

Atlanta Industries inc . et al v Sebolino Gr. no. 187320 Jan. 26 2011

Facts: Almoite, Costales, Sebolino and Sagun were hired as machine operator, extruder operator and scaleman since December 2003 (Almoite & Costales) and March 2004 (Sebolino & Sagun) in Atlanta Industries, Inc. (petitioner) is a domestic corporation engaged in the manufacture of steel pipes.

An apprenticeship agreement was thereafter entered in by Almoite and Costales (ranging from May 13 2004 to October 12 2004) then thereafter a second one (ranging from October 9 to March 8 2005) the same with Sebolino and Sagun (March 20 2004 to August 19 2004, August 20 2004 to January 19 2005).

Upon expiration of the said apprenticeship agreement, the respondents were dismissed.

Hence a complaint was filed before the labor arbiter along with 13 employee and the case was raffled. The labor arbiter finds 9 of them were illegally dismissed including respondents, Atlanta filed an appealed to the NLRC alleging that Almoite and Costales entered into an compromise agreement to which reversed the said decision withdrawing claims of Almoite and Costales and finding there was no illegal dismissal on Sebolino and Sagun.

Respondent Appealed to the C.A to which the latter Court reversed the decision of the NLRC holding that respondent were already employee prior to the apprenticeship agreement and that the same were defective for the agreements did not indicate the trade or occupation in which the apprentice would be trained; neither was the apprenticeship program approved by the TESDA. A motion for reconsideration was file but was thereafter denied hence this petition on certiorari.

Issue:

Whether or not respondents were already employees when they were required to undergo apprenticeship.

Held: Yes. The respondents were regular employees because they occupied positions such as machine operator, scaleman and extruder operator – tasks that are usually necessary and desirable in petitioner employer's usual business or trade as manufacturer of plastic building materials. These tasks and their nature characterized the respondents as regular employees under Article 280 of the Labor Code renders the apprenticeship agreements irrelevant as far as the four are concerned. Thus, when they were dismissed without just or authorized cause, without notice, and without the opportunity to be heard, their dismissal was illegal under the law.