

**CENTRAL TEXTILE MILLS, INC., PETITIONER, VS. UNITED (CMC) TEXTILE WORKERS UNION-TGWF, RUBEN ALMARIO, GABRIEL PUZON, NATIONAL LABOR RELATIONS COMMISSION AND LABOR ARBITER FRANCIS...**

*G.R. No. 51077. December 27, 1979*

Ponente: AQUINO, J.

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**AQUINO, J.:**

This case is about the conflicting decisions of the National Labor Relations Commission regarding respondent Ruben Almario whose reinstatement it had ordered in one case but whom it had found to have abandoned his job in another case. With respect to respondent Gabriel Puzon, the NLRC ordered his reinstatement although he had resigned from his job. The record discloses the following undisputed facts:

1. On January 31, 1974, the United (CMC) Textile Workers Union-TGWF filed with the NLRC Case No. LR-2658, charging the employer, Central Textile Mills, Inc., with unfair labor practices consisting of delaying the turnover of union dues (checkoff) and illegal suspension and projected dismissal of fifty-nine employees including Almario and Puzon.
2. At the same time, Almario filed with the NLRC-RO4 Case No. 9-4733-74 for the recovery of separation pay.
3. On June 14, 1974, Puzon resigned voluntarily from the textile firm. He executed a quitclaim wherein he stated that his resignation was in conformity with the Termination Pay Law and that he had no claim against the employer under existing laws arising out of his employment. He said that he was physically fit when he resigned and that he was not suffering from any sickness.
4. On September 16, 1974, an NLRC arbitrator rendered a decision in Case No. LR-2658 wherein, inter alia, he directed the reinstatement of Almario and Puzon to their former positions with backwages from the date of their dismissal or suspension up to the date of reinstatement without loss of rank, seniority status and other privileges. The arbitrator made the following findings:

"RUBEN ALMARIO - He went on leave that expired on August 30, 1973 but he did not report to work despite the recommendation and findings of the doctor that he is fit to work. He was given 2 days notice on October 29, 1973 but reported on November 17, 1973. He had also received numerous warnings in the past for unexcused absences.

"Considering that this last absence of Almario was due to an illness (Tuberculosis) as certified by Dr. Tianco, presumably the company physician, it is safe to assume that when he failed to return to work notwithstanding the doctor's recommendation, he must not be feeling well or fit to work. Could it not be that Almario was avoiding a relapse, his illness of tuberculosis being one that necessitates complete rest for its cure.

"He should not, therefore, be considered as having abandoned his work. The cause of dismissal is not justified."

"GABRIEL PUZON - He was meted out three (3) suspensions (first, for 7 days for decreasing production; second, for 2 days for quitting work before time and third, for 5 days for smoking), and 4 warnings for unexcused absences and not using ID tag.

"While this record may not speak well of the complainant, yet his projected dismissal was precipitated by his not using his ID tag which could not be considered as a gross misconduct under any circumstances. It further appears that for the year 1973 that was the only infraction he has committed."

The textile firm appealed. The NLRC affirmed the arbitrator's decision in its decision of October 24, 1974. The Secretary also affirmed it in his decision of July 25, 1975.

5. The textile firm then appealed to the President of the Philippines. Presidential Assistant Ronaldo B. Zamora in his decision of August 18, 1976 affirmed the decisions of the Secretary of Labor, the NLRC and the arbitrator in Case No. LR-2658.

6. On the other hand, on December 17, 1974, another arbitrator rendered a decision in Case No. 9-4733-74, dismissing Almario's claim for separation pay because he was a chronic absentee, he had abandoned his job and he filed his claim about one year after his alleged dismissal.

7. Almario appealed to the NLRC. That agency on November 3, 1975 affirmed the arbitrator's decision. It found that the textile firm did not dismiss Almario who had abandoned his job. Hence, his claim for separation pay was unjustified. Note that the NLRC decision in Case No. 9-4733-74, which has also become final, is markedly inconsistent with its decision in Case No. LR-2658.

8. Since the decision in Case No. LR-2658 had become final and executory, an examiner was directed to compute the backwages due to Almario and Puzon. The textile firm filed a motion for reconsideration. It called the NLRC's attention to the decision in Case No. 9-4733-74 wherein the NLRC found that Almario had abandoned his job. It also called the NLRC's attention to Puzon's resignation and quitclaim.

9. The examiner in his report of January 10, 1976, found that the backwages and benefits payable to Almario and Puzon amounted to P8,751.43 and P8,112.31 respectively, or a total of P16,863.74.

