

**EDI-STAFF BUILDERS INTERNATIONAL, INC., PETITIONER, VS.
HONORABLE VICENTE LEOGARDO, JR., IN HIS CAPACITY AS DEPUTY
MINISTER OF THE MINISTRY OF LABOR AND EMPLOYMENT,
HONORABLE SE...**

G.R. No. 71907. July 30, 1987

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-71907/>

PARAS, J.:

THIS IS A PETITION FOR CERTIORARI TO ANNUL AND SET ASIDE THE DECISION OF RESPONDENT DEPUTY MINISTER WHICH AFFIRMED THE DECISION OF THE RESPONDENT DIRECTOR ON THE GROUND THAT THEY BOTH LACK THE JURISDICTION TO SUMMARILY DECIDE THE COMPLAINT FOR ILLEGAL DISMISSAL FILED BY PRIVATE RESPONDENT AGAINST THE PETITIONER.

THE FOLLOWING ARE THE UNDISPUTED FACTS OF THE CASE:

ON DECEMBER 1, 1977, PRIVATE RESPONDENT WAS HIRED BY THE PETITIONER, A RECRUITMENT AGENCY, AS ASSISTANT CONSULTANT WITH AN INITIAL SALARY OF P1,200.00 PER MONTH. EFFECTIVE JUNE 1, 1978, SHE WAS GIVEN A PER-MANENT APPOINTMENT WITH AN ADJUSTED SALARY OF P1,400.00 PER MONTH (ANNEX I, POSITION PAPER). ON JANUARY 1, 1979, SHE WAS ENCOURAGED TO KEEP UP HER GOOD PERFORMANCE AND WAS PROMOTED TO THE POSITION OF CONSULTANT WITH A SALARY OF P1,600.00 PER MONTH (ANNEX 2, POSITION PAPER). EFFECTIVE APRIL 16, 1979, HER SALARY WAS INCREASED TO P1,920.00 PER MONTH (ANNEX 3, POSITION PAPER). ON AUGUST 1, 1979, PRIVATE RESPONDENT WAS PROMOTED TO THE POSITION OF SUPERVISING CONSULTANT WITH AN ADJUSTED SALARY OF P2,400.00 PER MONTH (ANNEX 4, POSITION PAPER). WITHIN A SPAN OF 8 MONTHS OR ON JANUARY 1, 1980 AND ON MAY 1, 1980, HER SALARY WAS INCREASED TO P2,860.00 AND P3,200.00 PER MONTH, RES-PECTIVELY (ANNEXES 5 & 6, POSITION PAPER). ON JUNE 3, 1980, PRIVATE RESPONDENT WAS GIVEN ADDITIONAL RESPON-SIBILITIES AS SHE WAS MADE IN-CHARGE OF THE RECRUIT-MENT SERVICES FOR CONSAPHIL (ANNEX 7, POSITION PAPER). FINALLY ON SEPTEMBER 1, 1980, SHE WAS PROMOTED TO THE POSITION OF SENIOR SUPERVISING CONSULTANT, A POSITION SHE OCCUPIED UNTIL HER TERMINATION FROM EMPLOYMENT ON JANUARY 19, 1981.

ON FEBRUARY 12, 1981, PRIVATE RESPONDENT FILED A COMPLAINT FOR ILLEGAL DISMISSAL AGAINST THE PETITIONER WITH THE NATIONAL CAPITAL REGION OFFICE OF THE MINISTRY OF LABOR AND EMPLOYMENT. UPON RECEIPT OF THE SAID COMPLAINT, RESPONDENT DIRECTOR TOOK COGNIZANCE OF THE CASE AND CALLED A CONCILIATION CONFERENCE WHEREIN HE REQUIRED THE PARTIES TO SUBMIT THEIR POSITION PAPERS (PAGE 4, PETITION). IN A 22-PAGE

