MIGUEL F. ALDEA, PETITIONER, VS. THE DEPARTMENT OF LABOR AND EMPLOYMENT AND NORA A. ALDEA, RESPONDENTS.

Ponente: ANTONIO-VALENZUELA, J.

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ANTONIO-VALENZUELA, J.:

This is the Petition[1] via Rule 65 of the Rules of Court filed by Miguel F. Aldea ("petitioner Miguel"), imputing grave abuse of discretion on the part of the Department of Labor and Employment ("DOLE") for issuing the Order dated 16 September 2010,[2] which dismissed petitioner Miguel's petition for review; and the Order dated 31 August 2011,[3] which denied petitioner Miguel's Motion for Reconsideration.[4]

THE FACTS

Petitioner Miguel, an overseas contract worker, was employed as a security guard in a cruise ship. Petitioner Miguel is married to Nora Antonio Aldea ("respondent Nora") per the Marriage Contract dated 13 September 1990.[5]

Respondent Nora filed the Complaint (For Disciplinary Action)[6] against petitioner Miguel before the Philippine Overseas Employment Administration (POEA) Adjudication Office. Respondent Nora charged petitioner Miguel of committing a pre-employment offense – Submission/furnishing or using false information or documents or any form of misrepresentation for the purpose of job application or employment. The Complaint attached petitioner Miguel's POEA Information Sheet which listed a certain Agnes Cabuhat Aldea as petitioner Miguel's spouse, and not respondent Nora.

Petitioner Miguel executed a notarized document, entitled Sagot[7] wherein petitioner Miguel admitted that he submitted false documents and listed false beneficiaries in the Information Sheet. Petitioner Miguel narrated that he and respondent Nora separated twice on account of respondent Nora's gambling addiction, and abandonment of marital duties to petitioner Miguel, and parental duties to their children.

On 23 February 2010, the POEA Adjudication Office issued the Order[8] which found petitioner Miguel liable for the charges filed against him. The dispositive portion of the Order stated:

> WHEREFORE, premises considered, We find respondent Miguel Fernandez Aldea liable for violation of Section 1 (A1), Rule II, Part VI of the Rules and Regulations Governing the Recruitment and Employment of Seafarers and is hereby suspended from participating in the overseas employment program for a period of One (1) year effective upon his receipt of this Order.
>
> Accordingly, let the respondent's name be included in the Administration's list of persons disqualified to participate in the overseas employment program for the entire period of his suspension.
>
> SO ORDERED.

The Order of the POEA Adjudication Office ruled: petitioner Miguel's admission that he declared another woman as his spouse in his Information Sheet was sufficient evidence of his violation of Section 1 (A1), Rule II, Part VI of the Rules and Regulations Governing the Recruitment and Employment of Seafarers; petitioner Miguel's

marriage to respondent Nora was neither annulled nor declared void, thus petitioner Miguel's act of changing the name of his spouse in the Information Sheet was unjustified.

Petitioner Miguel filed the Memorandum on Appeal for the Respondent[9] before the DOLE.

On 16 September 2010, the DOLE dismissed petitioner Miguel's appeal.[10]

The Order dated 16 September 2010 of the DOLE ruled: the POEA Adjudication Office afforded petitioner Miguel due process because petitioner Miguel filed his answer (Sagot) to the complaint; petitioner Miguel could not allege that his answer was filed without the assistance of counsel, because the right to counsel was not indispensable in administrative proceedings wherein the technicalities of law and procedure in the courts of law are not strictly applicable; the conduct of a formal investigation was not necessary because the documents submitted in evidence were sufficient to find petitioner Miguel administratively liable; petitioner Miguel's violation of Section 1 (A1), Rule II, Part VI of the Rules and Regulations Governing the Recruitment and Employment of Seafarers was in the nature of malum prohibitum where defenses of good faith and lack of malicious intent are unavailing.

Petitioner Miguel filed the Motion for Reconsideration.[11]

The DOLE issued the Order dated 31 August 2011 denying petitioner Miguel's motion for reconsideration for lack of merit.[12]

Thus, this Petition, petitioner Miguel making the following assignment of errors:

> ASSIGNMENT OF ERRORS
> I. THE DEPARTMENT OF LABOR AN (SIC) EMPLOYMENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN AFFIRMING THE FINDINGS OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION WHEN SAID FINDINGS WAS BASED SOLELY ON THE SO-CALLED ADMISSIONS MADE BY THE PETITIONER ON HIS OWN HANDWRITTEN ANSWER TO THE COMPLAINT.
>
> II. THE DEPARTMENT OF LABOR AND EMPLOYMENT COMMITTED GRAVE ABUSE OF DISCRETION IN HOLDING THAT THE MANNER UPON WHICH THE ASSAILED ORDER OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMISTRATION WAS BASED
>
> **IS IN ACCORD WITH THE PROCEDURAL DUE PROCESS.**

The issues are: 1) whether the DOLE committed grave abuse of discretion in finding petitioner Miguel administratively liable; and 2) whether the POEA Adjudication Office afforded petitioner Miguel procedural due process.

THE PETITIONER'S ARGUMENTS
Anent the first issue, petitioner Miguel answers in the affirmative. The DOLE committed grave abuse of discretion in finding petitioner Miguel administratively liable.

The Petition[13] thrusts: the DOLE erred in treating petitioner Miguel's admission in his answer (Sagot) as judicial admission of guilt to the offense charged; petitioner Miguel's admission in his answer was made through mistake, and should not be taken against him; the pieces of evidence (i.e., marriage contract of petitioner Miguel and respondent Nora, and the certification from the National Statistics Office that petitioner Miguel allegedly entered into two different marriages) submitted by respondent Nora were not substantial evidence to support the findings of POEA Adjudication Office and the DOLE.

