary of Labor and Employment are hereby MODIFIED. As modified, the license of private respondent Philsa International Placement and Services Corporation is hereby suspended for six (6) months or, in lieu thereof, it is hereby ordered to pay the amount of P30,000.00 as fine. Petitioner is likewise ordered to pay the amount of SR1,000.00 to private respondent Vivencio A. de Mesa. All other monetary awards are deleted.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and Sandoval-Gutierrez, JJ., concur.

^[1] Rollo, p. 24.

^[2] Rollo, p. 25.

^[3] *Ibid.*

- [4] Rollo, p. 87.
- [5] POEA Rules and Reg. (1985), Book VI, Rule II, Sections 2 and 4.
- [6] POEA Rules and Reg. (1985), Book II, Rule VI, Section 3.
- [7] POEA Rules and Reg. (1985), Book VI, Rule VI, Section 1.
- [8] Rollo, p. 144.
- [9] Annex "A" of Petition; Rollo, pp. 24-31.
- [10] Rollo, p. 31.
- [11] POEA Rules and Reg. (1985), Book VI, Rule V, Section 2.
- [12] Annex "B" of Petition; Rollo, pp. 32-38.
- [13] Annex "F" of Comment of Private Respondents; Rollo, pp. 188-189.
- [14] Annex "C" of Petition; Rollo, pp. 39-46.
- [15] POEA Rules and Reg. (1985), Book II, Rule VI, Section 18.
- [16] Annex "D" of Petition, Rollo, pp. 47-51.
- [17] Building Care Corp. vs. NLRC, February 26, 1997.
- [18] Flores vs. NLRC, 253 SCRA 494.
- [19] San Miguel Corp. vs. Ernesto Javate, et al., January 27, 1992; GRF Shipping Agency, Inc. vs. NLRC, 190 SCRA 418.
- [20] 136 SCRA 27.
- [21] Joint Ministry of Health-Ministry of Labor and Employment Accreditation Committee vs. Court of Appeals, 196 SCRA 263.
- [22] Caltex Philippines, Inc. vs. Court of Appeals, 208 SCRA 726.
- [23] Phil. Association of Service Exporters vs. Torres, 212 SCRA 298.
- [24] Philippine International Trading Corporation vs. Angeles, 263 SCRA 421.

- [25] De Jesus vs. Commission on Audit, 294 SCRA 152.
- [26] Administrative Code of 1987, Book VII, Chapter 2, Section 3.
- [27] Philippine International Trading Corporation vs. Angeles, *supra*.
- [28] "Labor Code. Article 34. *Prohibited Practices*. - It shall be unlawful for any individual, entity, licensee or holder of authority:
- (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 actually received by him as a loan or advance."
- [29] 212 SCRA 298.
- [30] 180 SCRA 599.
- [31] Rollo, p. 44.
- [32] Rollo, p. 30.
- [33] Rollo, p. 37.
- [34] POEA Rules and Reg. (1985), Book II, Rule VI, Section 3.
- [35] POEA Rules and Reg. (1985), Book VI, Rule VI, Section 1.
- [36] Rollo, p. 45.



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