

**BONIFACIO DE LEON, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION, SUGAR PRODUCERS COOPERATIVE
MARKETING ASSOCIATION, INC., ALFREDO U. BENEDICTO AND
GWENDOLYN H. GUSTILO, R...**

G.R. No. 52056. August 10, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Before Us is the Motion of private respondents for reconsideration of Our decision of October 30, 1980 which ordered the reinstatement of petitioner with full backwages.

In support of the said motion for reconsideration, the following were alleged:

1. There was no clear denial of due process because what the auditors did was merely to conduct a preliminary review of the records to ascertain whether there were anomalies.
2. Upon being informed by the auditors of the anomalies involving the petitioner, Mr. Benedicto privately confronted the petitioner about those anomalies preparatory to a formal investigation where he could be heard, but instead of going through with the investigation, the petitioner agreed to avail of the company's retrenchment program going on at that time and collect, in connection therewith, his retirement benefits in full.
3. Even assuming arguendo that there "was denial of due process", petitioner's severance from the company was nonetheless legal and proper because: (a) being a managerial employee, the petitioner could be terminated for mere lack of confidence and (b) the petitioner was legally retrenched.

We observe that no new matters were raised herein which would warrant a reconsideration, since the issues adduced above were already considered and thoroughly discussed in the assailed decision. There are no compelling reasons shown to warrant disturbing the findings of the Labor Arbiter, and to merit a reconsideration as prayed for.

As We have previously pointed out, the Commission failed to clearly establish by substantial evidence the involvement of petitioner with the alleged anomalies. A mere generalized statement "that the evidence collated by the team of auditors established the involvement of Appellee [petitioner] in the above-said irregularities. xxx" will not suffice to hold petitioner liable as charged.

If petitioner voluntarily retired from the service, it would be strange for him to thereafter file a complaint for illegal dismissal. What would be more consistent with normal human behavior, if retirement was not forced upon him, is for him to have, at least, expressed some words of gratitude to private respondents, considering that he had work with them for more than twenty (20) years.

WHEREFORE, the motion for reconsideration is hereby denied.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

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