

### Title

\*\*Sps. Florentino R. Maynes, Sr. and Shirley M. Maynes v. Marivin Oreiro, Doing Business Under the Name of Oreiro's Boutique and Merchandise\*\*

### Facts

\*\*1. Employment Background:\*\*

Sheila M. Monte (Monte) was employed as a Sales Clerk at Marivin Oreiro's Boutique and Merchandise in Bangar, La Union.

\*\*2. Alleged Dismissal:\*\*

On February 6, 2007, Monte claimed she was summarily dismissed without just cause and due process.

\*\*3. Complaint Filed:\*\*

Monte filed a complaint for illegal dismissal, underpayment of wages, non-payment of overtime pay, 13th-month pay, and separation pay, along with damages and attorney's fees.

\*\*4. Employer's Response:\*\*

Oreiro countered, asserting Monte was guilty of severe infractions but was not terminated. Instead, Oreiro claimed Monte abandoned her job.

\*\*5. ELA's Ruling:\*\*

The Executive Labor Arbiter found Monte was illegally dismissed, noting she worked until the day she was supposedly terminated and was not accorded procedural due process. Damages, attorney's fees, backwages, separation pay, 13th-month pay, and salary differential were awarded to Monte.

\*\*6. Appeal to NLRC:\*\*

Oreiro's appeal included detailed accusations against Monte but was dismissed by the NLRC, which criticized Oreiro for changing her theory from abandonment to justified dismissal and failing to present substantial evidence initially. The NLRC upheld the ELA's ruling.

\*\*7. CA's Ruling:\*\*

Oreiro brought the case to the Court of Appeals, which accepted the additional evidence and ruled that while Monte's dismissal was justified due to loss of trust and confidence, Oreiro violated procedural due process, awarding Monte P30,000 in nominal damages. The CA decision reversed the NLRC's decision.

**\*\*8. Supreme Court Petition:\*\***

Monte, represented posthumously by her parents, petitioned the Supreme Court for review of the CA's decision.

**### Issues**

**\*\*1. Whether Monte's dismissal was for just cause due to loss of trust and confidence.\*\***

**\*\*2. Whether procedural due process was observed in Monte's dismissal.\*\***

**### Court's Decision**

**\*\*1. Just Cause for Dismissal:\*\***

The Supreme Court affirmed the CA's finding that Monte was dismissed for a valid cause. Monte held a position of trust and committed acts warranting loss of trust and confidence, including misappropriation of funds, loss of stocks, and issuing receipts to fictitious persons.

**\*\*2. Procedural Due Process:\*\***

The Supreme Court concurred that Monte was denied procedural due process as she was not given proper notice or a chance to explain her side. Despite the just cause for dismissal, this procedural lapse entitled Monte to P30,000 in nominal damages.

**### Doctrine**

**\*\*Loss of Trust and Confidence:\*\*** Employees in positions of trust can be dismissed for just cause if they commit acts justifying loss of trust and confidence.

**\*\*Procedural Due Process in Employment Termination:\*\*** Even if dismissal is for a valid cause, failure to follow procedural due process (notice and hearing) entitles the employee to nominal damages for breach of statutory rights.

**### Class Notes**

**\*\*Key Elements:\*\***

- \*\*Just Cause for Dismissal:\*\*** Must align with Article 297 of the Labor Code.
- \*\*Procedural Due Process:\*\*** Consists of two written notices: one for the specific charges and one for the decision post-investigation.
- \*\*Nominal Damages:\*\*** Compensation awarded when procedural due process is not observed despite a lawful dismissal.

**\*\*Relevant Legal Statutes:\*\***

- **\*\*Labor Code of the Philippines, Article 297:\*\*** Grounds for termination by employer, including serious misconduct and loss of trust and confidence.
- **\*\*Omnibus Rules Implementing the Labor Code, Rule XIV, Book V:\*\*** Details procedural

and substantial due process in employee termination.

### ### Historical Background

The case exemplifies the judiciary's effort to balance employers' right to dismiss employees for just cause with the need to protect employees' right to due process. It underscores the non-technical nature of labor procedures, the significance of presenting substantial evidence, and the consequences of bypassing statutory procedural protections. The decision continues to resonate in labor law, emphasizing fair procedures even in valid dismissals.