

JAGUAR TRANSPORTATION CO., INC. AND BENEDICTO KATIGBAK, PETITIONERS, VS. JUAN CORNISTA, AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-32959. May 11, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision[1] dated August 13, 1970 of the Court of Industrial Relations in Case No. 2237-V entitled "Juan Cornista, complainant, versus Benedicto Katigbak and Jaguar Land Transportation Co., Inc., respondents" ordering the respondents to reinstate the complainant, Juan Cornista, and the resolution en banc[2] dated November 3, 1970 denying the motion for reconsideration of the respondents.

Juan Cornista instituted Case No. 2237-V in the Court of Industrial Relations seeking reinstatement to his job with the Jaguar Transportation Co., Inc. and the recovery of backwages, overtime pay and night work differentials.

The amended complaint[3] stated that on November 21, 1965, Juan Cornista was employed as Section Inspector by respondents in their Super Transit at P6.00 a day without being paid overtime pay for two hours daily from November 21, 1965 up to the date of his dismissal from the service by respondents; that on February 1, 1966, Juan Cornista was assigned by respondents as dispatcher; that he rendered work ten hours daily up to March 16, 1966, without being granted overtime compensation; that Juan Cornista was assigned back as Section Inspector by respondents on March 17, 1966; that he reported to work daily from 9:30 p.m. to 11:30 a.m. up to March 31, 1966 without being paid the overtime pay as provided for by law; and that the respondents dismissed Juan Cornista without notice and without just cause.

In their answers, the respondents, petitioners herein, alleged that the complainant, Juan Cornista, had not rendered any overtime work as employee of the Super Transit; that Juan Cornista abandoned his work with the respondent corporation; and that the Jaguar Transportation Co., Inc. was forced to terminate complainant's work in accordance with law.[4]

The Court of Industrial Relations found that "The evidence on record clearly shows that Cornista was fully paid in accordance with law."[5]

However, the respondents, petitioners herein, were ordered to reinstate the complainant, Juan Cornista, to his former position with full backwages from the time of his dismissal on April 14, 1966 up to the actual date of his reinstatement because the Court of Industrial Relations found that Juan Cornista was dismissed for no justifiable cause or reason and without notice.[6]

The petitioners submit that the Court of Industrial Relations erred in ordering the reinstatement of Juan Cornista.[7]

The contention that the Court of Industrial Relations has no jurisdiction over the case has no merit. The complaint and amended complaint of Juan Cornista asked for the recovery of overtime pay under the Eight-Hour Labor Law

and for reinstatement. Hence, under Republic Act No. 875 the Court of Industrial Relations had jurisdiction over Case No. 2237-V.[8]

However, the Court of Industrial Relations erred in ordering the reinstatement of Juan Cornista. It is undisputed that Juan Cornista was hired without a definite period. Under the Termination Pay Law, Juan Cornista could be terminated with or without notice. The said law, however, provides that "The employee, upon whom no such notice was served in case of termination of employment without just cause shall be entitled to compensation from the date of termination of his employment in an amount equivalent to his salaries or wages corresponding to the required period of notice." [9]

This Court has held:

"On the other hand, the dismissed employees have appealed on the ground that, since the Court of Appeals found that their dismissal was 'unjust, unreasonable and unlawful', the Court of Appeals erred in not ordering their reinstatement and the payment of their back salaries.

In support of the above contention, the appellants-employees cited the case of Gutierrez vs. Bachrach Motors Co., L-11298, L-11586 and L-11603, 19 January 1959. While holding that an action for reinstatement should be filed within a reasonable time, the said case did not precisely uphold the right to reinstatement of an unjustifiably dismissed employee. Nor have these appellants cited any specific statutory provision.

On the contrary, Republic Act 1052, as amended by Republic Act 1787, impliedly recognizes the right of the employer to dismiss his employees (hired without definite period) whether for just cause, as therein defined or enumerated, or without it. If there be just cause, the employer is not required to serve any notice of discharge nor to disburse termination pay to the employee. If the dismissal be without just cause, the employer must serve timely notice to the employee; but if he fails to serve due notice, then, and only then, is the employer obliged to pay termination pay. Except where other applicable statutes provide differently, it is not the cause for the dismissal but the employer's failure to serve notice upon the employee that renders the employer answerable to the employee for terminal pay." [10]

There is no clear showing that Juan Cornista was dismissed without just cause. Juan Cornista testified that because of his underfoot wound, on March 31, 1966 he made the following remark in his daily report: "Sir, I cannot report tomorrow due to the wound of my underfoot is very painful"; that he left said daily report to his co-inspector, Diokno, as the employee in charge was no longer there; that between April 1 and April 14, 1966, Cornista himself treated his wound; and that on April 14, 1966, he reported for work but Bermas and Purificacion Miclat told him that he was already dismissed because he left his work for more than five (5) days which was against the company's policy.

The respondents, petitioners herein, presented Daniel Bermas who declared that Juan Cornista left work on March 31, 1966; that he did not know why Cornista stopped working since April 1, 1966; that he had not received any written request that Cornista would not report for work beginning April 1, 1966 nor was he informed by anybody about said fact; that after March 31, 1966 and even on April 14, 1966 he had not seen Cornista; that in a letter dated April 7, 1966, which was mailed on the same date, Bermas informed Cornista of his dismissal in accordance with the company's rules; that the employees of the respondents knew these rules because they were duly informed by the general manager and the original of said rules was posted in the respondents' bulletin board; and that respondents are very strict on attendance because they are engaged in transportation business.[11]

Granting, arguendo, that Juan Cornista was dismissed without notice and without just cause, he cannot demand reinstatement. Cornista was not dismissed as a result of a violation of the Eight-Hour Labor Law or unfair labor practice. His dismissal is covered by the Termination Pay Law under which he is not entitled to reinstatement but only to a certain compensation.

WHEREFORE, the decision of the Court of Industrial Relations in Case No. 2237-V ordering the reinstatement of Juan Cornista is hereby set aside but the petitioner Jaguar Transportation Co., Inc. is ordered to pay as termination pay the sum of One Hundred Eighty Pesos (P180.00) Juan Cornista, an amount equivalent to his salaries or wages corresponding to the required period of notice in accordance with Republic Act No. 1052 as amended by Republic Act No. 1787, with legal interest from April 14, 1966 until fully paid, without pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Santos, and Guerrero, JJ., concur.

[1] Rollo, pp. 33-40.

[2] Rollo, pp. 50-51.

[3] Rollo, pp. 18-19.

[4] Rollo, pp. 15-16 and pp. 21-22.

[5] Rollo, p. 39.

[6] Rollo, pp. 38-39.

[7] Brief for the Petitioners, p. 5, Rollo, p. 141.

[8] Price Stabilization Corp. vs. Court of Industrial Relations, et al., 108 Phil. 134; Campos vs. Manila Railroad Co., 5 SCRA 93; and National Shipyards and Steel Corp. vs. Court of Industrial Relations, 20 SCRA 134.

[9] Section 1, Republic Act 1052 as amended.

[10] Philippine Refining Co., Inc. vs. Garcia, 18 SCRA 107, 111-112.

[11] Rollo, pp. 34-35.

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