

FIVE J TAXI AND/OR JUAN S. ARMAMENTO, PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION, DOMINADOR SIBAYAN AND JOSE SALCEDO, RESPONDENTS.

G.R. No. 100138. August 05, 1992

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is a petition for certiorari seeking to nullify the Resolution of the National Labor Relations Commission (NLRC) dated January 18, 1991 which allegedly allowed private respondents to recover backwages even after they refused the petitioners' unconditional offer for them to return to work.

The facts of the case are briefly as follows:

In 1983, herein petitioner Juan S. Armamento, the owner and operator of Five J Taxi, hired private respondents Dominador Sibayan and Jose Salcedo as taxi drivers. Each of the private respondents earned an average monthly income of Four Thousand Five Hundred Pesos (P4,500.00) and each contributed Ten Pesos (P10.00) for every day of service rendered to the petitioners as "deposit."

Sometime in August, 1988, private respondents were terminated from employment and their accumulated deposits amounting to Ten Thousand Seven Hundred Twenty Pesos (P10,720.00) for Sibayan and Ten Thousand Four Hundred Pesos (P10,400.00) for Salcedo were not returned.

Thus, private respondents filed a complaint against the petitioners for illegal dismissal and for illegal deduction of P10.00 each day from their salaries.

On October 24, 1988, the Labor Arbiter rendered a decision in private respondents' favor, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered, ordering the respondent(s), to reinstate the complainants to their former positions, with full backwages, from the date of withholding of their salaries, until they are actually reinstated.

"Respondent is likewise ordered to reimburse the complainants of their deposits, Ten Thousand Seven Hundred Twenty Pesos (P10,720.00) for Dominador Sibayan and Ten Thousand Four Hundred Pesos (P10,400.00) for Jose Salcedo.

"SO ORDERED." (p. 25, Rollo)

In implementing said decision, the Research and Information Unit submitted a Computation Report dated March 1, 1989 of the awards due the private respondents in the total sum of Seventy Nine Thousand Two Hundred Sixty Pesos (P79,260.00).

Petitioner Juan Armamento vigorously opposed said computation report, alleging that as early as December 13, 1988, he filed a written Manifestation before the Labor Arbiter, stating among others, that:

"That as of this date (December 13, 1988) I am unconditionally accepting complainants back to work and they can report to work anytime during office hours." (Annex "C", p. 26, Rollo)

More specifically, said petitioner pointed out that the running of private respondents' backwages should automatically stop on the date his unconditional offer was made.

In view of the petitioners' opposition, the Labor Arbiter referred the case to the Research and Information Unit for review and possible recomputation. The latter subsequently made a Computation Report dated April 18, 1989, which was completely adopted by the Labor Arbiter in its Order dated April 19, 1989.

The NLRC likewise affirmed said Computation Report dated April 18, 1989 in its Resolution dated October 31, 1989, but modified the same in the sense that private respondents' earnings elsewhere before reinstatement were deducted from the total backwages due them (Annex "H", p. 47, Rollo).

The petitioners moved to reconsider the aforesaid resolution of the NLRC, reiterating their claim that the computation of private respondents' backwages should not go beyond December 13, 1988 - the date his unconditional offer to return to work was made.

The NLRC, however, denied said motion in its Resolution dated March 7, 1990 and remanded the case to the Labor Arbiter for computation (Annex "J", p. 54, Rollo).

On April 5, 1990, the Research and Information Unit determined the amounts of Ninety Four Thousand Five Hundred Eighty Pesos (P94,580.00) and Ninety Eight Thousand One Hundred Sixty Eight Pesos (P98,168.00) as payable to Sibayan and Salcedo, respectively (Annex "K", p. 59, Rollo).

The petitioners subsequently filed a series of motions for recomputation based on the same ground alleged in their previous motions for reconsideration/opposition - that private respondents are not entitled to backwages after they were unconditionally offered to return to work.

Petitioners' motions for recomputation, however, were all denied for lack of merit by the Labor Arbiter in its Order dated June 28, 1990 (p. 63, Rollo) and by the NLRC, in its Resolutions dated October 31, 1989, March 7, 1990, January 18, 1991 and April 18, 1991 (p. 81, Rollo).

Hence, the instant petition.

The petition is meritless.

The petitioners' position on the cut-off period for the reckoning of private respondents' backwages had thoroughly been passed upon and consistently been rejected by the NLRC and the Labor Arbiter below.

In this regard, what the NLRC found in its assailed resolution need not be further elaborated upon -

"We have painstakingly gone over the entire records of the case and, sad to say, We could not find any hard and solid proof that respondents had, indeed, made an unconditional offer of reinstatement to complainants, except the bare manifestation it filed on December 13, 1988. In fact, there was no subsequent attempt made by respondents to complainants of their alleged offer of reinstatement. Conferences were scheduled wherein respondents could have made it of record that complainants have simply refused to go back to work. But despite opportunities to do so, respondents have done nothing to fully express a clear intent to reinstate complainants as the records is bare of any evidence to this effect. Therefore, its allegation that computation of the award should stop when it filed a manifestation on December 13, 1988 cannot prosper. Besides, it's too late in the day to argue the issue as such has been long disposed of in the resolutions dated October 31, 1989 and March 7, 1990." (Resolution dated January 18, 1991, pp. 80(b)-81, Rollo)

We find no supervening event nor any meritorious reason to disturb the amount of backwages awarded to the private respondents which have repeatedly been computed by the Research and Information Unit of the Labor Arbiter.

Well settled is the rule that findings of fact of labor officials are generally conclusive and binding upon the Supreme Court when supported by substantial evidence, as in this case (*Edi-Staff Builders International, Inc. v. Leogardo, Jr.*, 152 SCRA 458).

WHEREFORE, the petition is hereby DISMISSED for lack of merit.

Cruz, (Chairman), Grino-Aquino, and Bellosillo, JJ., concur.

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