

### Title: Lakpue Drug, Inc., et al. vs. Ma. Lourdes Belga, G.R. No. 165282

—

### Facts:

1. **Employment and Initial Promotion**: On March 1, 1995, Tropical Biological Phils., Inc., a subsidiary of Lakpue Group of Companies, employed Ma. Lourdes Belga as a bookkeeper. She was later promoted to assistant cashier.
2. **Medical Emergency**: On March 19, 2001, Belga took her daughter to the Philippine General Hospital (PGH) for treatment of broncho-pneumonia and subsequently gave birth that same day.
3. **Leave Notification**: While on her way to the hospital, she notified Marylinda O. Vegafria, Technical Manager of Tropical, about her emergency leave and handed over her work documents.
4. **Company's Response**: Tropical summoned Belga to report for work on March 22, 2001, which she declined due to her medical condition.
5. **Continued Communications**: Tropical sent another memorandum on March 30, 2001, insisting her presence at work and informing her about a clarificatory conference set for April 2, 2001. Belga requested a rescheduling to April 4, 2001, for her newborn's check-up.
6. **Dismissal Notification**: During the April 4, 2001 conference, Belga was informed of her dismissal effective that same day, citing absence without official leave (AWOL), dishonesty for concealing her pregnancy, and insubordination.
7. **Complaint Filed**: Belga filed a complaint with the Department of Labor and Employment (DOLE) alleging illegal dismissal. Failure to settle the case led to it being brought before the NLRC-NCR.

### Procedural Posture:

1. **Labor Arbiter Decision**: The Labor Arbiter found in favor of Belga, declaring her termination illegal and ordering her reinstatement with backwages amounting to P122,248.71 as of May 31, 2002, plus attorney's fees.
2. **NLRC Decision**: On appeal, the NLRC reversed the Labor Arbiter's decision, validating Belga's dismissal and nullifying her monetary claims.
3. **Court of Appeals Decision**: Belga filed a petition for certiorari. The Court of Appeals reversed the NLRC's decision and reinstated the Labor Arbiter's ruling.
4. **Petition for Review**: Tropical filed the instant petition with the Supreme Court

challenging the Court of Appeals' decision.

—

### ### Issues:

1. **Legality of Dismissal**: Whether the dismissal of Belga for alleged dishonesty, insubordination, and absence without leave was justified.
2. **Weight of NLRC's Findings**: Whether the Court of Appeals erred in disregarding the findings of the NLRC.

—

### ### Court's Decision:

#### **1. Legality of Dismissal**:

- **Dishonesty**: The Court found no substantial proof that Belga deliberately concealed her pregnancy, as a full-term pregnancy is visible and certain considerations such as immediate medical emergencies justified her circumstantial actions.
- **Serious Misconduct and Absence Without Leave**: The Court ruled that Belga's absence post-childbirth could not be deemed misconduct as she had immediately notified her superior and promptly attended to her responsibilities even amidst the emergency.
- **Insubordination**: Since Belga had just given birth, compliance with the memoranda within the given timeframe was physically impossible, undermining the alleged willful disobedience.

#### **2. Weight of NLRC's Findings**:

- The Court upheld the ruling of the Court of Appeals, emphasizing that the NLRC erred in its appreciation of the evidence and that Belga was not afforded due process as mandated by the twin-notice rule.

—

### ### Doctrine:

- **Twin-Notice Rule (Electro System Industries Corp. v. NLRC)**: For a valid termination, the employer must provide two notices: (1) one specifying the acts or omissions warranting dismissal, (2) another informing the employee of the decision to dismiss after investigation.
- **Standards for Serious Misconduct and Loss of Trust**: Misconduct must be willful and

work-related, and dismissal for loss of trust must be based on a willful breach of trust.

—

### ### Class Notes:

- **\*\*Elements of Valid Dismissal\*\***:
- Serious misconduct must be connected to work and willful in nature.
- Dishonesty necessitates intentional concealment with wrongful intent.
- Insubordination requires willful refusal to comply with lawful orders.
- The twin-notice rule mandates adequate procedural due process.
  
- **\*\*Statutory Provisions\*\***:
- Article 282 of the Labor Code: Termination due to serious misconduct, willful disobedience, fraud, or breach of trust.

—

### ### Historical Background:

The case emerged in the broader context of labor rights and protections in the Philippines, affirming the procedural and substantive safeguards for employees against unjust termination. This case also emphasizes the judiciary's role in scrutinizing employers' grounds for dismissal to prevent arbitrary employment practices.

—