

Title: Protective Maximum Security Agency, Inc. vs. Celso E. Fuentes, G.R. No. 176378, June 24, 2015

Facts:

Protective Maximum Security Agency, Inc. (Protective) hired Celso E. Fuentes as a security guard in November 1999, assigning him to Picop Resources, Inc., specifically at Post 33, New Visayas, Agusan del Sur. On July 20, 2000, New People's Army (NPA) members raided Post 33, stealing weapons and inflicting violence on the guards, including Fuentes.

Fuentes and the other guards reported the incident to the Philippine National Police (PNP), who later accused him of colluding with the NPA based on affidavits by two guards. An arrest warrant led to Fuentes's detention, during which he alleged he was beaten. He was released following a police return stating he left voluntarily with his mother due to fear for his life.

Fuentes's criminal charges were dismissed on August 15, 2001. Subsequently, Fuentes claimed that upon attempting to return to work, he was barred on accusations of being an NPA member. Conversely, Protective asserted that Fuentes failed to report for duty since the July 20 incident.

On March 14, 2002, Fuentes filed a complaint for illegal dismissal and non-payment of wages and benefits. Labor Arbiter Legaspi found no illegal dismissal, stating Fuentes failed to return to work, leading to replacement. On appeal, however, the National Labor Relations Commission (NLRC) reversed this, ruling Fuentes's dismissal illegal, awarding back wages, and ordering reinstatement or separation pay.

Protective filed a certiorari petition with the Court of Appeals (CA) alleging NLRC's grave abuse of discretion, which the CA dismissed, affirming the NLRC's decision. This prompted Protective to file a Petition for Review on Certiorari with the Supreme Court.

Issues:

1. Did the Court of Appeals err in not finding grave abuse of discretion by the NLRC?
2. Was Fuentes' dismissal justified due to alleged abandonment?
3. Were Fuentes' procedural and substantive due process rights violated?

Court's Decision:

1. Grave Abuse of Discretion: The Supreme Court found no grave abuse of discretion by the NLRC; its findings were based on substantial evidence, dismissing Protective's assertion

that Fuentes vanished without notice or just cause.

2. Abandonment: The Court ruled protective failed to prove abandonment, as Fuentes was detained under wrongful charges. His subsequent attempt to resume work disproved any intent to abandon, consistent with precedents valuing employment continuity post-legal exoneration.

3. Due Process: The Supreme Court found Protective violated Fuentes' procedural due process rights by not serving dismissal notice or allowing explanation. Without proper notice, procedural due process was ignored.

Doctrine:

The case reiterated the dual requisite for abandonment - absence without valid reason and overt intent to sever employment, emphasizing the burden on employers to substantiate claims of abandonment. It also underscored the requirement for procedural due process in employment termination.

Class Notes:

- Abandonment: Requires absence without cause and clear intent to resign; burden rests on employer.
- Procedural Due Process: Two-notice requirement and opportunity to be heard are mandatory pre-dismissal procedures.
- Article 223, Labor Code: Allows NLRC to review and overturn Labor Arbiter findings on appeal.

Historical Background:

The case typifies labor disputes involving procedural irregularities in employee dismissals and false accusations in volatile security assignments, reflective of broader socio-political issues with civil insurgencies and military-police interactions in the Philippines.