PHILIPPINE LONG DISTANCE TELEPHONE COMPANY [PLDT], PETITIONER, VS. ROBERTO R. PINGOL, RESPONDENT.

G.R. No. 182622. September 08, 2010

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review on certiorari under Rule 45 of the Revised Rules of Court filed by petitioner Philippine Long Distance Telephone Company (PLDT) which seeks to reverse and set aside: (1) the December 21, 2007 Decision[1] of the Court of Appeals (CA), in CA-G.R. SP No. 98670, affirming the November 15, 2006[2] and January 31, 2007[3] Resolutions of the National Labor Relations Commission (NLRC); and (2) its April 18, 2008 Resolution[4] denying the Motion for Reconsideration of petitioner.

THE FACTS

In 1979, respondent Roberto R. Pingol (Pingol) was hired by petitioner PLDT as a maintenance technician.

On April 13, 1999, while still under the employ of PLDT, Pingol was admitted at The Medical City, Mandaluyong City, for "paranoid personality disorder" due to financial and marital problems. On May 14, 1999, he was discharged from the hospital. Thereafter, he reported for work but frequently absented himself due to his poor mental condition.

From September 16, 1999 to December 31, 1999, Pingol was absent from work without official leave. According to PLDT, notices were sent to him with a stern warning that he would be dismissed from employment if he continued to be absent without official leave "pursuant to PLDT Systems Practice A-007 which provides that `Absence without authorized leaves for seven (7) consecutive days is subject to termination from the service.'"[5] Despite the warning, he failed to show up for work. On January 1, 2000, PLDT terminated his services on the grounds of unauthorized absences and abandonment of office.

On March 29, 2004, four years later, Pingol filed a Complaint for Constructive Dismissal and Monetary Claims[6] against PLDT. In his complaint, he alleged that he was hastily dismissed from his employment on January 1, 2000. In response, PLDT filed a motion to dismiss claiming, among others, that respondent's cause of action had already prescribed as the complaint was filed four (4) years and three (3) months after his dismissal.

Pingol, however, countered that in computing the prescriptive period, the years 2001 to 2003 must not be taken into account. He explained that from 2001 to 2003, he was inquiring from PLDT about the financial benefits due him as an employee who was no longer allowed to do his work, but he merely got empty promises. It could not, therefore, result in abandonment of his claim.

On July 30, 2004, the Labor Arbiter (LA) issued an order granting petitioner's Motion to Dismiss on the ground of prescription, pertinent portions of which read:

> As correctly cited by (PLDT), as ruled by the Supreme Court in the case of Callanta vs. Carnation Phils., 145

> SCRA 268, the complaint for illegal dismissal must be filed within four (4) years from and after the date of dismissal.
>
> Needless to state, the money claims have likewise prescribed.
>
> Article 291 of the Labor Code provides:
>
> All money claims arising from employer-employee relations accruing from the effectivity of this Code shall be filed within three (3) years from the time the cause of action accrued, otherwise they shall be forever barred.'
>
> WHEREFORE, let this case be, as it is hereby DISMISSED on the ground of prescription.
>
> SO ORDERED.[7]

Pingol appealed to the NLRC arguing that the 4-year prescriptive period has not yet lapsed because PLDT failed to categorically deny his claims. The NLRC in its November 15, 2006 Resolution reversed the LA's resolution and favored Pingol. The dispositive portion thereof reads:

> WHEREFORE, the foregoing premises considered, the instant appeal is GRANTED and the Order appealed from is REVERSED and SET ASIDE.
>
> Accordingly, let the entire records of the case be REMANDED to the Labor Arbiter a quo for further proceedings.
>
> SO ORDERED.[8]

PLDT moved for reconsideration but the same was denied by the NLRC in its Resolution dated January 31, 2007.

Unsatisfied, PLDT elevated the case to the CA by way of a petition for certiorari under Rule 65 alleging grave abuse of discretion on the part of the NLRC in issuing the assailed resolutions.

The CA denied the petition in its December 21, 2007 Decision, the fallo of which reads:

> WHEREFORE, the Petition for Certiorari is hereby DISMISSED. The Resolutions dated 15 November 2006 and 31 January 2007 of the National Labor Relations Commission are AFFIRMED.
>
> SO ORDERED.[9]

PLDT moved for reconsideration but the same was denied by the CA in a Resolution dated April 18, 2008.

