

RICE AND CORN ADMINISTRATION, PETITIONER, VS. ISIDORO G. SILAO AND COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-25294. August 21, 1980

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for review on certiorari of the resolution en banc of the Court of Industrial Relations in Case No. 1869, Isidoro G. Silao vs. Rice and Corn Administration, as successor-in-interest of the defunct National Rice and Corn Corporation, finding herein private respondent Isidoro G. Silao to have been arbitrarily dismissed by the National Rice and Corn Corporation effective May 16, 1958 from his position as In-Charge-Cashier, NARIC, Davao Agency, with a salary of P3,480.00 p.a. and ordering his reinstatement with full backwages.

Silao alleged two causes of action: (1) illegal dismissal and (2) unpaid overtime service during the years 1956 and 1957, that is, during Sundays in October, November and December, 1956 as also on Sundays in October and November, 1957. But his complaint was filed in court only on October 5, 1963.

Petitioner has assigned the following errors:

"I

"THE HONORABLE TRIAL COURT ERRED IN ORDERING THE REINSTATEMENT OF THE RESPONDENT ISIDORO G. SILAO IN SPITE OF THE PRESCRIPTION OF THE ACTION FOR REINSTATEMENT BEFORE THE SAME WAS JUDICIALLY SOUGHT.

"II

"THE HONORABLE TRIAL COURT ERRED IN ORDERING THE PAYMENT OF OVERTIME COMPENSATION IN SPITE OF THE FACT THAT THE CLAIM HAS ALREADY PRESCRIBED.

"III

"THE HONORABLE TRIAL COURT ERRED IN EXERCISING JURISDICTION IN SETTING ASIDE AN ADMINISTRATIVE DECISION OF THE PETITIONER AND FURTHERMORE THERE WAS NO SHOWING THAT THERE WAS AN EXHAUSTION OF ADMINISTRATIVE REMEDIES BEFORE JUDICIAL ACTION WAS RESORTED TO.

"IV

"THE HONORABLE TRIAL COURT ERRED IN EXERCISING JURISDICTION OVER THE PRESENT CASE."

Of the above assigned errors, We consider petitioner's contention about prescription as sufficiently decisive of this controversy, the issue of jurisdiction notwithstanding. That is to say that even if We should hold that the Court of Industrial Relations had no jurisdiction over petitioner's case, Our conclusion that both of his claims for overtime pay as well as for reinstatement have already prescribed would be as fatal to him in any other court.

Anent petitioner's assigned error regarding exhaustion of administrative remedies, respondent's claim that the NARIC was not a public corporation, hence he was not a public employee is patently untenable. The NARIC was originally a subsidiary of the National Development Company, but later, it was made an independent entity. (Sec. 6, Ex. Order No. 93, 43 O.G. p. 4549.) It was abolished by Ex. Order No. 350 dated October 3, 1950 but recreated as a government fully owned corporation under R.A. 663 in 1951. Silao's case arose afterwards. And by express provision of Section 6 of said Act, "(b) The Board of Directors shall establish and prescribe its own rules, regulations, standards and records for the employment, promotion, demotion, removal, transfers, welfare, compensation and appraisal of performance of employees and officers of the Corporation, and provide a system of organization to fix responsibility and promote efficiency." (par. (b), Sec. 6, RA 663.)

Now, resolving the decisive issue, after mature deliberation, We are of the considered opinion that, indeed, the plea for reinstatement of respondent, who, as We have just shown belonged to the government service, had already prescribed, as also his claim for overtime pay.

Dealing first with the alleged unpaid overtime services of respondent, the same is governed by Commonwealth Act 444, as amended. And in this connection, suffice it to say that We have already held that the prescriptive period in such premises is three (3) years, naturally, from the time of non-payment:

"Any action to enforce any cause of action under this Act shall be commenced within three (3) years after the cause of action accrued, otherwise such action shall be forever barred; Provided, however, that actions already commenced before the effective date of this Act shall not be affected by the period herein prescribed. (Sec. 7A, Republic Act No. 1993 amending Sec. 7, Com. Act No. 444; *Tiberio vs. Manila Pilots Assn.*, G.R. No. L-17661, December 28, 1961.)

