

METROPOLITAN BANK AND TRUST COMPANY, PETITIONER, VS. THE NATIONAL LABOR RELATIONS COMMISSION, FIFTH DIVISION, LABOR ARBITER ANTONIO VILLANUEVA, AND GERTRUDES YARRA-REYES, RESPON...

G.R. No. 109667. August 16, 1994

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

The instant petition for certiorari seeks to reverse the resolution of the National Labor Relations Commission (NLRC) affirming the decision of the Labor Arbiter, the dispositive portion of which reads as follows:

IN THE LIGHT OF ALL THE FOREGOING, judgment is hereby rendered ordering respondent Metropolitan Bank and Trust Company, Davao Branch, to return the P1,000.00 deducted from complainant's bi-monthly salary starting from December 31, 1989 and is further ordered to stop from further deducting said amount to offset the illegal withdrawal of P96,370.00 from the account of Mrs. Corazon Ramirez Uy effective upon receipt of this Decision.

SO ORDERED.

The facts of the case, as disclosed by the records, are as follows:

Private respondent, Gertrudes Yarra-Reyes, is a teller of petitioner bank at its Anda Street Branch, Davao City. On January 30, 1989, an unidentified person whom she presumed to be a bank employee left a passbook of Corazon Ramirez Uy and withdrawal slip for the amount of P96,370.00 behind her teller's cage. Inasmuch as she was busy attending to other transactions in front of her, she did not bother to turn her back to find out who it was. She confidently assumed it was a bank employee as only authorized persons were allowed in the said office area. It was a practice bank personnel were wont to do for special clients and tolerated by bank officers. She also presumed that the identity of the depositor's representative had been checked by the same bank employee. Later on, she placed the withdrawal slip and passbook in a box for the approval and verification of a bank officer. They were returned to her with the signature verification of Mr. Alfred Gee. She called out to the representative of the withdrawing depositor twice but he made no appearance. At about 2:30 p.m., a man approached her for the withdrawal while simultaneously a voice from behind her whispered, "Dear, nandiyan na ang tao." Again, she did not bother to look behind her as she was in the middle of counting the P96,370.00 withdrawal. Believing that the withdrawal was approved by Alfred Gee, the accountant cashier, and being of the impression that he had already checked with the client who had authorized the withdrawal, private respondent called the man and paid him the P96,370.00. At day's end she submitted all necessary documents including the withdrawal slip to bank Bookkeeper Esperidion Linaza for clearance, for which she was cleared. The following day, January 31, 1989, the bank manager informed her that the P96,370.00 withdrawal was not valid since there was no withdrawal slip for the said transaction. Subsequently, a check was conducted and it was discovered that in another computer located outside the private respondent's teller's cage, an entry of P96,310.00 against the account of another depositor, Mr.

de Leon, was made. This was followed by a "DEBIT MEMO" entry of P0.60, then an "ERROR CORRECT" entry of P96,370.00 and a final entry of P60. These computer entries were evidently made to cover up the unauthorized withdrawal from Mrs. Uy's account. Furthermore, the withdrawal slip in the custody of Mr. Linaza was still nowhere to be found. It turned out that the passbook presented to private respondent was fictitious. At that time, the genuine passbook of Mrs. Uy was in the custody of the Saving Account bookkeeper.[1]

An investigation was conducted by the bank branch officials and their lawyers assisted by the NBI who subjected private respondent and other employees to polygraph tests. Only the result of the private respondent's test was declared positive. After that initial interrogation without counsel, private respondent was re-investigated, this time with counsel. Despite a letter by San Pedro bank manager Francisco Noble, Jr. to Mr. Ricardo Gella, Executive Vice President, admitting that suspects were narrowed down to two (2) of the accounting staff and were being monitored,[2] the bank, nonetheless, made respondent accountable for the P96,370.00. The ground relied on was her negligence for failing to ask the alleged representative of the depositor to present identification papers and failing to verify the withdrawal with the client-depositor in view of the large amount involved as required by the bank Manual of Procedures. Though allowed to continue working, the bank started to deduct P1,000.00 bimonthly from complainant's salary to answer for the P96,370.00 loss.

