

RENO FOODS, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND NOEL CANTONJOS, RESPONDENTS.*G.R. No. 116462. October 18, 1995*

Ponente: DAVIDE, JR., J.

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This is a special civil action for certiorari to set aside the decision of 30 May 1994^[1] and the resolution of 21 July 1994^[2] of public respondent National Labor Relations Commission (NLRC) in NLRC NCR Case No. 00-06-03336-92. The former affirmed the decision of 10 February 1994^[3] of Labor Arbiter Numeriano D. Villena ordering the reinstatement without back wages of private respondent Noel Cantonjos, while the latter denied the motion to reconsider the former.

The petitioner contends that the NLRC, as well as the Labor Arbiter, had acted with grave abuse of discretion in (a) applying strictly the rules on prior notice despite the clear abandonment by the private respondent from his employment, (b) ignoring the principles of laches and estoppel although the private respondent filed the complaint for illegal dismissal only two years and five months after his alleged dismissal, (c) stating that both parties would not suffer injury with an order of reinstatement without back wages, (d) reversing the findings in the first decision of the significance of the lack of action on the part of the union, the private respondent, and his father, (e) ordering the reinstatement of the private respondent without substantial evidence to support it, and (f) giving credence to the self-serving evidence for the private respondent:

In their comments submitted in compliance with the resolution of 5 September 1994, the respondents refute all the claims of the petitioner. The private respondent prays that the challenged decision be modified by also ordering the petitioner to pay him "all salaries and wages plus all other benefits and bonuses and general increases to which [he] would have been entitled to up to his reinstatement on March 30, 1994,"^[4] and the public respondent NLRC, through the Office of the Solicitor General, asks that this petition be dismissed for lack of merit.^[5]

After the petitioner filed its Reply to the Comment of the Office of the Solicitor General, the Court gave due course to this petition and required the parties to submit their respective memoranda.

The facts of this case are succinctly recounted in the Comment of the Office of the Solicitor General as follows:

1. Private respondent was employed by petitioner as a utility worker on January 7, 1989 (Petition, p. 1).
2. According to private respondent, on January 2, 1990, he was verbally informed by Antonio Ong, manager of petitioner, that he was terminated from employment effective January 3, 1990 (Petition, Annex "C", p. 1).
3. Despite several pleas from private respondent's father (who was also employed by petitioner) and mother to re-employ him, private respondent was never allowed to return back to work (Ibid.).
4. On the other hand, petitioner claims that private respondent failed to report for work on January 2, 1990 and had completely abandoned his job since then (Petition, p. 2).

5. Thus, on June 18, 1992, or two (2) years and five (5) months after he was allegedly illegally dismissed, private respondent filed a complaint against petitioner for illegal dismissal (Ibid.).
6. In the proceedings before the Labor Arbiter, private respondent presented his father and mother as witnesses but chose not to testify himself (Ibid.).
7. After the case had been submitted for resolution, the Labor Arbiter rendered a Decision dated December 22, 1992 dismissing the complaint for lack of merit (Petition, Annex "C").
8. Private respondent appealed the said Decision of the Labor Arbiter to public respondent, which, in a Resolution dated April 27, 1993 ordered the Labor Arbiter of origin "to conduct further proceedings, including but not limited to the testimony of the complainant himself and the presentation of such other witnesses as would shed light on the issues raised in this case." (Petition, Annex "D", p. 4).
9. In the remanded proceedings before the Labor Arbiter, private respondent presented himself and a certain Danilo Ballon as witnesses while petitioner presented its Production Superintendent Romeo Tan as witness together with several documentary evidence (Petition, p. 3).
10. In a Decision dated February 10, 1994, the Labor Arbiter reversed his Decision dated December 22, 1992 and ordered that private respondent be reinstated but without backwages (Ibid.).
11. Both parties appealed the said Decision to public respondent, which in a Decision dated May 30, 1994 affirmed the Labor Arbiter's Decision (Petition, p. 3).
12. Petitioner filed a Motion for Reconsideration dated June 30, 1994, which was denied by public respondent in a Resolution dated July 21, 1994.[6]

In holding for the private respondent, the Labor Arbiter said:

While it is true that herein complainant acted with undue delay in seeking redress for his alleged dismissal which took him more than two years which naturally casts doubt to the veracity of his claim, the respondent on the other hand failed to convince the Undersigned that such dismissal never took place. The testimony of the complainant while self serving including that of his parents, were never controverted through the introduction of any evidence. On the contrary, the evidences presented by the respondent merely focus on their standing procedure that no serious matters like dismissal and suspension are being left unattended. As such, following this line of argument, it could be infirmed [sic] that any abandonment of work like what they wanted us to believe in this particular case, the same will not pass unnoticed. Stated otherwise, if complainant abandoned his job, he should have been given notice in accordance with law and/or he should have been charged accordingly.