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Regarding the second issue, petitioner Miguel answers in the negative. The POEA Adjudication Office did not afford petitioner Miguel procedural due process.

The Petition thrusts: the POEA Adjudication Office did not afford petitioner Miguel procedural due process because both petitioner Miguel and respondent Nora did not attend the scheduled hearings before the POEA Adjudication Office; after petitioner Miguel filed his answer, the POEA Adjudication Office did not conduct further hearings, and did not order the parties to submit pleadings or additional evidence.

Respondent Nora did not file comment to the Petition.

THE COURT'S RULING
We dismiss the Petition.

Anent the first issue, we rule in the negative. The DOLE did not commit grave abuse of discretion in finding petitioner Miguel administratively liable.

Applicable is Section 1(A.1), Rule II, Part VI of the 2003 POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers which read:

> "RULE II
> DISCIPLINARY ACTION AGAINST SEAFARERS
> Section 1. Grounds for Disciplinary Action and their Penalties. Commission by a seafarer of any of the offenses enumerated below or of similar offenses shall be a ground for disciplinary action for which the corresponding penalty shall be imposed:
>
> A. Pre-Employment Offenses
>
> 1. Submission/furnishing or using false information or documents or any form of misrepresentation for purpose of job application or employment.
>
> 1st Offense: One year to two years suspension from participation in the overseas employment program
>
> 2nd Offense: Two years and one day suspension from participation in the overseas employment program to Delisting from the POEA Registry
>
> xxx xxx xxx"

As stated in Section 1 above-quoted, a seafarer who submits, or uses false information or documents, for purpose of job application or employment, commits a disciplinary offense and will be imposed the penalties specified therein.

We affirm the findings of the DOLE and POEA Adjudication Office that petitioner Miguel committed the pre-employment offense of using false information for employment.

In cases filed before administrative or quasi-judicial bodies, a fact may be deemed established if it is supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[14] Jurisprudence provides that factual findings of administrative agencies are generally accorded not only respect but also finality where the findings are supported by substantial evidence.[15]

In this case, there was substantial evidence to hold petitioner Miguel administratively liable.

First, petitioner Miguel's Information Sheet showed that petitioner Miguel listed a certain Agnes Cabuhat Caldea as his spouse. Clearly, petitioner Miguel used false information considering that petitioner Miguel was married to respondent Nora, as shown by the Marriage Contract dated 13 September 1990.

Second, petitioner Miguel admitted that he used false information in the Information Sheet in his answer (Sagot) to the Complaint before the POEA Adjudication Office. Although petitioner Miguel stated that his admission was made through mistake, petitioner Miguel failed to explain why the said admission was a mistake.

Petitioner Miguel argues that his answer (Sagot) should not be given weight because petitioner Miguel executed the answer (Sagot) without assistance of a counsel, thus his admission should not be taken against him.

We do not agree.

In Sevillana v. I.T. (International) Corp./Samir Maddah & Travellers Insurance and Surety Corp., et al.,[16] the Supreme Court ruled that the POEA Adjudication Office is authorized to decide cases based on evidence before it, without resorting to technical rules of evidence.

Further, the right to counsel is not mandatory in administrative proceedings. While investigations conducted by an administrative body may at times be akin to a criminal proceeding, the fact remains that, under existing laws, a party in an administrative inquiry may or may not be assisted by counsel, regardless of the nature of the charges and of petitioner's capacity to represent herself, and no duty rests on such body to furnish the person being investigated with counsel.[17] Thus, the DOLE and the POEA Adjudication Office did not err in considering petitioner Miguel's admission against him.

Regarding the second issue, we rule in the affirmative. The POEA Adjudication Office afforded petitioner Miguel procedural due process.

Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of.[18]

In this case, the POEA Adjudication Office afforded petitioner Miguel procedural due process because the Office gave petitioner Miguel the opportunity to answer the charges filed against him.

We DISMISS the Petition.

IT IS SO ORDERED.

De Leon, M.M., Chairperson and Lantion, J.A.C., JJ., concur.

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[1] C.A. Rollo, p. 3.

[2] Annex F of the Petition, C.A. Rollo, p. 39.

[3] Annex A of the Petition, C.A. Rollo, p. 16.

[4] Annex G of the Petition, C.A. Rollo, p. 46.

[5] C.A. Rollo, p. 23.

[6] Annex B of the Petition, C.A. Rollo, p. 20.

[7] Annex C of the Petition, C.A. Rollo, p. 26.

[8] Annex D of the Petition, C.A. Rollo, p. 30.

[9] Annex E of the Petition, C.A. Rollo, p. 33.

[10] Supra, note 2.

[11] Supra, note 4.

[12] Supra, note 3.

[13] Supra, note 1.

[14] Rule 133, Section 5 of the Rules of Court.

[15] Sunga v. Virjen Shipping Corporation et al., G.R. No. 198640, 23 April 2014; Colegio de San Juan de Letran-Calamba v. Tardeo, G.R. No. 190303, 9 July 2014; FLP Enterprises, Inc. et al., v. Dela Cruz et al., G.R. No. 198093, 28 July 2014.

[16] G.R. No. 99047, 16 April 2001.

[17] Anonymouse Complaint against Otelia Lyn G. Maceda, Court Interpreter, Municipal Trial Court, Palapag, Northern Samar, A.M. No. P-12-3093, 26 March 2014 quoting Carbonel v. Civil Service Commission, G.R. No. 187689, 7 September 2010.

[18] Primanila Plans, Inc., v. SEC, G.R. No. 193791, 6 August 2014 quoting Ledesma v. Court of Appeals, 565 Phil. 731 (2007).

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