

MARILOU GUANZON APALISOK, PETITIONER, VS. RADIO PHILIPPINES NETWORK RADIO STATION DYKC AND STATION MANAGER GEORGE SUAZO, RESPONDENTS.

G.R. No. 138094. May 29, 2003

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Before this Court is a petition for review on certiorari under Rule 45 assailing the Court of Appeals Decision[1] of October 30, 1998 and Resolution[2] of February 26, 1999.

On May 15, 1995, Marilou Gaunzon Apalisok (petitioner), then Production Chief of Radio Philippines Network (RPN) Station DYKC, received a Memorandum[3] from Branches Operations Manager Gilito Datoc asking her to submit a written explanation why no disciplinary action should be taken against her for performance of acts hostile to RPN, and arrogant, disrespectful and defiant behavior towards her superior Station Manager George Suazo.

Complying, petitioner submitted on May 16, 1995 her Answer[4] to the memorandum.

On May 31, 1995, petitioner received another memorandum from the Administrative Manager of RPN, informing her of the termination of her services effective the close of regular office hours of June 15, 1995.

By letter of June 5, 1995, petitioner informed RPN, by letter of June 5, 1995, of her decision to waive her right to resolve her case through the grievance machinery of RPN as provided for in the Collective Bargaining Agreement (CBA) and to lodge her case before the proper government forum. She thereafter filed a complaint against RPN DYKC and Suazo (respondents) for illegal dismissal before the National Labor Relations Commission, Regional Arbitration Branch of Region 7 which referred it to the National Conciliation and Mediation Board.

By Submission Agreement[5] dated June 20, 1995 signed by their respective counsels, petitioner and respondents agreed to submit for voluntary arbitration the issue of whether petitioner's dismissal was valid and to abide by the decision of the voluntary arbitrator.

In her position paper[6] submitted before the voluntary arbitrator, petitioner prayed that her dismissal be declared invalid and that she be awarded separation pay, backwages and other benefits granted to her by the Labor Code since reinstatement is no longer feasible due to strained relations. She also prayed that she be awarded P2,000,000.00 for moral damages and P500,000.00 for exemplary damages.

Respondents on the other hand prayed for the dismissal of the complaint, arguing that the voluntary arbitrator had no jurisdiction over the case and, assuming that he had, the complaint is dismissible for lack of merit as petitioner was not illegally dismissed.[7]

On October 18, 1995, the voluntary arbitrator rendered an Award[8] in favor of petitioner, the dispositive portion of which reads:

WHEREFORE, above premises considered, this Voluntary Arbitrator rules that the dismissal of complainant was invalid.

However, considering the impracticality of reinstatement because of proven strained relation between the parties, respondents, instead shall pay complainant the amount of FOUR HUNDRED ELEVEN THOUSAND ONE HUNDRED TWENTY SIX PESOS & SEVENTY-SIX CENTAVOS (P411,126.76) itemized as follows:

In summary, the total award is hereunder itemized:

1. SEPARATION PAY (P14,600.00 divide by 30 days multiplied by 15 days per year of service x 19 years)
.....

P138,700.95

2. BACKWAGES (P14,600 X 6
months)

P 88,817.00

3. MORAL AND EXEMPLARY
DAMAGES

P100,000.00

4. SERVICE INCENTIVE LEAVES
(P14,600 divide by 30 days =
P486.67 x 5 days = P2,433.35 x
19 years

P 46,233.65

5. ATTORNEY'S FEES (10%).....

P 37,375.16

All other claims are hereby denied.

SO ORDERED. (Emphasis supplied)

Respondents' motion for reconsideration[9] of the Award having been denied by the voluntary arbitrator by Order of November 21, 1995, they filed a petition for certiorari before this Court, docketed as G. R. No. 122841.

By Resolution[10] of December 13, 1995, the Third Division of this Court referred G. R. No. 122841 to the Court of Appeals, following the case of Luzon Development Bank v. Association of Luzon Development Bank Employees, et al.[11] holding that decisions or awards of a voluntary arbitrator or panel of arbitrators in labor cases are reviewable by the Court of Appeals.

The Court of Appeals, finding that the option of petitioner not to subject the dispute to the grievance machinery provided for in the CBA was tantamount to relinquishing her right to avail of the aid of a voluntary arbitrator in settling the dispute which "likewise converted an unresolved grievance into a resolved one," held that the voluntary arbitrator did not have jurisdiction over petitioner's complaint and accordingly nullified and set aside, by Decision of October 30, 1998, the voluntary arbitration award.

Petitioner's Motion for Reconsideration[12] of the Court of Appeals Decision having been denied by Resolution[13] of February 26, 1999, the present petition was filed which raises the following issues:

1. Whether or not the Voluntary Arbitrator had jurisdiction over petitioner's complaint, and

2. Whether or not respondents are guilty of estoppel.[14]

Petitioner, citing Article 262 of the Labor Code of the Philippines, as amended which reads:

ARTICLE 262. JURISDICTION OVER OTHER LABOR DISPUTES. The Voluntary Arbitrator or panel of Voluntary Arbitrators, upon agreement of the parties, shall hear and decide all other labor disputes including unfair labor practices and bargaining deadlocks. (Emphasis and underscoring supplied),

contends that her option not to subject the dispute to the grievance machinery of RPN did not amount to her relinquishing of her right to avail of voluntary arbitration as a mode of settling it for she and respondents in fact agreed to have the dispute settled by a voluntary arbitrator when they freely executed the above-said Submission Agreement. She thus concludes that the voluntary arbitrator has jurisdiction over the controversy.[15]

Petitioner contends in any event that even assuming that the voluntary arbitrator had no jurisdiction over the case, it would not be in keeping with settled jurisprudence to allow a losing party to question the authority of the voluntary arbitrator after it had freely submitted itself to its authority.[16]

The petition is impressed with merit.

The above-quoted Article 262 of the Labor Code provides that upon agreement of the parties, the voluntary arbitrator can hear and decide all other labor disputes.

Contrary to the finding of the Court of Appeals, voluntary arbitration as a mode of settling the dispute was not forced upon respondents. Both parties indeed agreed to submit the issue of validity of the dismissal of petitioner to the jurisdiction of the voluntary arbitrator by the Submission Agreement duly signed by their respective counsels.

As the voluntary arbitrator had jurisdiction over the parties' controversy, discussion of the second issue is no longer necessary.

WHEREFORE, the Court of Appeals Decision of October 30, 1998 is hereby SET ASIDE and the voluntary arbitration Award of October 18, 1995 is hereby REINSTATED.

SO ORDERED.

Puno, Acting C.J., (Chairman), and Panganiban, JJ., concur.

Sandoval-Gutierrez, and Corona, JJ., on leave.

[1] Rollo at 169-180.

[2] Id. at 190.

[3] Id. at 73.

[4] Id. at 74-77.

[5] Id. at 24.

[6] Id. at 103-117.

[7] Id. at 81-98.

[8] Id. at 25-31.

[9] Id. at 151-152.

[10] Id. at 153.

[11] G. R. No. 120319, October 6, 1995.

[12] Id. at 181-187.

[13] Id. at 190.

[14] Id. at 13.

[15] Id. at 14.

[16] Id. at 15.

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