

ST. MICHAEL SECURITY SERVICE, PETITIONER, VS. HON. AMADO G. INCIONG, ACTING SECRETARY OF LABOR; NLRC COM-MISSIONERS DIEGO P. ATIENZA, GERONIMO G. QUADRA AND CLETO T. VILLANUEVA;...

G.R. No. L-45109. August 31, 1978

Ponente: FERNANDO, J.

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FERNANDO, J.:

The rather vehement tone in which the due process objection, both in its procedural and substantive aspects, was raised by petitioner against the actuations of public respondents, Acting Secretary of Labor Amado G. Inciong; National Labor Relations Commission Commissioners Diego P. Atienza, Geronima G. Quadra and Cleto T. Villanueva; Labor Arbiters Cresencio J. Ramos and Antonio Tria Tirona; and Deputy Sheriff Leon Navea; led this Court to require comment from government counsel, Solicitor General Estelito P. Mendoza.[1] The comment submitted, considered as the answer, refuted in a quite conclusive fashion the allegation that the appealed decision of respondent Ramos declaring petitioner guilty of illegal deductions and ordering the payment to private respondents Maria Rodriguez, Casimiro O. Geroza, Rogelio Zaratan, Bernardino Beltran and Crisanto Retutar, the sum of Three thousand eight hundred and forty (P3,840.00) pesos[2] was vitiated by the denial of the above constitutional right.

There was an appeal to the National Labor Relations Commission, but it was unsuccessful. Its resolution explained why the due process issue raised was flimsy and insubstantial: "This is an appeal by the respondent from the Decision in this case of Labor Arbiter Cresencio J. Ramos, dated 25 August 1975, awarding to the complainants a refund from the respondent in the aggregate amount of P3,840.00, representing amounts illegally deducted by the latter from their salaries. The appeal is grounded on alleged abuse of discretion on the part of the Labor Arbiter. The history of this case shows otherwise. It appears that before Labor Arbiter Ramos took over this case it was handled by Labor Arbiter Edna B. Perez. The respondent failed to appear at three hearings before the latter, which caused her to receive the complainants' evidence ex-parte. Arbiter Ramos subsequently found that the notices by wire of the said hearings were not delivered to the respondent, allegedly because it had moved to a new location. He, therefore, issued an order to the complainants to give him the new address of the respondent so that it could be given the opportunity to present its own evidence as well as to cross-examine the complainants. It turned out that the respondent's manager/proprietor had not left the respondent's former address, which was his own residence. In fact, the Arbiter set the case for another hearing and the corresponding notice was duly delivered. Again, the respondent did not appear, whereupon Arbiter Ramos decided this case on the basis of the complainants' evidence. The respondent, in its appeal, does not dispute the fact that it was given the opportunity to present its side of the case. What it questions is the adequacy of such evidence as basis for the Arbiter's award. The evidence consists in the joint affidavit of the complainants, dated 14 April 1975, wherein they describe in detail their respective salaries, periods of employment and the amounts deducted from their salaries without authority of law, as former security guards employed by the respondent firm. Without opposition on the part of

the respondent, it was incumbent upon the Labor Arbiter below to rely on these declarations which appear on their face to be sufficient for the purpose of making a decision, including the computation of the amounts due to the complainants. We find, therefore, no abuse of discretion committed by the Labor Arbiter below, as claimed by the respondent. [Wherefore], let the said Decision be, as it is hereby, affirmed, and the appeal herein dismissed for lack of merit. [So ordered]."[3] Not satisfied, the matter was elevated further to the then Acting Secretary of Labor, respondent Amado G. Inciong. Again, the effort to obtain a reversal was fruitless, as shown by his order of September 27, 1976.[4] After the finality of the decision in favor of private respondents, a writ of execution was issued.[5] Hence this petition.

Considering the manifest failure of petitioner to substantiate its contention that there was a denial of due process, the petition must be dismissed.

1. The requirements of procedural due process were observed. Petitioner was never deprived of his day in court. It was afforded full opportunity to be heard. The resolution of the National Labor Relations Commission was quite explicit. The comment of Solicitor General Estelito P. Mendoza could therefore correctly assert: "Contrary therefore to petitioner's misleading statement, petitioner was duly notified of all the hearing dates. It was petitioner who opted not to appear during all the hearings despite the notices of hearing duly served upon him. The Labor Arbiter cannot now be faulted, nor the private respondents prejudiced by the fault [or] negligence of petitioner. In this connection, petitioner merely alleged that he was not duly notified of the hearing dates. Petitioner never assailed or questioned the veracity and correctness of [the] address. The logical deduction is that the telegrams were properly delivered, but petitioner refused to receive the telegram or to appear during the hearings."[6] Notice to the party affected is of course essential to satisfy the due process guarantee.[7] Nonetheless, in the leading case of *Banco Español-Filipino v. Palanca*,[8] where Justice Ostrand's opinion discussed exhaustively the requisites that must be satisfied, this Court held that the notice need not be actual; it could even be through publication, as in the case of non-residents whose property is affected.[9] More specifically, where administrative proceedings are concerned, it has been the law since *Manila Trading and Supply Co. v. Philippine Labor Union*[10] that it suffices to remove any taint of constitutional infirmity if "the parties were duly represented by counsel, heard, or at least given the opportunity to be heard * * * ."[11] Later cases speak similarly.[12] To assert then that there was a denial of procedural due process is an exercise in futility.