THE ISSUES

Not in conformity with the ruling of the CA, PLDT seeks relief with this Court raising the following issues:

> THE HONORABLE COURT OF APPEALS HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT PROBABLY IN ACCORD WITH LAW OR WITH THE APPLICABLE DECISIONS OF THE HONORABLE SUPREME COURT.
>
> THE HONORABLE COURT OF APPEALS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR AN EXERCISE OF THE POWER OF SUPERVISION.[10]

The issues boil down to whether or not respondent Pingol filed his complaint for constructive dismissal and money claims within the prescriptive period of four (4) years as provided in Article 1146 of the Civil Code[11] and three (3) years as provided in Article 291 of the Labor Code,[12] respectively.

Petitioner PLDT argues that the declaration under oath made by respondent Pingol in his complaint before the LA

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stating January 1, 2000 as the date of his dismissal, should have been treated by the NLRC and the CA as a judicial admission pursuant to Section 4, Rule 129 of the Revised Rules of Court.[13] According to petitioner, respondent has never contradicted his admission under oath. On the basis of said declaration, petitioner posits that the LA was correct in finding that Pingol's complaint for illegal dismissal was filed beyond the prescriptive period of four (4) years from the date of dismissal pursuant to Article 1146 of the New Civil Code.

In his Comment,[14] respondent Pingol counters that petitioner PLDT could not have sent those notices with warning as that claim "has never been supported by sufficient proof not only before the Labor Arbiter but likewise before the Court of Appeals."[15] He further alleges that his dismissal is likewise unsupported by any evidence. He insists that both the NLRC and the CA correctly stated that his cause of action has not yet prescribed as he was not formally dismissed on January 1, 2000 or his monetary claims categorically denied by petitioner.

THE COURT'S RULING

The Court finds the petition meritorious.

Parties apparently do not dispute the applicable prescriptive period.

Article 1146 of the New Civil Code provides:

> Art. 1146.The following actions must be instituted withinfour years:
>
> (1) Upon an injury to the rights of the plaintiff;
>
> xxx xxx xxx

As this Court stated in Callanta v. Carnation,[16] when one is arbitrarily and unjustly deprived of his job or means of livelihood, the action instituted to contest the legality of one's dismissal from employment constitutes, in essence, an action predicated "upon an injury to the rights of the plaintiff," as contemplated under Art. 1146 of the New Civil Code, which must be brought within four (4) years.

With regard to the prescriptive period for money claims, Article 291 of the Labor Code states:

> Article 291.Money Claims. - All money claims arising from employer-employee relations accruing during the effectivity of this Code shall be filed within three (3) years from the time the cause of action accrued; otherwise they shall be barred forever.

The pivotal question in resolving the issues is the date when the cause of action of respondent Pingol accrued.

It is a settled jurisprudence that a cause of action has three (3) elements, to wit: (1) aright in favor of the plaintiff by whatever means and under whatever law it arises or is created; (2) an obligation on the part of the named defendant to respect or not to violate such right; and (3) an act or omission on the part of such defendant violative of the right of the plaintiff or constituting a breach of the obligation of the defendant to the plaintiff.[17]

Respondent asserts that his complaint was filed within the prescriptive period of four (4) years. He claims that his cause of action did not accrue on January 1, 2000 because he was not categorically and formally dismissed or his monetary claims categorically denied by petitioner PLDT on said date. Further, respondent Pingol posits that the continuous follow-up of his claim with petitioner PLDT from 2001 to 2003 should be considered in the reckoning of the prescriptive period.

Petitioner PLDT, on the other hand, contends that respondent Pingol was dismissed from the service on January 1, 2000 and such fact was even alleged in the complaint he filed before the LA. He never contradicted his previous admission that he was dismissed on January 1, 2000. Such admitted fact does not require proof.

The Court agrees with petitioner PLDT. Judicial admissions made by parties in the pleadings, or in the course of the trial or other proceedings in the same case are conclusive and so does not require further evidence to prove them. These admissions cannot be contradicted unless previously shown to have been made through palpable mistake or that no such admission was made.[18] In Pepsi Cola Bottling Company v. Guanzon,[19] it was written:

> xxx that the dismissal of the private respondent's complaint was still proper since it is apparent from its face that the action has prescribed. Private respondent himself alleged in the complaint that he was unlawfully dismissed in 1979 while the complaint was filed only on November 14, 1984. xxx (Emphasis supplied. Citations omitted.)

In the case at bench, Pingol himself alleged the date January 1, 2000 as the date of his dismissal in his complaint[20] filed on March 29, 2004, exactly four (4) years and three (3) months later. Respondent never denied making such admission or raised palpable mistake as the reason therefor. Thus, the petitioner correctly relied on such allegation in the complaint to move for the dismissal of the case on the ground of prescription.

