

**ANTIPOLO HIGHWAY LINES, INC. AND FRANCISCO L. DE JESUS,
PETITIONERS, VS. THE HONORABLE AMADO G. INCIONG, RICARDO
C. CASTRO AND DIEGO P. ATIENZA, CHAIRMAN AND MEMBERS OF
THE NATI...**

G.R. No. L-38532. June 27, 1975

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/44d5faaf7f92/>

AQUINO, J.:

Antipolo Highway Lines, Inc. and its president and general manager, Francisco L. de Jesus, filed this special civil action of certiorari to annul the order dated September 7, 1973 of the old National Labor Relations Commission (NLRC), ordering them to reinstate Crisanto Crisostomo with full back wages from the date of the dismissal to the actual date of reinstatement (NLRC Case No. MC-831).

The said order was a confirmation of the award dated June 25, 1973 made by an NLRC arbitrator. In that award or decision it was directed that Crisostomo, who was receiving a daily wage of P10.30 or a monthly salary of P309, be reinstated with full back wages for ten months or P3,090, computed from August 11, 1972, the date of his dismissal. That NLRC order was affirmed by the Secretary of Labor in his resolution dated March 19, 1974.

The company and De Jesus complain that the order was issued without due process of law because they were not given a chance to present their evidence. The facts of the case are as follows:

Crisanto Crisostomo was employed first as inspector and later as chief inspector by the Antipolo Highway Lines, Inc., a firm operating a bus service on the line from San Guillermo, Morong, Rizal to Divisoria, Manila. After an investigation conducted by Francisco L. de Jesus, the firm's aforementioned president and general manager, Crisostomo, as already stated, was dismissed on August 11, 1972 due to his alleged involvement in a syndicate which defrauded the firm in the sum of around ten thousand pesos.

Later, Crisostomo filed with the Rizal provincial office of the Department of Labor a claim for separation pay against the Antipolo Highway Lines, Inc. The company moved to dismiss the claim for lack of jurisdiction. The motion was not resolved.

On October 11, 1972, Crisostomo charged De Jesus with estafa in the office of the Provincial Fiscal of Rizal for having allegedly laded to remit to the Social Security System the sum of seventy pesos which was deducted from his salary. On October 20, 1972 the company filed against Crisostomo a counter-charge for estafa through falsification of commercial documents also in the Fiscal's Office of Rizal. In two resolutions dated February 12, 1973 the investigating fiscal dismissed the charge and countercharge because they were not substantiated (I.S. Nos. 72-6203 and 72-6550).[*]

During the pendency of the estafa case, Crisostomo filed with the NLRC a complaint dated January 15, 1973 against De Jesus and the company. He alleged that he was arbitrarily dismissed as chief inspector. He prayed that he be awarded separation pay and other benefits under existing labor laws.

The case was assigned to Eusebio M. Jimenez, a mediator, for preliminary fact-finding. Jimenez set the case for a conference with the parties on January 22, 1973. Crisostomo and Jose C. Fernandez, a representative of the management, appeared in that conference. Another conference was scheduled on January 29, 1973. At that conference the lawyers of the parties were present. They agreed that the hearing be held in abeyance because of the pendency of the estafa case against Crisostomo. Because of that agreement, Jimenez in a report dated February 12, 1973 recommended the provisional dismissal of the case.

After the estafa cases were dismissed on February 20, 1973 Crisostomo asked the NLRC to reopen the case. Commissioner Ricardo C. Castro scheduled the case for hearing on February 26, 1973. On that date Crisostomo appeared. There was no appearance for the company. The case was reset for hearing on March 1. On that date Crisostomo appeared. For the company Jose C. Fernandez appeared but he said that he had no knowledge of the case and no authority to make any commitment. So, the case was reset for March 7. On that date Crisostomo and the company's lawyer appeared. The hearing was reset for March 15.

On March 12, 1973 Crisostomo filed with the NLRC an amended complaint for reinstatement with back wages amounting to P309 a month from August 12, 1972. At the same time, Crisostomo notified De Jesus, the company's general manager, that he (Crisostomo) desired to return to his job and to claim back wages. At the hearing scheduled on March 15, the parties agreed to discuss the issues by themselves. The case was reset for March 22. On that date the company manifested that the case could not be settled amicably. It asked for ten days within which to file a memorandum. The mediator granted the parties ten days to file simultaneous memoranda.

On April 11, 1973 the mediator submitted a fact-finding report wherein he indicated that the case was beyond conciliation. He returned the case to the Commission for compulsory arbitration.

On April 12, 1973 Antipolo Highway Lines, Inc. and De Jesus, through counsel, filed in the NLRC a ten-page memorandum dated April 4, 1973 in support of their contentions that it had no jurisdiction over the case and that Crisostomo's dismissal was due to breach of trust and, therefore, for a just cause. Attached to the memorandum were the following annexes:

- (1) a copy of a criminal complaint for estafa filed by Crisostomo with the office of the Provincial Fiscal of Rizal against Francisco de Jesus, the president and general manager of the Antipolo Highway Lines, Inc., for allegedly misapplying the amounts collected as his contributions to the Social Security System.
- (2) a copy of a resolution of the Investigating Fiscal dismissing the case for insufficiency of evidence.
- (3) a copy of an affidavit executed by Francisco de Jesus, which was submitted to the Fiscal's Office of Rizal, alleging that respondent Crisostomo conspired and connived with a syndicate which defrauded the company in the sum of P10,000.
- (4) a copy of the affidavit of Bus Inspector Enrique Cruz attesting to the fact that Crisostomo was involved in a syndicate which has victimized petitioner company in the sum of P10,000.

