

PHILIPPINE LONG DISTANCE TELEPHONE COMPANY, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND REYNALDO TEODORO, RESPONDENTS.

G.R. No. 59724. May 30, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the dismissal of an employee. Reynaldo P. Teodoro was employed by the Philippine Long Distance Telephone Company as a blockmap clerk since September, 1970. The blockmap contains the data on telephone cable facilities to be used to meet the telephone needs of applicants.

As blockmap clerk, Teodoro used to sort out applications for telephone service, to indicate by consulting the blockmaps the telephone or cable facility through which an application can be served without exceeding the required maximum length of telephone wires to be used, and to update the blockmaps regularly (p. 6, Rollo).

Teodoro committed the following alleged irregularities as blockmap clerk, according to the PLDT:

- On November 5, 1973, Teodoro attended to and allowed the request for transfer of telephone No. 60-81-05 which exceeded the maximum allowable length of wires by seven (7) spans. For that violation of established procedures, he was given a verbal warning and a reprimand.
- On October 16, 1974, without complying with established procedures, Teodoro made a cable assignment on the request to transfer telephone No. 20-30-21 to 25 from its original address to an adjoining place. He did not observe the procedure that in the processing of any request for telephone service, the request must first be block mapped before indicating the nearest cable, terminal number and spans. For the infraction, he was again reprimanded and warned by the PLDT.
- Teodoro was suspended for 15 days on December 3, 1975 for repeated violation of the procedure on blockmapping, to wit: (a) for the transfer of tel. no. 26-89-01 from No. 922 Constancia, Sampaloc, Manila to No. 235-R MacArthur Highway, Karuhatan, Valenzuela, Bulacan, wherein a change of cable assignment was made notwithstanding the fact that there were several pending requests for transfer ahead of this particular service request which must be attended to or served first; (b) telephone no. 25-08-50 was transferred to No. 231-E MacArthur Highway in gross violation of the priority listing which caused the bypassing of all earlier requests for transfer; (c) on October 2, 1975, Teodoro caused the transfer of tel. no. 23-20-26 by assigning to the said number a telephone cable which had not yet been approved for assignment. Regrettably, notwithstanding the disciplinary actions imposed on Teodoro for repeated violation of company procedure on cable assignment and blockmapping, he made no efforts to mend his ways.

The straw which broke the camel's back came on March 1, 1979. On the said date, a request to transfer telephone no. 35-97-02 from 181 A. del Mundo Street, Caloocan City to 77-B A. Pablo, Karuhatan, Valenzuela was made by the telephone subscriber. Notwithstanding the fact that there were two (2) pending requests for transfer in the

same area which pertain to the same cable facility, and therefore should be attended to and served first, Teodoro ignored and bypassed the two pending requests for transfer by some scheming way of reblocking the assignment of the cable facility.

As a consequence of this unjustified preference given to telephone no. 35-97-02, the telephone subscriber of bypassed telephone no. 35-03-55 complained that a telephone (referring to telephone no. 35-97-02) was installed in their area contrary to his earlier information regarding nonavailability of cable facilities.

Teodoro explained that he bypassed two pending requests in favor of a new one because there was nobody working on the new request and he had time to attend to it. He said that the bypassed telephone no. 35-03-55 could not be accommodated because its transfer required spans of from seven to eight posts.

As noted by the Solicitor General, the explanation is unacceptable because the transfer of bypassed telephone no. 35-03-55 involved the same area, the same distance and the same cable facility as telephone no. 35-97-02. The explanation also contradicts Teodoro's earlier claim that telephone no. 35-03-55 was bypassed not because of the distance involved but because said telephone number was assigned on high count terminal 26-31. Actually, Teodoro made the assignment on the basis of a special study he himself conducted in gross disregard of his supervisor's instructions not to make unauthorized special study on service orders.

The PLDT filed on July 3, 1979 with the Ministry of Labor an application for clearance to terminate the services of Teodoro. He was placed under preventive suspension on July 6, 1979. He did not oppose the application to terminate his services.

The proceedings in the Ministry were suspended when pursuant to the Collective Bargaining Agreement Teodoro's case was brought to the Grievance Committee. But the Committee failed to arrive at a decision. Therefore, the penalty of preventive suspension leading to the dismissal of Teodoro from the service was maintained without prejudice to the other remedies available to him under the Collective Bargaining Agreement (p. 22, Rollo).

We hold that the National Labor Relations Commission and the Labor Arbiter committed a grave abuse of discretion amounting to lack of jurisdiction in ordering Teodoro's reinstatement without loss of seniority rights and with backwages for one year notwithstanding the repeated acts of misconduct and willful breach of trust committed by him.

Even the Labor Arbiter admits that Teodoro failed to observe the company's standard operating procedure in the matter of blockmapping for the assignment of facilities, to the prejudice of the customer and the embarrassment of the company, and to carry out lawful instructions of his supervisors in the performance of his job (p. 30, Rollo).

This is a clear case where the erring employee forfeited his right to security of tenure. His dismissal is justified.

WHEREFORE, the decision of the National Labor Relations Commission is reversed and set aside. The company's dismissal of Reynaldo Teodoro as blockmap clerk is confirmed. No costs.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

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