Private respondent protested this deduction which both Labor Arbiter and NLRC agree were illegal. Hence, this petition.

The petitioner alleges that grave abuse of discretion was committed by the NLRC in its resolution,[3] which reads in part:

A judicious review and evaluation of the records of the case indubitably disclose that respondent-appellant failed to establish that the Labor Arbiter below acted with grave abuse of discretion or that he committed serious errors in rendering the challenged decision. Records show that the appealed decision is amply supported by relevant and material evidence. The matter of evaluating the merits or demerits of an issue or issues in a case is addressed to the sound judgment of the labor Arbiter. Absence of sufficient proof that the Labor Arbiter gravely abused his discretion, his findings and conclusions should not be disturbed (*Egyptair v. NLRC*, 148 SCRA 125). Factual findings of quasi-judicial agencies are accorded not only respect but even finality if supported by substantial evidence (*Packaging Products Corp. vs. NLRC*, 152 SCRA 210).

Moreover, records clearly show that complainant followed bank procedures when she effected payment of the withdrawal transaction in the amount of P96,370.00 relating to the savings account of depositor Corazon Ramirez Uy. The withdrawal slip appeared perfectly all right, complainant claims, because it bears the signature/initial of the bank's Asst. Cashier, who is the bank branch's verifying and approving officer. Respondent's contention that since the subject withdrawal slip is missing from its files, the transaction is not valid, should be given scant consideration.

As correctly pointed out by the complainant, the existence of the withdrawal slip is corroborated by the "P96,370.00 computer entry input" in complainant's batch sheet print out (i.e. "Teller's Journal Computer Print-Out") of her banking transactions on 30 January 1989. In fact, complainant adds, the said sheet print out and the corresponding withdrawal slip were submitted to the Branch Bookkeeper at the close of that day, which were used in balancing that day's accounts of complainant herein, and in the issuance of a clearance by the Bank's Branch Bookkeeper. The loss of said withdrawal slip and the computer entries relating to the subject transaction should have been looked into more carefully by the respondent to find out who are the real perpetrators of the crime.

WHEREFORE, the assailed decision is hereby Affirmed and both appeals Dismissed for lack of merit.

SO ORDERED.

This Court agrees with the resolution of the NLRC. There is no showing of abuse of discretion. The matter of evaluating the merits and demerits of the case, as long as the decision is supported by the facts and the evidence is left to the sound discretion of the Labor Arbiter. Time and again this Court has made pronouncements that findings of fact of the Labor Arbiter are to be accorded great respect.[4]

The court is disturbed by the unconscionable insistence of petitioner bank that private respondent who is more a victim than a culprit absorb the risks and loss of the bank. It is common knowledge as private respondent asserts that bank procedures have more often than not been relaxed to accommodate special clients. They have often gone direct to bank officials and insiders to facilitate their withdrawals. The bank cannot now throw the book on private respondent after having tolerated such a practice and let her suffer full liability. After the bank found itself helpless in catching the real culprits despite its resources, it cannot now shift the blame to private respondent and sanctimoniously pronounce in its Position Paper, that "the deduction (from private respondent's salary of the amount lost) is reasonable for the reimbursement would take more than four (4) years and would still be gainfully employed." [5] This Court will not countenance this feigned magnanimity.

WHEREFORE, no grave abuse of discretion having been committed by the NLRC in its resolution, the petition is DISMISSED. With costs.

SO ORDERED.

Davide, Jr., and Bellosillo, JJ., concur.

Cruz, J., (Chairman), on leave.

Quiason, J., no part being former counsel of petitioner.

[1] Rollo, p. 82.

[2] Id., at p. 83.

[3] Id., at pp. 207-208.

[4] *Egyptair v. NLRC*, 148 SCRA 125; *Packaging Products Corp. vs. NLRC*, 152 SCRA; *San Miguel Corp. vs. Javate, Jr.*, 205 SCRA 469; *Talaga Barangay Water Service Cooperative vs. NLRC*, 207 SCRA 263; *Family Planning Organization vs. NLRC, et al.*, 207 SCRA 415; and more recently *Union of Filipino Workers vs. NLRC, et al.*, G.R. No. 98111, April 7, 1993.

[5] Rollo, p. 64.

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