

ROMAN PEÑAFLOR, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND CALTRANS, RESPONDENTS.

G.R. No. 61247. January 17, 1983

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61247/>

ABAD SANTOS, J.:

This is an appeal by Roman Peñaflor from an undated decision of the National Labor Relations Commission, Third Division, promulgated in Baguio City.

The facts of the case are the following:

Petitioner Roman Peñaflor was the driver of a passenger jeepney which was owned by the respondent Caltrans. He filed a complaint against his employer with the Arbitration Branch of the Ministry of Labor and Employment at Tuguegarao, Cagayan. He alleged illegal deductions, non-payment of living allowance and other benefits under the Labor Code, and illegal dismissal.

Petitioner had been employed as driver by the private respondent since July 1954. On April 7, 1979, petitioner was dismissed by his employer - a fact admitted by both parties. The employer claims that the dismissal was for a just cause because petitioner had abandoned his work. On the other hand, petitioner denies abandonment. He claims that he did not work beginning April 7, 1979, because his employer failed to produce a conductor to work with him.

The Labor Arbiter held that the claim of Caltrans to the effect that Peñaflor abandoned his work was not substantially established and that Caltrans had violated the rules on clearance for dismissal of an employee. He gave the following award:

"IN VIEW OF THE FOREGOING FACTS, respondent is hereby ordered to pay complainant within 10 days from receipt hereof the amounts of THREE THOUSAND SEVEN HUNDRED FIFTY PESOS (P3,750.00), as separation pay equivalent to half month pay for every year of service from July 1954 to April 7, 1979, considering that complainant could not now be reinstated to his former position as driver with the respondent for he was already working with another person, and TWO HUNDRED FORTY SIX PESOS (P246.00), representing his back emergency cost of living allowance covering the period from April 24, 1976 to December 31, 1976 totalling to THREE THOUSAND NINE HUNDRED NINETY SIX PESOS (P3,996.00).

"Complainant's claim for emergency cost of living allowance before April 24, 1976 was already prescribed."

Caltrans appealed the decision. It disclaimed any liability and accordingly asked that the decision be set aside. Peñaflor also appealed the decision alleging that the Labor Arbiter failed to award him 13th month pay from 1976 to 1979; living allowance from January, 1977 to April 7, 1979; and reimbursement for illegal deductions from his salaries.

The National Labor Relations Commission in an undated decision promulgated in Baguio City by the Third Division held "that indeed complainant [Peñaflor] abandoned his job" and that there is "no convincing proof in the

records that would support the other claims of complainant except what was awarded to him as emergency living allowance from April 24, 1975 to December 31, 1976." Accordingly, the NLRC gave the following judgment:

"WHEREFORE, the Decision dated August 27, 1980 is hereby Modified in the following tenor:

"Complainant is declared to have abandoned his job and, therefore, not entitled to separation pay. The award of living allowance to complainant from April 24, 1976 to December 31, 1976 is hereby retained."

As aforesaid, Peñaflor has appealed the decision of the NLRC. He claims that he did not abandon his work so that the correct decision is that of the Labor Arbiter and not that of the NLRC.

The only issue in this appeal is whether or not petitioner abandoned his work.

We find for the petitioner. We hold that petitioner did not abandon his work and that petitioner did not work because of a justifiable reason, which is Caltrans' failure to provide him with a conductor. This fact was admitted by Caltrans for, according to the Labor arbiter, "respondent averred that there was available conductor but the said conductor disliked herein complainant." Moreover, Caltrans falsified a material fact in its application for clearance to terminate petitioner's employment filed on April 10, 1979, by stating as the cause, "abandonment of work from February, 1979" when as a matter of fact he worked that month and also the following month until he was illegally dismissed.

We cannot believe that petitioner who had worked for the private respondent for 25 years would simply walk away from his job unmindful of the consequences of his act, i.e., forfeiture of his accrued employment benefits. As demonstrated such benefits are substantial and for a lowly paid jeepney driver they mean a lot.

WHEREFORE, the petition is granted; the undated decision of the National Labor Relations Commission is hereby set aside and that of the Labor Arbiter is reinstated. Costs against the private respondent.

SO ORDERED.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.