

ALBERTO NAVARRO, PETITIONER, VS. COCA-COLA BOTTLERS PHILS., INC., MANUEL GARCIA AND RUSTUM ALEJANDRINO, RESPONDENTS.

G.R. No. 162583. June 08, 2007

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-162583/>

QUISUMBING, J.:

This is an appeal to reverse and set aside both the Decision[1] dated August 27, 2003 and the Resolution[2] dated March 8, 2004 of the Court of Appeals in CA-G.R. SP No. 63379. The appellate court had reversed the Resolution[3] of the National Labor Relations Commission (NLRC) and held that petitioner Alberto Navarro was validly dismissed by the respondents.

The facts are undisputed.

Petitioner was an employee of the respondent Coca-Cola Bottlers Phils., Inc. (Coca-Cola) for more than a decade. Specifically, he worked as a forklift operator for Coca-Cola from November 1, 1987 to February 27, 1998.

The respondent company has an Employees Code of Disciplinary Rules and Regulations, which includes Rule 002-85. Section 4(i) of the rule provided for the penalty of DISCHARGE for a tenth AWOP[4]/AWOL,[5] whether consecutive or not, following other AWOP/AWOLs within one calendar year.

On August 11, 1997, petitioner did not report to work because of heavy rains which flooded the entire barangay where he resided. In a Memorandum dated October 1, 1997, he was required to explain in writing within 24 hours why no disciplinary action should be imposed on him for his tenth absence without permission. In response, petitioner submitted a written explanation accompanied by a Certification[6] from his Barangay Captain, stating that his absence was due to heavy rains and subsequent flooding that hit his barangay. Later, petitioner filed a Supplemental Written Explanation,[7] in lieu of answers to a questionnaire provided by the company. Petitioner stated that on August 11, 1997, his house was heavily flooded and that on the next day, he immediately filed an application for leave of absence. Despite his compliance and explanation, petitioner was dismissed on February 27, 1998 and given a notice of termination[8] which enumerated the dates of his absences without permission.

Thereafter, petitioner filed a complaint for illegal dismissal with the Labor Arbiter, which was dismissed for lack of merit.

On appeal, the NLRC reversed the Decision of the Labor Arbiter. The dispositive portion of the NLRC Resolution reads:

WHEREFORE, premises considered, Complainants' appeal is GRANTED. The Labor Arbiter's decision in the above-entitled case is hereby ANNULLED and SET ASIDE. A new one is entered declaring that Complainant Navarro's dismissal from his employment is illegal.

Respondent Coca-Cola Bottlers Phils., Inc. is hereby ordered to immediately reinstate Complainant Navarro to

his former position without loss of seniority rights and other privileges and to pay his full backwages, inclusive of allowances, and his other benefits or their monetary equivalent computed from the time he was illegally dismissed up to the time of his actual reinstatement.

Respondent Coca-Cola Bottlers Phils., Inc. is likewise ordered to pay Complainant Navarro attorney's fees equivalent to ten percent (10%) of his total monetary award.

SO ORDERED.[9]

Respondent elevated the case to the Court of Appeals. The Court of Appeals annulled the resolution of the NLRC. It ruled as follows:

WHEREFORE, premises considered, the Decision (sic) as well as the Resolution of the National Labor Relations Commission is hereby SET ASIDE and the Decision of the Labor Arbiter is reinstated with the MODIFICATION that petitioner Coca-Cola Bottlers Phils., Inc. is ordered to pay private respondent Alberto Navarro separation pay equivalent to one-half (1/2) month salary for every year of service starting from November 1, 1987 until his dismissal on February 27, 1998.

SO ORDERED.[10]

The appellate court also denied petitioner's motion for reconsideration.

Hence the instant petition before us, raising the following issues:

- A -

WHETHER OR NOT THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR AND GRAVELY ABUSED ITS DISCRETION IN REVERSING AND SETTING ASIDE THE DECISION OF THE NLRC AND REINSTATING, WITH MODIFICATION, THAT OF THE LABOR ARBITER WHEN, OBVIOUSLY, THE RULING OF THE COMMISSION IS MORE IN ACCORD WITH THE EVIDENCE AND SETTLED JURISPRUDENCE.

