

WILLIAM S. DIONISIO, PETITIONER, V. NATIONAL LABOR RELATIONS COMMISSION, CATALINA SECURITY AGENCY, AND / OR PLACIDO URBANES III, RESPONDENTS.

Ponente: TOLENTINO, A.G., J.

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TOLENTINO, A.G., J.:

This is a Petition for Certiorari under Rule 65 of the Revised Rules of Court seeking to annul and set aside the resolutions dated June 28, 2013[1] and July 31, 2013[2] both of the National Labor Relations Commission (NLRC).

The antecedents of this case are as follows:

The petitioner was employed as a security guard by the private respondent Catalina Security Agency on July 16, 2010. He was assigned by the private respondent agency to its client, the Metropolitan Waterworks and Sewerage System (MWSS) Balara Filter Station in Quezon City, whereby a contract for security service[3] was entered into by and between the said agency and MWSS.

The petitioner was meted out the penalty of suspension by the private respondent agency due to the following infractions:

- Acted in an arrogant, discourteous manner and challenged an MWSS guest to a fistfight on March 23, 2011;
- Threatened one of his co-guards on October 25, 2011;
- Insubordination towards his detachment commander Angeles Rodriguez;
- AWOL on November 1, 2011; and
- Entrusted his 9mm pistol, a handheld radio and battery pack to an unidentified security guard who was not connected in any manner with the private respondent agency.

To avoid animosity among its security guards, the private respondent agency issued an office order assigning the petitioner to MWSS-Macabud in Rodriguez, Rizal. However, the petitioner refused to receive the said office order. The private respondent agency sent a letter[4] dated June 26, 2012 to the petitioner reiterating his new assignment requiring him to report in MWSS-Macabud, but the petitioner did not comply with the instruction of the private respondent.

Initially, the petitioner filed a complaint for illegal dismissal but the said complaint was thereafter amended whereby the petitioner deleted illegal dismissal as a cause of action. Instead he filed a claim for underpayment of wages, non-payment of premium pay for holiday and rest day, service incentive leave pay, night shift differential pay, illegal deduction and suspension, damages, and attorney's fees against the private respondent and MWSS with the Labor Arbiter but the latter dismissed the complaint for lack of merit in a decision[5] dated April 4, 2013.

Upon appeal, the NLRC dismissed the appeal in a resolution[6] dated June 28, 2013. The dispositive portion of

the resolution reads:

“WHEREFORE, premises considered, the appeal is DISMISSED. The 04 April 2013 Decision of Labor Arbiter Fe S. Cellan is hereby AFFIRMED in its entirety.

SO ORDERED.”[7]

The motion for reconsideration was denied in a resolution[8] dated July 31, 2013. The decretal portion of the resolution reads:

“WHEREFORE, the instant Motion for Reconsideration should be, as it is hereby DENIED for lack of merit. The resolution dated 28 June 2013 is AFFIRMED.

No further motion of similar nature shall be entertained.

SO ORDERED.”[9]

Hence, this petition for certiorari.

The issue in this case is whether or not the NLRC committed grave abuse of discretion amounting to lack of or in excess of jurisdiction in affirming the decision of the Labor Arbiter, for being contrary to facts, law, and jurisprudence, which will cause injustice and grave and irreparable damage to the petitioner.

THE PETITION MUST FAIL.

Management prerogative refers to the right of an employer to regulate all aspects of employment, such as the freedom to prescribe work assignments, working methods, processes to be followed, regulation regarding transfer of employees, supervision of their work, lay-off and discipline, and dismissal and recall of work.[10] It has been settled that an employer has the right to transfer or assign its employees from one office or area of operation to another, or in pursuit of its legitimate business interest, provided there is no demotion in rank or diminution of salary, benefits, and other privileges, and the transfer is not motivated by discrimination or bad faith, or effected as a form of punishment or demotion without sufficient cause.[11] In cases involving security guards, it is a common situation that a relief and transfer from one area to another is a prerogative of the security agency. There are instances when security guards are on temporary "off-detail" or the period of time they are made to wait until they are transferred or assigned to a new post or client so long as such status does not continue beyond six months.

In this case, there is no dispute that the petitioner was not on “off-detail” or in a floating status because he was transferred and immediately given new assignment by the private respondents. However, the petitioner did not report for work to his new assignment on the ground that his new assignment is too far from his residence,[12] and his transfer was tainted with bad faith because it would involve working in close proximity to his co-guard who threatened to kill him. Based on the records of this case, the petitioner's allegations were not established, the same were merely based on speculation, conjectures or surmises. Inconvenience on the part of the petitioner cannot justify his refusal to report for work to his new assignment. It has been held that the objection to the transfer being grounded solely upon the personal inconvenience or hardship that will be caused to the employee by reason of the transfer is not a valid reason to disobey an order of transfer.[13] The reason for the transfer of the petitioner was the several infractions committed by him, which were not disputed in this case, and which would cause animosity among his co-guards. The said transfer was within the ambit of the private respondent's prerogatives as an employer of the petitioner. Hence, there is nothing illegal in the transfer of the petitioner from MWSS-Balara to MWSS-Macabud.

For the money claims of the petitioner, the records show that the private respondents paid the petitioner. The said payments were supported by the payroll sheets and other documents. Both the Labor Arbiter and the NLRC are in unison that the evidence presented by the private respondents are more credible than the piece of paper presented by the petitioner. Settled is the rule that the factual findings of quasi-judicial agencies like the Labor Arbiter and the NLRC, which have acquired expertise because their jurisdiction is confined to specific matters, are generally not only entitled to great respect but also given the stamp of finality when such findings are supported by substantial evidence. Thus, absent any proof that the factual findings of the Labor Arbiter and the NLRC are capricious or arbitrary, such findings have conclusive effect on this Court and deserve finality.[14]

All told, the NLRC did not commit grave abuse of discretion amounting to lack of or in excess of jurisdiction in finding for the private respondents.

WHEREFORE, premises considered, the petition is DISMISSED for utter lack of merit. The resolutions dated June 28, 2013 and July 31, 2013 of the public respondent National Labor Relations Commission are AFFIRMED.

SO ORDERED.

Rosario and Barrios,[*] JJ., concur.

[*] Vice Justice Leoncia R. Dimagiba, per Office Order No. 199-14-ABR dated May 9, 2014.

[1] Rollo, pp. 258-264.

[2] *ibid.*, pp. 274-275.

[3] *ibid.*, p. 53-54.

[4] Rollo, p. 72.

[5] Rollo, pp. 222-234.

[6] *ibid.*, pp. 258-264.

[7] *ibid.*, p. 264.

[8] *ibid.*, p. 274-275.

[9] *ibid.*

[10] SHS Perforated Materials, Inc. vs. Diaz, G.R. No. 185814, October 13, 2010.

[11] Salvaloja vs. NLRC, G.R. No. 182086, November 24, 2010.

[12] Rollo, p. 181. As mentioned by petitioner in a Letter addressed to private respondent Urbanes III.

[13] Pharmacia and Upjohn, Inc. vs. Albayda, Jr., G.R. No. 172724, August 23, 2010.

[14] Ramatek Philippines, Inc. vs. De Los Reyes, G.R. No. 139526, October 25, 2005.

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