In the affidavit of Cruz the following imputation was made against Crisostomo:

"Na nito pong bandang huli ay napagalaman ko na si Crisanto Crisostomo pala ay isa sa mga miembro ng sindikato sa Antipolo Highway Lines, Inc., na gumagawa ng paraan upang ang perang dapat sana na kitain ng companya ay sa kanilang mga miembro ng sindikato napupunta, at ang sindikatong ito ay nagpasimula sa aking pagkaalam noong Mayo 1972 hanggang Agosto 1972, at napagalaman ko rin po na ang halagang nalikom ng sindikato sa ganitong pamamaraan ay umabot sa P10,000."

On April 25, 1973 the NLRC designated Francisco G. Jose as compulsory arbitrator. He was required to resolve the case within twenty working days (Sec. 17, NLRC Rules and Regulations). He set the case for hearing on May

12, 17 and 31 and June 11 and 16, 1973. Crisostomo was present at the five hearings while the company's lawyer attended only two hearings. In these hearings he reiterated his contention that the NLRC had no jurisdiction over the case and that Crisostomo was dismissed for just cause.

As already noted, the arbitrator rendered on June 25, 1973 a decision wherein he ordered the company and De Jesus to reinstate Crisostomo with back wages for ten months amounting to P3,090. A copy of that award was received by De Jesus on July 12, 1973. Through counsel, De Jesus, the owner and operator of Antipolo Highway Lines, filed on July 18, 1973 a motion for reconsideration. He complained that he had not been given his day in court because there were no hearings wherein he was present. The NLRC denied the motion and affirmed the award. As already noted, the Secretary of Labor upheld the NLRC order.

In this certiorari case the company and De Jesus have abandoned their contention that the NLRC had no jurisdiction over Crisostomo's complaint. They reiterate their contentions that they were denied due process in the NLRC, that it acted with grave abuse of discretion amounting to lack of jurisdiction and that Crisostomo was dismissed for a valid cause.

As the proceedings in the NLRC were summary in character (See sec. 28 of Rules and Regulations), technical rules of court practice, procedure and evidence did not have to be rigidly applied (See *Asprec vs. Itchon*, L-21685, April 30, 1966, 16 SCRA 921, 927). De Jesus and the company were afforded several opportunities for being heard. They did not insist that the mediator or the arbitrator should hear their oral evidence on the supposed dishonesty committed by Crisostomo. They presented copies of the affidavits of De Jesus and Cruz regarding the involvement of Crisostomo in the syndicate that allegedly defrauded Antipolo Highway Lines, Inc. What impressed the mediator and arbitrator was that De Jesus was not able to prove his charge against Crisostomo in the Fiscal's office. It is evident from the resolutions of the NLRC and the Secretary of Labor that they were averse to taking a stand that would be inconsistent with the conclusion reached by the Fiscal's office in the estafa case against Crisostomo.

A dispassionate scrutiny of the proceedings in the NLRC does not sustain petitioners' view that they were denied due process and that the NLRC committed a grave abuse of discretion. (See *Maglasang vs. Ople*, L-38813, April 29, 1975 per Justice Fernando). We found no justification for setting aside the factual findings of the NLRC, which like those of any other administrative agency, are generally binding on the courts (*Timbancaya vs. Vicente*, 62 O.G. 9424, 9 SCRA 852).

However, Crisostomo should be given back wages only for ten months or P3,090 and not up to the date of his reinstatement (See *Feati University Faculty Club (Paflu) vs. Feati University*, L-31503, August 15, 1974, 58 SCRA 395, 421).

WHEREFORE, the order of the NLRC dated September 7, 1973 is affirmed with the clarification that respondent Crisanto Crisostomo should be given back wages for ten months only or the sum of P3,090. No cost. So ordered.

Fernando, (Chairman), Barredo, Antonio, and Concepcion Jr., JJ., concur.

[*] "RESOLUTION

The complainant Francisco C. de Jesus, president and general manager of Antipolo Highway Lines, Inc., charged Crisanto Crisostomo, chief inspector of the bus company with the crime of estafa committed as follows:

- 1) By conspiring and confederating with several bus conductors, drivers and few inspectors and in a fraudulent scheme to defraud the Antipolo Highway Lines deliberately allow the use of bus tickets of another bus

company, and

2) in deliberately allowing and authorizing the issuance of official bus tickets of the Antipolo Highway Lines, the amount appearing in the original being greatly lower and different in value than that appearing in its duplicate and thereafter collecting, dividing and misappropriating for their own use and benefit the amounts so collected from their illegal and fraudulent acts and the amount is P10,000.00.

Regarding the first violation the respondent chief inspector of the complainant is charge with having allowed the use of the bus tickets of another company. To prove this charge complainant submitted the affidavit of the general manager, Francisco de Jesus, and Enrique Cruz, as inspector who alleged that respondent allowed the use of tickets of another bus company in lieu of their own tickets. Complainant, however, failed to produce said tickets or mention the alleged co-conspirators. Enriquez Cruz stated in his affidavit that everytime he apprehends an erring bus conductor attempts were made to bribe him and he was told not to continue to be very strict because they have bribed chief inspector Crisanto Crisostomo already. This is clearly hearsay evidence. Without the testimony of the bus conductors themselves this is not admissible in evidence.

Regarding the second charge, the same witnesses submitted affidavits to support the charge. In addition a Xerox copy of the original and duplicate of tickets issued to a passenger was presented without presenting the conductor to whom this was issued and who in turn is responsible for punching and issuing the tickets to the passengers.

The complaint and the evidence do not warrant the existence of a prima facie case

IN VIEW THEREOF, I hereby recommend that the charge be dismissed. Pasig, February 12, 1973.

(SGD) Corona V. Venal

(TYPED) CORONA V. VENAL

Assistant Fiscal".

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.