"Upon the enactment of Republic Act No. 1993, on June 22, 1957, and because of its retroactive effect, the claims covering 1954 to 1956, could still be validly instituted. Because Act No. 1993 shortened the period within which to bring such actions, and in order not to violate the constitutional mandate about due process, the claimant should have a reasonable time from the enactment of said law, or one year from 1957, within which to sue on said claims. Unfortunately, however, petitioners lodged their claims in 1959 and 1960 only, beyond the period of time. *Lex reprobatur moram*, the law disapproves of delay; *lex dilationes semper exhorret*, the law always abhors delay. (*Billones et al. vs. CIR, et al.*, G.R. No. L-17566 and *Villardo, et al. vs. CIR, et al.*, G.R. No. L-17567, July 30, 1965.)"

The contention of respondent that the period of prescription of his other claim, the one for reinstatement, should be counted from the date the order of the Industrial Court recognized his right thereto can hold no water. While for purposes of jurisdiction of that Court, it might be possible to consider his plea for reinstatement as related to his claim for unpaid overtime services, it is quite clear that inherently the latter claim is juridically a separate cause of action from the former and consequently, the statute of limitations runs separately for each of them.

It is but meet to point out though that respondent's stirring plea in his brief that:

"The petitioner contends that the respondent Court of Industrial Relations erred in ordering the reinstatement of this respondent, for allegedly, this respondent has lost his right to be reinstated on ground of laches. In effect, the petitioner would have the respondent suffer for a situation that was petitioner's own scheme and doing - would add insult to injury, so to speak.

"The reinstatement of the respondent has been delayed, not by the respondent, but by the petitioner itself. The petitioner had chosen not to honor the findings and recommendation - for exoneration and reinstatement of the respondent - by the committee of its own creation, and instead, submitted the matter to judicial review. By so doing, petitioner suspended respondent's cause of action to seek reinstatement, since respondent was dismissed on the basis of the same facts that were submitted to judicial review as an alleged malversation of funds.

"The petitioner, by ignoring the aforesaid findings and recommendation of its committee, and instead, filing a criminal case for alleged malversation against the respondent and dismissing him even before such case was resolved, should be bound by the consequences thereof - one of which was the time element involved. In short, petitioner should be estopped from raising the question of delay - if there be any delay - with respect to the period during which the aforesaid criminal case was being tried. Beyond this, petitioner should abide by the trial court's decision in the said criminal case, which should be taken as imposing an implied obligation upon the petitioner to reinstate the respondent after the trial court ruled that he 'did not commit the crime charged', to right a wrong done.

"The facts of this case are parallel to the facts of the case of *People vs. Consigna*, G.R. No. L-18087, promulgated August 31, 1965. Like *Consigna*, the respondent in the case at bar was placed under preventive suspension, and then indicted for the crime of malversation. Likewise, he was dismissed even while the criminal case for malversation was pending in court. Respondent, like *Consigna*, was also acquitted. But unlike *Consigna*, this respondent was exonerated from the administrative charge, upon the same facts alleged in the information subsequently filed against him.

"Yet, in the case of *Consigna*, supra, where more than one (1) year had elapsed after *Consigna* was dismissed, this Honorable Tribunal justly upheld the order for reinstatement thus:

'Upon the question of whether or not considering the facts and circumstances of the present case, the trial court had authority to reinstate and was justified in ordering the reinstatement of *Consigna*, the following should be taken into consideration:

'According to Article 217 of the Revised Penal Code, a party found guilty of malversation of public funds shall be punished with imprisonment and the additional penalty of special perpetual disqualification. It is clearly inferable from this that his conviction necessarily results in his dismissal from the public office he occupied at the time he committed the offense. On the other hand, the preventive suspension of *Consigna* followed his indictment for the crime of malversation, and this was later followed by an order for his dismissal as a result of the administrative investigation to which he was subjected even while the criminal case for malversation was pending in court. It must be observed, in this connection, that although this administrative investigation was started after the filing of the criminal case, *Consigna's* administrative superiors went ahead with said investigation - which ended with an order for his dismissal - instead of waiting for the result of the criminal case. Paraphrasing our decision in *Batungbakal vs. National Development Company et al.*, G. R. No. L-5127, May 27, 1953, We would say that 'the least that could be done is to restore to him the office and post of which he had been illegally deprived,' x x x 'to remedy the evil and wrong committed' and to fully accomplish the vindication to which he is entitled.