Furthermore, the positive assertions of complainant that he was dismissed by Mr. Antonio Ong is more convincing than the mere denial of Mr. William Khu, the Vice President of the respondent. For one, his denial is purely anchored on the company practice that every transactions including notices and termination are recorded and filed. He was however unaware of the incidents that transpired on January 2 and 3, 1990 between the complainant and his father on one hand and Mr. Antonio Ong on the other hand. And, subsequently, between the complainant's mother and Mr. Antonio Ong. Briefly stated, the testimony of respondent's witness requires additional proof.[7]

In affirming the Labor Arbiter's decision, the NLRC declared as follows:

We have gone over the parties' appeals and We find that while the complainant and his witnesses have been less than candid about what really took place between the complainant and the respondent company, so too has the latter been with regards to its contention of abandonment and of the procedures it claims it adheres to in the

manner of suspension and/or dismissal of an employee.

More disparaging is the statement of the Labor Arbiter that while the testimony of the complainant and his witnesses are self-serving, the averments of the respondent require additional proof. Of what use then, has the trial on the merits been?

In any event, there appearing to be no injury inflicted on both parties other than the protracted nature of the proceedings herein, it is Our view that the decision appealed from appears to be the most equitable resolution of this dispute.

The crux of the petitioner's grievances is fundamentally factual. It has been said time and again that the jurisdiction of the Supreme Court to review decisions of the NLRC in a petition for certiorari under Rule 65 of the Rules of Court is confined to issues of jurisdiction or grave abuse of discretion.[8] Findings of facts of quasi-judicial agencies like the NLRC which have acquired expertise in the specific matters entrusted to their jurisdiction are accorded by this Court not only with respect but even finality if they are supported by substantial evidence.[9] Substantial evidence, which is the quantum of evidence required to establish a fact in cases before administrative and quasi-judicial bodies, is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[10]

We find no grave abuse of discretion on the part of the Labor Arbiter and the NLRC in holding that there was no abandonment on the part of the private respondent and that the latter was illegally dismissed.

Also, we consider misplaced the petitioner's reliance on *Wenphil Corp. vs. National Labor Relations Commission*[11] and *Shoemart, Inc. vs. National Labor Relations Commission*[12] in asserting that if ever there is a liability on the petitioner's part it would only be to indemnify the private respondent for the company's failure to follow due process requirements. In the said cases, the dismissal of the employees were found to be for just causes. The only irregularity committed by their employers was their noncompliance with the due process requirements of notice and hearing. In this case, the just cause — abandonment — relied upon by the petitioner was not sustained by the Labor Arbiter and the NLRC. The Labor Arbiter was not convinced that the private respondent's dismissal never took place because the petitioner's evidence merely focused on its standing procedure that no serious matters like dismissal and suspension are being left unattended. He also found the denial of the petitioner's Vice President as being primarily based only on the company practice that every transaction is recorded and filed.[13] The petitioner fails to convince us that these findings are baseless.

In termination cases, the burden of proving just and valid cause for dismissing an employee from his employment rests upon the employer, and the latter's failure to do so would result in a finding that the dismissal is unjustified.[14] Abandonment as a just and valid ground for termination means the deliberate, unjustified refusal of the employee to resume his employment, and the burden of proof is on the employer to show a clear and deliberate intent on the part of the employee to discontinue employment without any intention of returning.[15] The petitioner failed to discharge this burden.