10. The textile firm interposed an opposition to the examiner's report. The Labor Arbiter approved the report in his order of January 26, 1977. The firm appealed to the NLRC. It affirmed the examiner's report in its decision of April 24, 1979.

11. A writ of execution was issued. In that writ the accumulated amount due to Almario and Puzon was found to be P44,964.43 but there is no showing as to how that amount was arrived at and whether the employer was heard on the computation of the backwages. The earnings, if any, of Puzon and Almario during the time they were laid off, were not taken into account.

12. On the other hand, there has been partial execution as to the backwages of Puzon. The record does not show how much was received by Puzon as a result of the execution.

13. The textile firm filed a motion to quash the writ of execution. It invoked once more the NLRC's decision in the other case, Case No. 9-4733-74, wherein Almario was held to be not entitled to any separation pay because he had abandoned his job. It cited again Puzon's resignation and quitclaim already mentioned.

14. The motion was denied on July 11, 1979 by the Labor Arbiter who issued the writ of execution. In view of that denial, the textile firm filed on July 18, 1979 the instant certiorari case assailing the reinstatement of Almario and Puzon with backwages and praying that the execution thereof be enjoined.

The legal issue is whether it is just and proper to execute the decision in NLRC Case No. LR-2658 for the reinstatement of Almario and Puzon with backwages notwithstanding the NLRC's final decision in Case No. 9-4733-74 that Almario had abandoned his job and in spite of the resignation and quitclaim of Puzon.

We hold that this case is covered by the rule "that when, after a judgment has become final, facts and circumstances transpire which render its execution impossible or unjust, the interested party may ask the court to modify or alter the judgment to harmonize the same with justice and the facts" (De los Santos vs. Rodriguez, L-23170, January 31, 1968, 22 SCRA 451, 458 and cases cited therein; City of Cebu vs. Mendoza, L-26321, August 19, 1975, 66 SCRA 174, 177).

That rule applies to NLRC judgments because the NLRC, although an administrative agency, partakes of the nature of a special labor tribunal.

It would be inequitable to enforce the judgment in favor of Almario and Puzon considering the contradictory decisions of the NLRC in Almario's case and considering that in Puzon's case his resignation and quitclaim were not duly taken into account by the NLRC.

Simple justice demands that the NLRC should rehear the cases of Almario and Puzon and reconcile its decision of October 24, 1974 in Case No. LR-2658 for their reinstatement (Per Commissioners Amado G. Inciong, Diego P. Atienza and Ricardo C. Castro) with its decision of November 3, 1975 in Case No. 9-4733-74 holding that Almario had abandoned his job (Per Commissioners Atienza, Geronimo Q. Quadra and Cleto P. Villatuya). This latter case should be consolidated with Case No. LR-2658 insofar as it concerns Almario and Puzon.

As a matter of rudimentary fairness, the NLRC should also rule upon the effect of Puzon's resignation and quitclaim upon the union's claim for his reinstatement with backwages. This matter was not squarely resolved by the NLRC.

WHEREFORE, the decision of the NLRC reinstating Ruben Almario and Gabriel Puzon with backwages, its decision holding that Almario had abandoned his job and the writ of execution for the enforcement of its decision in Case No. LR-2658 are reversed and set aside.

The NLRC is directed to rehear the cases of Almario and Puzon, as indicated above, and to give the parties full opportunity to prove their contentions. No costs.

### **SO ORDERED.**

Antonio, Concepcion, Jr., and Santos, JJ., concur.

Barredo, J., (Chairman), concurs in a separate opinion.

Abad Santos, J., no part.

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Concurring Opinion

**BARREDO, J.:**

I concur.

The mildest way I can put what I feel about the circumstances of this case is that there must be more than meets the eye in them. The apparently inconsistent actions of the Labor Ministry authorities appearing in the record so confuse me that I am at a loss as to how to apply settled principles to them in order to arrive at a fair decision. Maybe *res adjudicata* or waiver thereof may be invoked here, but, as I have said, the procedures in the Labor Ministry are seemingly complicated that it would be hazardous to the interests of justice to act in this case without requiring the clarificatory proceeding ordered in the judgment herein.

Perhaps it is high time the Minister of Labor's attention were called to this enigmatic situation. While it is not for Us to complain if labor cases seem to be plaguing the Court, but both labor and capital and all concerned would be happier, I am sure, if procedures in labor cases were to be simplified to the barest requirements of truth and fair play. I note, however, that the Ministry is actually striving towards such laudable goal, but it may not be amiss to say that the public anxiety in this regard involves much more than mere procedural simplification. The basics of impartiality, intelligent appraisal of controversial situations and plain integrity are deemed as also indispensable.

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