

AKAY PRINTING PRESS, PETITIONER, VS. MINISTER OF LABOR AND EMPLOYMENT, ET AL., RESPONDENTS.

G.R. No. 59651. December 06, 1985

Ponente: PLANA, J.

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PLANA, J.:

This petition for certiorari seeks to set aside the order dated May 25, 1981 of the Ministry of Labor and Employment which affirmed that of the MOLE Regional Director for the National Capital Region ordering petitioner to reinstate private respondents to their positions with backwages, primarily on the ground that the Director's order was void ab initio, he having acted without jurisdiction on private respondents' complaint for illegal dismissal.

Private respondents Nelson Olayta and Jose Polpol were employed by petitioner Akay Printing Press as helpers. Sometime in August 1978, petitioner issued a memorandum to Olayta and Polpol calling their attention to their alleged negligence in the printing of the customer's brand on certain polybags, which resulted in the rejection by the customer of the printed articles. The memorandum had this warning:

"In view hereof, you are hereby warn(ed) that a repetition of the same may constrain the Management to terminate your services.

"Please be guided accordingly."

Private respondents refused to receive the memorandum, in view of which, they were dismissed without MOLE clearance.

Upon a complaint for illegal dismissal filed by private respondents with the Ministry of Labor and Employment, the Regional Director of the National Capital Region conducted hearings. The parties were thereafter required to submit position papers but only the complainants complied. On July 31, 1979, the Regional Director issued an order finding Olayta and Polpol to have been illegally dismissed, and ordered petitioner to reinstate them with backwages.

Petitioner filed a motion for reconsideration questioning the finding of dismissal, and claiming that private respondents abandoned their work and were not dismissed. The motion was treated as an appeal and elevated to the Ministry of Labor and Employment. On May 25, 1981, the Deputy Minister affirmed the Regional Director's order. Petitioner then filed a motion for reconsideration assailing for the first time the jurisdiction of the Regional Director to take cognizance of private respondents' complaint for illegal dismissal. The motion was denied for lack of merit.

In this petition for certiorari, petitioner assails the orders of both the Regional Director and the Deputy Minister on the alternative grounds that (1) the Regional Director's order is null and void for lack of jurisdiction, or (2) granting that it is valid, it erroneously found that private respondents had been dismissed, when they indeed voluntarily abandoned their work. As to the jurisdictional issue, petitioner contends that under Article 217 of the

Labor Code, as amended by Presidential Decree 1367, the Labor Arbiter has the exclusive jurisdiction to hear and decide all "cases arising from employer-employee relations". On this basis, petitioner challenges the validity of MOLE Policy Instruction No. 6 dated April 23, 1976 insofar as it transfers to the Regional Director exclusive original jurisdiction over —

"Termination cases involving applications for clearance to dismiss or shut down and the opposition if any thereto, or complaints of illegal dismissal."

The petition has no merit.

When the illegal dismissal case was pending before the MOLE Regional Director, petitioner did not raise the issue of jurisdiction either during the hearing or in its subsequent motion for reconsideration. Its defense was a stout denial of the dismissal of private respondents, who were averred instead to have abandoned their work. After the adverse decision of the Regional Director and upon the elevation of the case on appeal to the Ministry of Labor and Employment, still no jurisdictional challenge was made. It was only when petitioner moved to reconsider the MOLE decision of affirmance that it assailed the jurisdiction of the Regional Director. But then, it was too late. Estoppel had barred him from raising the issue, regardless of its merits.

"A party may be estopped or barred from raising a question in different ways and for different reasons. Thus we speak of estoppel in pais, or estoppel by deed or by record, and of estoppel by laches.

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"It has been held that a party can not invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction (Dean vs. Dean, 136 Or. 694, 86 A.L.R. 79). In the case just cited, by way of explaining the rule, it was further said that the question whether the court had jurisdiction either of the subject-matter of the action or of the parties was not important in such cases because the party is barred from such conduct not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice can not be tolerated — obviously for reasons of public policy.

"Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court (Pease vs. Rathbun-Jones etc., 243 U.S. 273, 61 L. Ed. 715, 37 S.Ct. 283; St. Louis etc. vs. McBride, 141 U.S. 127, 35 L. Ed. 659).

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"Upon this same principle is what We said in the three cases mentioned in the resolution of the Court of Appeals of May 20, 1963 (supra) to the effect that we frown upon the 'undesirable practice' of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse — as well as in *Pindañgan etc. vs. Dans, et al.*, G.R. L-14591, September 26, 1962; *Montelibano, et al., vs. Bacolod-Murcia Milling Co., Inc.*, G.R. L-15092; *Young Men Labor Union etc. vs. The Court of Industrial Relations et al.*, G.R. L-20307, Feb. 26, 1965, and *Mejia vs. Lucas*, 100 Phil. p. 277." (*Tijam vs. Sibonghanoy*, 23 SCRA 29, 35-36.)

As to the alternative claim that the finding of dismissal, rather than abandonment, is erroneous, suffice it to say that the findings of fact of quasi-judicial bodies are binding on the courts, if supported by substantial evidence. The records show that on August 15, 1978, private respondents were indeed dismissed by petitioner without the benefit of investigation and the then required prior MOLE clearance, after they had refused to receive the memorandum giving them a warning on account of alleged negligence in the performance of their work. Petitioner's defense of abandonment was belatedly interposed in its motion for reconsideration of the order of the Regional Director, but this was not given credence for lack of evidentiary support. The finding of illegal dismissal

must therefore be upheld.

The records disclose that private respondents were dismissed by petitioner on August 15, 1978. It does not appear that the order for their reinstatement with full backwages has been executed.

In view of the foregoing, the petition is dismissed. However, in line with precedents on the matter, the backwages of private respondents shall be limited to the amount corresponding to three years.

SO ORDERED.

Teehankee, (Chairman), Gutierrez, Jr., De La Fuente, and Patajo, JJ., concur.

Melencio-Herrera and Relova, JJ., no part.

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