Moreover, if the private respondent was dismissed because of his abandonment of work, the petitioner should have given him a written notice of termination in accordance with Section 2, Rule XIV, Book V of the Omnibus Rules Implementing the Labor Code which provides:

SEC. 2. Notice of dismissal. — Any employer who seeks to dismiss a worker shall furnish him a written notice stating the particular acts or omission constituting the grounds for his dismissal. In cases of abandonment of work, the notice shall be served at the worker's last known address. (*Italics supplied*)

But, the petitioner failed to present as evidence such notice despite its policy to record and file every transaction

including notices of termination.

There is no merit in the petitioner's claim of laches on the part of the private respondent. In *Imperial Victory Shipping Agency vs. National Labor Relations Commission*,^[16] this Court said:

Laches is a doctrine in equity while prescription is based on law. Our courts are basically courts of law not court of equity. Thus, laches cannot be invoked to resist the enforcement of an existing legal right.

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Courts should never apply the doctrine of laches earlier than the expiration of time limited for the commencement of actions at law.

An action for reinstatement by reason of illegal dismissal is one based on an injury to the complainant's rights which should be brought within four years from the time of his dismissal pursuant to Article 1146 of the Civil Code.^[17] The private respondent's complaint for illegal dismissal filed two years and five months after he was dismissed from his employment was still well within the prescriptive period. Laches cannot, therefore, be invoked yet. Besides, for lack of proof that the private respondent did not intend to return to work, the two-year period cannot be a gauge of such intention, much less is it indicative of laches.^[18] Finally, in labor cases laches may be applied only upon the most convincing evidence of deliberate inaction, for the rights of laborers are protected under the social justice provisions of the Constitution^[19] and under the Civil Code. The relations between capital and labor are not merely contractual; they are so impressed with public interest that labor contracts must yield to the common good.^[20]

Neither is there any basis for the claim of estoppel.

The private respondent's prayer for back wages cannot, however, be granted by this Court. While he had appealed the Labor Arbiter's decision of 10 February 1994 insofar as it denied him an award of back wages, he failed to file a motion for reconsideration when the NLRC affirmed the said decision. Neither did he file with this Court a petition for certiorari questioning the refusal of the Labor Arbiter and the NLRC to adjudge back wages and other emoluments in his favor. Thus, the said decision has already become final as far as he is concerned.

WHEREFORE, the instant petition is hereby DISMISSED and the challenged decision of public respondent National Labor Relations Commission of 30 May 1994 in NLRC NCR Case No. 00-06-03336-92 is hereby AFFIRMED.

Costs against the petitioner.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Kapunan, and Hermosissima, Jr., JJ., concur.

[1] Rollo, 41-44. Per Commissioner Rayala, R., with Presiding Commissioner Bonto-Perez, E., concurring.

[2] Id., 45.

[3] Id., 36-40.

[4] Rollo, 98.

[5] Id., 113.

[6] Rollo, 104-106.

[7] Id., 38-39.

[8] Sajonas vs. NLRC, 183 SCRA 182 [1990]; Patna-an vs. NLRC, 207 SCRA 106 [1992]; Canlubang Security Agency vs. NLRC, 216 SCRA 280 [1992].

[9] San Miguel Corp. vs. Javate, 205 SCRA 469 [1992]; Tiu vs. NLRC, 215 SCRA 540 [1992].

[10] Section 5, Rule 133, Rules of Court. See Manila Electric Co. vs. NLRC, 198 SCRA 681 [1991].

[11] 170 SCRA 69 [1989].

[12] 176 SCRA 385 [1989].

[13] Rollo, 39.

[14] Manggagawa ng Komunikasyon sa Pilipinas vs. NLRC 194 SCRA 573 [1991]; Pan Pacific Industrial Sales Co., Inc. vs. NLRC, 194 SCRA 633 [1991]; New Imus Lumber vs. NLRC, 221 SCRA 589 [1993].

[15] Batangas Laguna Tayabas Bus Co. vs. NLRC, 212 SCRA 792 [1992]; F.R.F. Enterprises, Inc. vs. NLRC, G.R. No. 105998, 21 April 1995.

[16] 200 SCRA 178 [1991].

[17] Magno vs. Philippine National Construction Corp., 198 SCRA 230 [1991].

[18] New Imus Lumber vs. NLRC, supra note 14; Imperial Victory Shipping Agency vs. NLRC, supra note 16.

[19] Article XIII, Constitution.

[20] Article 1700, Civil Code of the Philippines.

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