

ARMANDO LOCSIN, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENT.*G.R. No. L-34710. February 10, 1989*

Ponente: NARVASA, J.

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Petitioner was convicted[1] of a violation of Republic Act No. 679 otherwise known as "The Woman and Child Labor Law,"[2] in that, as officer-in-charge of the Talisay-Silay Planters' Association, he dismissed a female employee thereof, Celia Navarosa Bañas, in order to prevent her, as in fact she was thereby prevented, from enjoying the maternity leave benefits prescribed by the Act. He was accordingly sentenced "to pay a fine of P3,000.00 with subsidiary imprisonment in case of insolvency ** and to pay to said Celia Navarosa Bañas, the sum of P357.40 for fourteen (14) weeks of maternity leave at the rate of sixty per cent (60%) of P170.00 per month, or P357.40." [3] That verdict was affirmed by the Court of Appeals, "except that subsidiary imprisonment shall be at the rate of One (1) day for each Eight (8) Pesos, said subsidiary imprisonment not to exceed six (6) months **." [4]

The case has been brought up to this Court on an appeal by certiorari taken by the petitioner. He does not question the basic facts --- indeed he could not it being axiomatic that the conclusions of fact of the Court of Appeals are final --- those basic facts being: that the dismissal of Ms. Bañas had been effected by a communication dated October 12, 1964 and signed by him; that at the time Ms. Bañas was on her eighth month of pregnancy; and that he had subsequently sent her two other letters, dated November 5, 1964 and January 5, 1965, refusing reconsideration of her discharge from employment and conveying the Association's decision not to pay her maternity leave benefits, and that Ms. Bañas had thereby failed to receive the maternity leave benefits to which she was entered. Petitioner seeks reversal of the verdict on the following propositions of law:

- 1) the acts constituting the offense having been authorized and directed by the Board of Directors of the employer association, a juridical person, the directors should be declared responsible therefor, and not the petitioner, who was merely the association's "chemist-representative;"
- 2) since petitioner merely implemented the Board's resolution terminating Ms. Bañas employment, as was his ministerial duty, he cannot be held accountable therefor; and
- 3) since there is some ambiguity in section 12 of the law, under which he has been made liable, it must be resolved in his favor.

The appeal must fall.

There is no ambiguity whatever in Section 12 of RA No. 679. It is quite clear and leaves no doubt of the legal intentment: "If the violation is committed by a firm, association or corporation, the manager or, in his default, the person acting as such shall be liable." And the fact is that whatever the title by which he was known, the petitioner had the power to hire, discharge and supervise employees, and had the responsibility of carrying out the policies

and orders of the board of directors.[5] In other words, he was if not officially designated as the manager, acting as such. He was therefore correctly declared to be liable for the violation of the law "committed by ** (the) corporation." Moreover, the record fails to disclose any reason to disturb the findings of the Trial Court on the actuality of this claimed board action, made after analysis of the proofs, to wit:

The Court believes that the resolution allegedly made by the board of directors of the Talisay-Silay Planters' Association on October 2, 1964 is an eleventh hour concoction to save the accused from criminal responsibility. This is indirect shown by several circumstances. In the letter of the accused dated October 12, 1964 addressed to the complaining witness (Exh. B) he did mention anything about the resolution of the board. When the complaint for dismissing the employee (Celia Navarosa) was investigated by the Bureau of Labor there was no mention whatsoever about the alleged resolution of the board dismissing the complainant. [6]

WHEREFORE, the petitioner's appeal is DISMISSED, and the decision of the Court of Appeals, sustaining with modification that of the Trial Court, is AFFIRMED, with costs against petitioner.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] By the Court of First Instance of Negros Occidental, in Criminal Case No. 8871 entitled "People v. Armando M. Locsin"

[2] Section 12 in relation to Section 8

[3] Rollo, p. 47

[4] Id, pp. 41-42

[5] TSN, Sept. 29, 1967, pp. 3-4; Exh 6, Record, p. 72

[6] Decision in Crim. Case No. 8871, p. J, Brief for the accused-appellant, Rollo, p. 47

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