- B -

THE HONORABLE COURT OF APPEALS DID NOT HEED THE INJUNCTION OF THIS HONORABLE COURT THAT: "AS IS WELL-SETTLED, IF DOUBTS EXIST BETWEEN THE EVIDENCE PRESENTED BY THE EMPLOYER AND THE EMPLOYEE, THE SCALES OF JUSTICE MUST BE TILTED IN FAVOR OF THE EMPLOYEE. SINCE IT IS A TIME-HONORED RULE THAT IN CONTROVERSIES BETWEEN A LABORER AND HIS MASTER, DOUBTS REASONABLY ARISING FROM THE EVIDENCE, OR IN THE INTERPRETATION OF AGREEMENTS AND WRITINGS SHOULD BE RESOLVED IN THE FORMER'S FAVOR" IN RENDERING THE DISPUTED DECISION AND RESOLUTION.[11]

Raised also as the threshold issue in this petition is: WHETHER PETITIONER'S APPLICATION FOR LEAVE OF ABSENCE SHOULD HAVE BEEN ALLOWED BY THE COMPANY.

Respondents contend that the application for leave was correctly denied, and that petitioner violated the Employees Code of Disciplinary Rules and Regulations when he incurred his tenth absence. Petitioner, on the other hand, argues that his absence was excusable under the circumstances.

On this point, we are in agreement that petitioner's application for leave should have been approved by the company. His absence was due to a fortuitous event outside of petitioner's control.

In our view, petitioner had no wrongful, perverse or even negligent attitude, intended to defy the order of his employer when he absented himself. He did so because heavy rains flooded their residential area which was along

the railroad.[12] In his favor, the Barangay Captain certified that indeed there was flooding in their place of residence.

A worker cannot be reasonably expected to anticipate times of sickness nor emergency. Hence, to require prior notice of such times would be absurd. He can only give proper notice after the occurrence of the event – which is what petitioner did in this case.

In earlier cases, we have expressed disapproval of dismissal of employees who have absented themselves due to emergency circumstances. In *Brew Master International, Inc. v. National Federation of Labor Unions (NAFLU)*,^[13] the employee's absence was precipitated by a grave family problem when his wife unexpectedly deserted him and abandoned the family. Under said circumstances, his absence was deemed justified. Similarly, in this case, the reason for petitioner's absence was not of his own doing much less to his liking, thus we are of the view that he did not merit the extreme penalty of dismissal from the service.

We reiterate that the State policy is to afford full protection to labor. When conflicting interests of labor and capital are weighed on the scales of social justice, the heavier influence of capital should be counterbalanced by the compassion that the law accords the less privileged workingman.^[14] Under Article 279^[15] of the Labor Code, an employee who is unjustly dismissed is entitled to reinstatement, without loss of seniority rights and other privileges, and to the payment of full backwages, inclusive of allowances, and other benefits or their monetary equivalent, computed from the time his compensation was withheld from him.^[16]

WHEREFORE, both the assailed Decision dated August 27, 2003 of the Court of Appeals and its Resolution dated March 8, 2004 denying the motion for reconsideration are REVERSED and SET ASIDE.

Respondent Coca-Cola Bottlers Phils., Inc. is hereby ORDERED:

- (1) to immediately reinstate petitioner Navarro to his former position without loss of seniority rights and other privileges;
- (2) to pay his full backwages, inclusive of allowances, and his other benefits or their monetary equivalent computed from the time he was illegally dismissed up to the time of his actual reinstatement; and
- (3) to pay petitioner Navarro attorney's fees equivalent to 10% of his total monetary award.

Costs against respondents.

SO ORDERED.

Carpio, Tinga, and Velasco, Jr., JJ., concur.

Carpio-Morales, J., on official leave.

[1] Rollo, pp. 51-57. Penned by Associate Justice Rosmari D. Carandang, with Associate Justices Delilah Vidallon-Magtolis and Mercedes Gozo-Dadole concurring.

[2] Id. at 59.

[3] Id. at 117-127.

[4] Absence Without Permission.

[5] Absence Without Leave.

[6] Rollo, p. 68.

[7] Id. at 70.

[8] Id. at 88.

[9] Id. at 127.

[10] Id. at 56.

[11] Id. at 317-318.

[12] Id. at 123.

[13] G.R. No. 119243, April 17, 1997, 271 SCRA 275.

[14] *Fuentes v. National Labor Relations Commission*, G.R. No. 110017, January 2, 1997, 266 SCRA 24, 27.

[15] As amended by Rep. Act No. 6715.

[16] *Bank of the Philippine Islands Employees Union v. Bank of the Philippine Islands*, G.R. No. 137863, March 31, 2005, 454 SCRA 357, 368.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.