The Labor Code has no specific provision on when a claim for illegal dismissal or a monetary claim accrues. Thus, the general law on prescription applies. Article 1150 of the Civil Code states:

> Article 1150.The time forprescriptionfor all kinds of actions, when there is no special provision which ordains otherwise, shall be countedfrom the day they may be brought. (Emphasis supplied)

The day the action may be brought is the day a claim starts as a legal possibility.[21] In the present case, January 1, 2000 was the date that respondent Pingol was not allowed to perform his usual and regular job as a maintenance technician. Respondent Pingol cited the same date of dismissal in his complaint before the LA. As, thus, correctly ruled by the LA, the complaint filed had already prescribed.

Respondent claims that between 2001 and 2003, he made follow-ups with PLDT management regarding his benefits. This, to his mind, tolled the running of the prescriptive period.

The rule in this regard is covered by Article 1155 of the Civil Code. Its applicability in labor cases was upheld in the case of International Broadcasting Corporation v. Panganiban[22] where it was written:

> Like other causes of action, the prescriptive period for money claims is subject to interruption, and in the absence of an equivalent Labor Code provision for determining whether the saidperiod may be interrupted,Article 1155 of the Civil Codemay be applied,to wit:
>
> ART. 1155. The prescription of actions is interrupted when they are filed before the Court, when there is a written extrajudicial demand by the creditors, and when there is any written acknowledgment of the debt by the debtor.
>
> Thus, the prescription of an action is interrupted by (a) the filing of an action, (b) a written extrajudicial demand by the creditor, and (c) a written acknowledgment of the debt by the debtor.

In this case, respondent Pingol never made any written extrajudicial demand. Neither did petitioner make any written acknowledgment of its alleged obligation. Thus, the claimed "follow-ups" could not have validly tolled the running of the prescriptive period. It is worthy to note that respondent never presented any proof to substantiate his allegation of follow-ups.

Unfortunately, respondent Pingol has no one but himself to blame for his own predicament. By his own allegations in his complaint, he has barred his remedy and extinguished his right of action. Although the Constitution is committed to the policy of social justice and the protection of the working class, it does not necessary follow that every labor dispute will be automatically decided in favor of labor. The management also

has its own rights. Out of Its concern for the less privileged in life, this Court, has more often than not inclined, to uphold the cause of the worker in his conflict with the employer.Such leaning, however, does not blind the Court to the rule that justice is in every case for the deserving, to be dispensed in the light of the established facts and applicable law and doctrine.[23]

WHEREFORE, the petition isGRANTED. The assailed December 21, 2007 Decision and April 18, 2008 Resolution of the Court of Appeals, in CA-G.R. SP No. 98670, areREVERSEDandSET ASIDE and a new judgment entered DISMISSING the complaint of Roberto R. Pingol.

SO ORDERED.

Carpio, (Chairperson), Nachura, Peralta, and Abad, JJ., concur.

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[1] Rollo pp. 134-140. Penned by Associate Justice Japar D. Dimaampao with Associate Justice Mario L. Guariña III and Associate Justice Sixto C. Marella, Jr., concurring.

[2] Id. at 126-129.

[3] Id. at 131-132.

[4] Id. at 141-142.

[5] Id. at 18.

[6] Id. at 124-125.

[7] Id. at 136.

[8] Id. at 129.

[9] Id. at 139.

[10] Id. at 31.

[11] Art. 1146.The following actions must be instituted within four years:

(1)upon an injury to the rights of the plaintiff. xxx

[12] Article 291.Money claims.- All money claims arising from employer-employee relations accruing during the effectivity of this Code shall be filed withinthree years from the time the cause of action accrued, otherwise they shall be forever barred.

[13] Sec. 4.Judicial admissions.--An admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.

[14] Rollo pp. 62-76.

[15] Id. at 70.

[16] 229 Phil. 279, 289 (1986).

[17]"J" Marketing Corporation v. Taran, G.R. No. 163924, June 18, 2009, 589 SCRA 428, 440, citing Auto Bus Transport Systems, Inc. v. Baustista, 497 Phil. 863 (2005).

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[18] Damasco v. NLRC, 400 Phil. 568, 586 (2000), citing Philippine American General Insurance Inc. v. Sweet Lines, Inc., G.R. No. 87434, August 5, 1992, 212 SCRA 194.

[19] 254 Phil. 578, 586 (1989).

[20] Rollo, p. 124.

[21] Anabe v. Asian Construction, G.R. No. 183233, December 23, 2009, 609 SCRA 213, 221.

[22] G.R. No. 151407, February 6, 2007, 514 SCRA 404, 411-412, citing Laureano v. Court of Appeals, 381 Phil. 403, 412, (2000).

[23] Maribago Bluewater Beach Resort, Inc. v. Dual, G.R. No. 180660, July 20, 2010.

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