2. Much less could petitioner claim that there was a denial of substantive due process. It is sheer exaggeration to assert that it was the victim of a one-sided, arbitrary, and capricious actuation of public respondents. Even a casual look into the decision of Labor Arbiter Ramos would make clear that there was more than substantial evidence to justify it. It is clearly understandable why it was readily affirmed in the Resolution dated March 16, 1976 of Presiding Commissioner Diego P. Atienza, Commissioner Geronimo Q. Quadra and Commissioner Cleto T. Villanueva of the National Labor Relations Commission. There is no need to repeat the specific portion thereof cited earlier in this opinion. It does follow that the then Acting Secretary of Labor, respondent Inciong, could see no ground for reversal. The claim that there was a denial of substantive due process is thus shown to be devoid of any rational basis. As was recently reiterated by this Court in the relatively recent case of *Philippine Association of Free Labor Unions v. Bureau of Labor Relations*. [13] "Due process, whether viewed from its procedural or substantive significance, frowns on arbitrariness or caprice. The test is one of fairness and of justice." [14] That standard was lived up to in every respect.

WHEREFORE, this petition for certiorari is dismissed. The temporary restraining order is hereby lifted. This decision is immediately executory. Costs against petitioner.

Barredo, Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

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- [1] He was assisted by Assistant Solicitor General Reynato S. Puno and Trial Attorney Joselito B. Floro.
- [2] The above amount was apportioned in the following manner to: Maria Rodriguez - P795.00; Casimiro O. Geroza P1,095.00; Rogelio Zaratan P700.00; Bernardino Beltran - P625. 00; and Crisanto Retutar - P625.00.
- [3] Petition, Annex C.
- [4] Ibid, Annex E.
- [5] It is for that reason that Deputy Sheriff Leon Navea was likewise included as respondent.
- [6] Comment of the Solicitor General, 8-9.
- [7] Lopez v. Director of Lands, 47 Phil. 23 (1924). Cf. Gueco v. Mercado, 59 Phil. 409; Gutierrez Hermanos v. Lesaca, 68 Phil. 683 (1939); Austria v. The Solicitor General, 71 Phil. 288 (1941); Macalindog v. de la Rosa, 72 Phil. 163 (1941); Commissioner of Immigration v. Fernandez, 120 Phil. 181 (1964); Albert v. University Publishing Co., L-19118, Jan. 30, 1965, 13 SCRA 84; Luzon Surety Co. v. Guerrero, L-20705, June 20, 1966, 17 SCRA 400; Luzon Surety Co., Inc. v. Besen, L-26865, Jan. 30, 1970, 31 SCRA 313; Medenilla v. Kayanan, L-28448, July 30, 1971, 40 SCRA 154; Shell Co. of the Phils. v. Enage, L-30111-12, Feb. 27, 1973, 49 SCRA 416; Trocio v. Labago, L-35071, Sept. 19, 1973, 53 SCRA 97; Vda. de Bacaling v. Laguna, L-26694, Dec. 18, 1973, 54 SCRA 243; Abuan v. Valera, L-45452, Aug. 10, 1976, 72 SCRA 301.
- [8] 37 Phil. 921 (1918). Cf. Lavitoria v. Judge, 32 Phil. 204 (1915); Villegas v. Roldan, 76 Phil. 349 (1946); Montfort v. Aguinaldo, 77 Phil. 67 (1946); Rojas v. Papa, 107 Phil. 983 (1960); Vda. de Cuaycong v. Sengbenco, 110 Phil. 113 (1960).
- [9] Ibid, 934-935. Cf. In re Estate of Johnson, 39 Phil. 156 (1918); Asiatic Petroleum v. Co Quico, 69 Phil. 433 (1940).
- [10] 71 Phil. 578 (1941).
- [11] Ibid, 580.
- [12] Asprec v. Itchon, L-21685, April 30, 1966, 16 SCRA 921; "Y" Shipping Corporation v. Erispe, L-20627, May 4, 1967, 20 SCRA 1; People's Surety and Insurance Co. v. Court of Appeals, L-21627, June 29, 1967, 20 SCRA 481; Manila Pest Control v. Workmen's Compensation Com., L-27662, Oct. 29, 1968, 25 SCRA 799; Air Manila, Inc. v. Balatbat, L-29064, April 29, 1971, 38 SCRA 489; Carandang v. Cabatuando, L-25384, Oct. 26, 1973, 53 SCRA 383; Auyong Hion v. Court of Tax Appeals, L-28782, Sept. 12, 1974, 59 SCRA 110; Jacqueline Industries v. National Labor Relations Commission, L-37034, Jan. 30, 1976, 69 SCRA 242.
- [13] L-42115, January 27, 1976, 69 SCRA 132.
- [14] Ibid, 137. Cf. Ermita-Malate Hotel and Motel As so. v. City Mayor, L-24693, July 31, 1967, 20 SCRA 849; Morfe v. Mutuc, L-20387, Jan. 31, 1968, 22 SCRA 474; Alalayan v. National Power Corporation, L-21396, July 29, 1968, 24 SCRA 172; Santiago v. Alikpala, L-25133, Sept. 28, 1968, 25 SCRA 393; Tinio v. Mina, L-24988, Dec. 24, 1968, 26 SCRA 512; Victorias Milling Co. v. Workmen's Compensation Com., L-25665, May 22, 1969, 28 SCRA 285; Luzon Surety Co. v. Beson, L-26865, Jan. 30, 1970, 31 SCRA 313; J. M. Tuason and Co. v. Land Tenure Adm., L-21064, Feb. 18, 1970, 31 SCRA 413.

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