

NATIONAL BREWERY AND ALLIED INDUSTRIES LABOR UNION OF THE PHILIPPINES (PAFLU) AND FERNANDO SAGARBARRIA, PLAINTIFFS AND APPELLEES, VS. SAN MIGUEL BREWERY, INC., DEFENDANT AND APP...

G.R. No. L-24545. June 30, 1976

Ponente: FERNANDO, J.

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FERNANDO, J.:

If this appeal from a Court of First Instance decision, taken at a time when such procedure was allowable,[1] were typical of the resolute and determined effort on the part of some corporate entities to resist payment of money claims, irrespective of the amounts involved, then it is easily understandable why the appellate docket remains clogged. As will be seen, the treasury of appellant San Miguel Brewery, Inc., now San Miguel Corporation, would be hardly dented, even if the judgment against it would remain undisturbed. It was merely ordered to pay plaintiff Fernando Sagarbarria,[2] now appellee, the sum of P213.00 representing his wages for the period he was illegally suspended and his monthly ration of rice equivalent to 33-1/3 lbs. as well as the additional sum of P300.00 for attorney's fees, in view of the fact that the suspension was not, in the language of the well-written decision of the then Judge, now Associate Justice of the Court of Appeals, Conrado M. Vasquez, "for a just and proper cause," the basis for disciplinary action in accordance with the then existing collective bargaining agreement. The lone error assigned, hardly impressed with a legal character, was to the effect that there was a just and proper cause for suspension and therefore its validity should be upheld. If a greater degree of attention were paid to the law on the subject, then perhaps this case would not have been elevated at all to us. For our decisions leave no doubt that on the facts as found, which must be respected, the decision of the then Judge Conrado Vasquez must be upheld.

According to the decision of the lower court: "Plaintiff Fernando Sagarbarria is an employee of defendant San Miguel Brewery, Inc. at its glass factory located at Binondo, Manila. He is employed as a driver, with a basic salary of P7.60 for eight (8) hours of work, and with right to a monthly ration of rice equivalent to 33-1/3 lbs. For an alleged violation of company rules and regulations, Sagarbarria was suspended by the defendant for fifteen (15) days starting March 22, 1961, and deprived of his wages and rice ration for the said period." [3] Then came this portion: "It appears that on March 16, 1961, Sagarbarria made a delivery of knocked-down cartons to a cigarette factory located at Dolores Street, Pasay City. Upon completing the delivery he left the cigarette factory compound shortly before 12:00 o'clock noon. Instead of proceeding directly to the company plant in Binondo, he passed by the house of his sister on Estrada Street, Singalong, near Sta. Escolastica College, and took his lunch thereat. A representative of the defendant company discovered the truck parked at the said place, and upon confronting Sagarbarria about it, the latter explained that he took his lunch in the house of his sister, which was in the vicinity where the truck was parked, inasmuch as it was already lunchtime and he wanted to save the cost of his lunch. Further verification showed that his trip ticket did not indicate the time that he consumed in taking his lunch, thereby making it appear that he took his lunch on company time." [4] This was the legal question raised, according to the decision: "In the Collective Bargaining Agreement entered into between the plaintiff labor union

of which Sagarbarria is a member and the defendant company, it is provided that the company has the right to transfer, discharge, lay-off or discipline its workers 'for just and proper cause.' The question, therefore, boils down to whether or not the acts committed by Sagarbarria constituted just and proper cause for disciplining him by means of suspension for fifteen (15) days, without pay and privileges." [5] Further on this point: "Neither party presented evidence, nor has there been any stipulation as to any regulation as to where drivers may take their noonday meals. In Exhibit 1 of the defendant, the company expressed its disapproval of the practice of drivers of 'going out of their routes while making deliveries in order to eat their dinner, thereby delaying their trips.' Although it is required that the drivers should return to the defendant's plant without delay after making deliveries, it is not prescribed therein that the drivers must take their lunch either in the defendant's compound or at any other designated place. What appears to be prohibited is for the drivers to go out of their route in order to eat their meals. Indeed, as defendant has stated in its memorandum, Sagarbarria was not disciplined because he ate his lunch in his sister's house, but due to his having gone out of his designated route." [6] Why the case went against appellant San Miguel Brewery, Inc. was explained in the decision thus: "The Court does not question the wisdom or propriety of the aforesaid regulation of defendant company prohibiting drivers to go out of their designated route. It is believed, however, that the deviation from his route committed by Sagarbarria was not serious enough to be considered as a violation of said company regulation as would justify taking disciplinary action against him. Liberally considered, it may even be said that there was no deviation at all. In coming from the compound of the company where he made deliveries, the natural route to be taken in going back to defendant's plant in Binondo would be Taft Avenue. The plaintiff parked the truck near said route, less than a block away from the corner of Taft Avenue. In short, Sagarbarria was shown not to have gone out of his way as would have caused prejudice to the defendant's interests. There could have been no extra expenditure for gasoline, or any appreciable wear and tear of the truck occasioned by the said act, or delay due to such minor deviation." [7]

As noted at the outset, the effort to overturn this decision cannot be rewarded with success. It speaks for itself, and certainly it is quite persuasive.