'The case of *People vs. Daleon*, G.R. No. L-15630, March 24, 1961, - upon which appellant relies - is not controlling in the present, because our ruling in the former was simply to the effect that, upon acquitting one charged with malversation of public funds, the court has no authority to order payment of his salaries corresponding to the period of his suspension because his right to the same was not involved in the case. This ruling does not apply to defendant's right - in case of acquittal - to reinstatement to the position he was occupying at the time of his suspension, because, as we have said heretofore, this matter would seem to be involved in the case of malversation - albeit as a mere incident - because conviction of the offense charged results necessarily in a denial of such right to reinstatement in view of the penalty of disqualification provided by law. If this is the inevitable result of conviction, reinstatement should also follow acquittal.'

"Indeed, it is highly unjust as it is unconscionable to deny reinstatement to a person who had been acquitted from a criminal charge for which he was dismissed. Otherwise his acquittal would be meaningless.

"It is, therefore, respectfully submitted that under the facts of the case at bar, like that in the case of *Consigna*, supra, the period during which the criminal case was being tried, should not be taken against the respondent. That the one-year period within which reinstatement must be sought, should be reckoned from the date of his acquittal.

"The respondent could not have sought reinstatement during the pendency in court of the criminal case against him, since it was upon the facts thereof that he was dismissed. Such case had to be resolved first by the court which acquired jurisdiction thereon, and must have been resolved in favor of the respondent, for him to acquire the right to seek reinstatement. Not until after the said court had cleared the respondent, did he acquire a right of action for reinstatement. For the illegality of such dismissal arose only after the trial court ruled that the respondent 'did not commit the crime charged'. Consequently, the one-year period within which reinstatement must be sought, began to accrue only after respondent's acquittal.

"The trial of the above-mentioned criminal case ended only on June 3, 1963, and the respondent received a copy of the court's decision only on June 22, 1963. Respondent filed his complaint for reinstatement on October 5, 1963, or only about four (4) months after his right to be reinstated had accrued.

"For the foregoing reasons, therefore, this humble representation respectfully submits that respondent's complaint for reinstatement was filed well within the one (1) year period contemplated by law, and that the respondent Court has not erred in giving due course thereto in accordance with the evidence adduced." (Pp. 6-11, Respondent's Brief.)

is worthy of serious consideration. At the very least, it cannot but evoke sympathy. But the ruling in *Torres vs. Quintos*, 88 Phil. 436, followed by *Us* in subsequent cases, among them, *Galano vs. Roxas*, G.R. No. L-31241, September 12, 1975, 67 SCRA 8, is based on considerations of public interest, and We do not feel at liberty to depart therefrom without posing injury on the public service. The *Torres* ruling is now practically three decades old, and every public employee should by now be acquainted with it.

With respect to the insistence of respondent that his acquittal, complete as it was, gave rise to a good cause of action for his reinstatement, suffice it to say that it is too elementary and well settled in administrative law to require citation of applicable jurisprudence that the administrative and criminal sanctions against erring public servants have always been considered as distinct and independent of each other. The NARIC board of directors had the power to dispense with the services of respondent thru the administrative procedure it chose to undertake, and in addition and separately therefrom, it also had the prerogative to prosecute him criminally. The provisions both of the Civil Code and the Rules of Court regarding the relationship between the criminal and civil liabilities of an accused do not contemplate administrative actions against government officers and employees. While there may be specific statutes making criminal guilt indispensable to the dismissal or any other form of administrative punishment for certain public employees, and there have been instances when the court itself did order reinstatement as a consequence of absolute acquittal, as a rule, and respondent does not cite any special regulation or law in his case, the administrative determination as to an employee's dismissal or punishment in any other way is not predicated in any respect on the result of corresponding criminal proceedings.

WHEREFORE, the petition is granted and the complaint of private respondent Silao is ordered dismissed. No costs.

Concepcion, Jr., Guerrero, and De Castro, JJ., concur.
Aquino, J., in the result.

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