

ERIC DELA CRUZ AND RAUL M. LACUATA, PETITIONERS, VS. COCA-COLA BOTTLERS PHILS. INC., RESPONDENT.

G.R. No. 180465. July 31, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

On August 12, 2000, Raymund Sales (Sales), a salesman of Coca-Cola Bottlers Phils., Inc. (respondent), figured in a motor vehicle accident while driving respondent's motor vehicle which he was then not authorized to use.

Sales was hospitalized in Lorma Medical Center in San Fernando, La Union where he was observed to have been under the influence of liquor at the time of the accident.[1] The August 12, 2000 police blotter of the incident indeed indicates that Sales was under the influence of liquor.[2]

Respondent soon discovered that Sales' co-employees secured an August 15, 2000 police report and an August 14, 2000 medical certificate which omitted the statement that Sales was under the influence of liquor.[3]

After an initial investigation, respondent issued separate memoranda to its Sales Supervisor John F. Espina (Espina), and herein petitioners Sales Delivery Supervisor Raul M. Lacuata (Lacuata) and Sales Supervisor Eric David C. dela Cruz (dela Cruz) requiring them to explain why no disciplinary action should be taken against them for violation of the Employees' Code of Disciplinary Rules and Regulations vis-à-vis Article 282 of the Labor Code in connection with their production of the August 15, 2000 police report and August 14, 2000 medical certificate which did not indicate full details of the accident, and the use of the name of the General Manager in producing such reports.[4]

Petitioner de la Cruz replied that all he did was to send to Melvin Asuncion, a refrigeration foreman of respondent, a text message asking for a copy of the police report.[5]

Petitioner Lacuata, on the other hand, claimed that he had no participation in the preparation of the questioned documents as all he did was to pick up the medical certificate from the hospital.[6] Espina likewise denied any participation in the "alteration" of the documents.[7]

Further investigation conducted by respondent showed that Espina and petitioners conspired to have an "altered report" prepared to make it appear that Sales was not under the influence of liquor at the time of the accident.

Espina and petitioners were thereupon dismissed from employment,[8] drawing them to file separate complaints for illegal suspension and dismissal against respondent.[9]

The Labor Arbiter dismissed Espina's complaint for lack of merit.[10]

De la Cruz was found to have been illegally dismissed, hence, his reinstatement, as well as payment to him of back wages, 13[th] month pay, attorney's fees, and moral damages,[11] was ordered.

Respecting Lacuata, the Labor Arbiter found him to be at fault in "d[oing] nothing to stop Espina from obtaining

false police and medical reports," hence, respondent was justified in losing trust and confidence in him. Nevertheless, respondent was ordered to grant him back wages, 13[th] month pay, and separation pay.[12]

On appeal by respondent, the National Labor Relations Commission (NLRC) affirmed the Labor Arbiter's decision but deleted the award of moral damages in favor of dela Cruz.[13] Its motion for reconsideration[14] having been denied,[15] respondent filed a Petition for Certiorari[16] before the Court of Appeals.

By Decision[17] of July 27, 2007, the Court of Appeals set aside the NLRC decision, it finding that petitioners, were validly dismissed.

Hence, the present petition for Review,[18] petitioners contending that the Court of Appeals erred

I.

In rejecting the Labor Arbiter's and NLRC's appreciation of the facts, concluding that there were facts established to warrant petitioners' separation from employment.

II.

In considering that the respondent has successfully discharged the burden of proof required by the Constitution.

III.

In considering the alleged breach of confidence, if any there be, willful breach of confidence.

IV.

In considering the alleged infraction, if any there be, as connected with petitioners' work.

V.

In holding that dismissal from service was the proper penalty to be imposed upon the petitioners, notwithstanding the absence of substantial evidence and manifestly oppressive nature of the penalty.

VI.

In rejecting the keystone principle that all doubt in the implementation of the Labor Code or arising from the evidence should be resolved in favor of labor.[19](Emphasis in the original)

As a general rule, findings of fact of the Labor Arbiter and the NLRC will not be interfered with unless it is shown that they arbitrarily disregarded or misappreciated the evidence before them to such extent as to compel a contrary conclusion if such evidence has been properly appreciated.[20]

In the case of Lacuata, the Court of Appeals concurred with the findings of fact of the Labor Arbiter and the NLRC, but held that it was error to award back wages and separation pay to him in light of the finding that "[r]espondent . . . was justified in losing its trust and confidence in Lacuata"[21] for not doing anything to prevent Espina from obtaining the "altered" documents.

The petition fails.

Indeed, an award of back wages and separation pay is justified only if there is a finding of illegal dismissal. Since petitioners were supervisory employees and were thus covered by the trust and confidence rule,[22] the Court of Appeals correctly overturned the ruling of the NLRC and the Labor Arbiter.

Petitioners contend, however, that for loss of trust and confidence to be a ground for termination of employment,

it must be willful and must be connected with the employee's work.[23] This contention has been passed upon by the Court of Appeals, thus:

The records of the case are rife with proof that the supervisors committed acts which are inimical to the interests and stability, not only of management, but of the company itself. They did so, through deceitful means and methods. The detailed account of what transpired between August 12 to 16, 2002 by Asuncion, Calderon, the witnesses and the supervisors themselves were not only substantial proof of the grave infraction committed by them but indubitable proof of their anomalous acts.[24] (Underscoring supplied)

Indeed, by obtaining an altered police report and medical certificate, petitioners deliberately attempted to cover up the fact that Sales was under the influence of liquor at the time the accident took place. In so doing, they committed acts inimical to respondent's interests. They thus committed a work-related willfull breach of the trust and confidence reposed in them.

WHEREFORE, the petition is DENIED. The decision of the Court of Appeals dated July 27, 2007 is AFFIRMED.

Costs against petitioners.

SO ORDERED.

Quisumbing, (Chairperson), Chico-Nazario,[*] Leonardo-De Castro,**] and Peralta,[***] JJ. , concur.

[*] Additional member per Special Order No. 658.

[**] Additional member per Special Order No. 635.

[***] Additional member per Special Order No. 664.

[1] NLRC records (Vol. 2), p. 184.

[2] Id. at 182.

[3] Id. at 183, 185.

[4] Id. at NLRC records (Vol. 1), pp. 377-379.

[5] Id. at 388-389.

[6] Id. at 390-391.

[7] Id. at 392-405.

[8] Id. at 416-427.

[9] Id. at 1-6.

[10] Id. at 329.

[11] Id. at 328-329.

[12] Id. at 314-316, 329

[13] Id. at 545-571.

[14] Id. at 573-601.

[15] Id. at 676-677.

[16] CA rollo, pp. 9-49.

[17] Penned by Court of Appeals Associate Justice Marlene Gonzales-Sison, with the concurrence of Associate Justices Juan Q. Enriquez, Jr. and Vicente S.E. Veloso. Id. at 776-794.

[18] Rollo, pp. 33-88.

[19] Id. at 55-56.

[20] Vide *Mayon Hotel & Restaurant v. Adana*, G.R. No. 157634, May 16, 2005, 458 SCRA 609, 623-624.

[21] NLRC records (Vol. I), p. 317; CA rollo, pp. 790-791.

[22] *Sagales v. Rustan's Commercial Corporation*, G.R. No. 166554, November 27, 2008.

[23] Rollo, pp. 76-79.

[24] CA rollo, p. 789.

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