1. The difficulty faced by appellant San Miguel Brewery, Inc. is obvious from the lone assignment of error, which would impugn the finding by the lower court that the suspension of appellee Sagarbarria was not for a just and proper cause. Even its phraseology would indicate that it is essentially factual. From the facts as found, it certainly is highly implausible and far-fetched to characterize the suspension as being based on a just and proper cause. Rather, what is apparent is its arbitrary character. The facts simply cannot bear out the contention of appellant. What cannot be ignored is that the rule in direct appeals as was reiterated in the recent case of *City of Zamboanga vs. Alvarez*, [8] is that "only questions of law may be raised." [9] The opinion goes on further to state: "That was made clear in *Perez vs. Araneta*. It cited thirty decisions to that effect. Then came *Flores vs. Flores* which referred to twelve additional cases. A reaffirmance of such a doctrine last appeared in *Encinares vs. Catighod*." [10] To the extent, therefore, that the lone assignment of error carries factual overtones, it need not be considered further by this Court.

2. On the assumption that appellant was able to raise a legal question worthy of further inquiry, still the same conclusion is called for. This appeal lacks merit. Sole reliance is placed on *Royal Interocean Lines vs. Court of Industrial Relations*. [11] Such reliance is misplaced. The question in that case was whether or not the dismissal of the employee involved constituted an unfair labor practice. It is from that standpoint that the cited excerpt, with reference to the inherent right of management to discipline employees, should be viewed. That is not the case before the Court now. No unfair labor practice was alleged. Why *Royal Interocean Lines* had to be decided thus became even more obvious with this portion of the opinion in the paragraph cited by appellant. Thus: "Even from a literal and grammatical point of view, the provision in dispute has to be interpreted in the sense that the charges, the filing of which is the cause of the dismissal of the employee, must be related to his right to self-organization,

in order to give rise to unfair labor practice on the part of the employer." [12] The same thought was once again given expression in the opinion in these words: "As the respondent's dismissal has no relation to union activities and the charges filed by her against the petitioner had nothing to do with or did not arise from her union activities, the appealed decision is hereby reversed and the directive for the respondent's reinstatement with backpay revoked." [13]

That is not the situation here. What the then Judge Vasquez emphasized so ably and so clearly is that the cause for disciplinary action cannot be left to the sole and uncontrolled will of the employer. To do so would be to encourage arbitrariness. The test should be one of reason. Therefore, an impartial tribunal like a court of justice should have its say. That is the teaching of the applicable case, *Standard-Vacuum Oil Co. vs. Katipunan Labor Union*. [14] As set forth in the opinion of Justice Alex Reyes: "An employer should not be compelled to continue an employee in the service if a justifiable cause for his discharge exists. But the determination of whether a justifiable cause for removal exists in any given case is a matter that cannot be left entirely to the employer. Consequently, it is held that the Industrial Court, in the settlement of labor disputes, is empowered to reduce excessive punishments meted out to erring employees." [15] The *Standard-Vacuum* ruling was reiterated in *Ormoc Sugar Co., Inc. vs. Osco Workers Fraternity Labor Union*. [16] No other conclusion is possible in the light of the social justice [17] and protection to labor [18] provisions of the 1935 Constitution. With the greater rights accorded to labor under the present Constitution, [19] there would be no justification for a decision other than that reached by the lower court to be rendered. So we rule.

WHEREFORE, the decision of the lower court of April 10, 1965 is affirmed. This decision is immediately executory. Costs against appellant.

Barredo, Antonio, Aquino, and Martin, JJ., concur.

Concepcion Jr., J., is on leave.

[1] Prior to the effectivity of R.A. No. 5440 conferring certiorari jurisdiction to this Court where only errors or questions of law are involved.

[2] He was joined by his labor union, the National Brewery and Allied Industries Labor Union of the Philippines (PAFLU).

[3] Record on Appeal, 54-55.

[4] *Ibid*, 55-56.

[5] *Ibid*, 56-57.

[6] *Ibid*, 58.

[7] *Ibid*, 58-59.

[8] L-20400; November 28, 1975, 68 SCRA 143.

[9] *Ibid*, 147.

[10] *Ibid*. Perez. L-18414, is reported in 24 SCRA 43 (1968); Flores, L-28930 in 52 SCRA 293 (1973) and Enemares, L-29764, in 54 SCRA 140 (1973).

[11] 109 Phil. 900 (1960).

[12] Ibid, 903.

[13] Ibid, 903-904.

[14] 100 Phil. (1957).

[15] Ibid. 809. Tidewater Association Oil Co. vs. Victory Employees and Laborers' Association, 85 Phil. 166, was cited.

[16] 110 Phil. 627 (1961).

[17] According to Art. II, Sec. 5 of the 1935 Constitution: "The promotion of social justice to ensure the well-being and economic security of all the people should be the concern of the State."

[18] According to Art. XIV, Sec. 6 of the 1935 Constitution: "The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration."

[19] In the present Constitution, Art. II, Sec. 6, there is this provision: "The State shall promote social justice to ensure the dignity, welfare, and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment and disposition of private property, and equitably diffuse property ownership and profits." Art. II, Sec. 9 of the present Constitution reads: "The State shall afford protection to labor full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration."

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