POSITION PAPER, PETITIONER CITED SEVERAL OFFENSES ALLEGEDLY COMMITTED BY PRIVATE RESPONDENT RESULTING IN PETITIONER'S LOSS OF TRUST AND CONFIDENCE IN HER. ON AUGUST 11, 1982, RESPONDENT DIRECTOR RENDERED A DECISION DECLARING THE DISMISSAL TO BE ILLEGAL, THE DISPOSITIVE PORTION OF SAID DECISION READING:

"WHEREFORE, RESPONDENT IS HEREBY ORDERED TO REINSTATE HEREIN COMPLAINANT TO HER POSITION WITHOUT REDUCTION IN RANK AND WITH FULL BACK WAGES FROM THE TIME SHE WAS DISMISSED UP TO HER ACTUAL REINSTATEMENT TOGETHER WITH ALL THE PRIVILEGES SHE USED TO ENJOY.

"SO ORDERED." (PP. 4-5, PETITION)

ON FEBRUARY 25, 1985, RESPONDENT DEPUTY MINISTER AFFIRMED THE DECISION OF THE RESPONDENT DIRECTOR, BUT MODIFIED IT IN THE SENSE THAT THE GRANT OF BACK WAGES OF PRIVATE RESPONDENT WAS FIXED FOR A PERIOD OF THREE YEARS (PAGE 5, PETITION). PETITIONER FILED A MOTION FOR RECONSIDERATION, ASSAILING THE JURISDICTION OF THE RESPONDENT DIRECTOR TO SUMMARILY DECIDE THE CASE, AS HE SHOULD HAVE ENDORSED THE COMPLAINT TO THE LABOR ARBITER FOR COMPULSORY ARBITRATION UNDER ART. 217 OF THE LABOR CODE (PP. 5-6, PETITION). RESPONDENT DEPUTY MINISTER DENIED THE MOTION FOR RECONSIDERATION.

HENCE, THIS PETITION, RAISING THE ISSUE OF WHETHER OR NOT PUBLIC RESPONDENTS HAVE JURISDICTION TO SUMMARILY DECIDE THE ILLEGAL DISMISSAL CASE.

THE PETITION IS DEVOID OF MERIT.

ARTICLE 217 OF THE LABOR CODE CITED BY PETITIONER VESTING LABOR ARBITERS WITH THE JURISDICTION TO HEAR AND DECIDE TERMINATION CASES AND WORKERS' MONEY CLAIMS IS NOT APPLICABLE IN THE INSTANT CASE BECAUSE SAID PROVISION WAS THE RESULT OF AN AMENDMENT BY BATAS PAM-PAMBANSA BLG. 130, WHICH TOOK EFFECT ONLY ON AUGUST 21, 1981. PURSUANT TO THE RELEVANT PROVISIONS OF THE LABOR CODE, AS AMENDED AND ITS IMPLEMENTING RULES AND REGULATIONS PREVAILING AT THE TIME THE COMPLAINT SUBJECT OF THE INSTANT PETITION WAS FILED, RESPONDENT DIRECTOR ACTED WELL WITHIN HIS POWERS AND JURISDICTION IN TAKING COGNIZANCE OF AND IN RESOLVING THE ILLEGAL DISMISSAL CASE.

POLICY INSTRUCTION NO. 6 ISSUED IN BY THE MINISTRY OF LABOR AND EMPLOYMENT WHICH OUTLINED THE DISTRIBUTION OF JURISDICTION OF LABOR CASES, STATES:

"TO: ALL CONCERNED

SUBJECT: DISTRIBUTION OF JURISDICTION OVER LABOR CASE

"XXX XXX XXX

"1. THE FOLLOWING CASES ARE UNDER THE EXCLUSIVE ORIGINAL JURISDICTION OF THE REGIONAL DIRECTOR:

XXX XXX XXX

"B) TERMINATION CASES INVOLVING APPLICATIONS FOR CLEARANCE TO DISMISS OR SHUTDOWN AND THE OPPOSITION IF ANY, THERETO OR COMPLAINTS OF ILLEGAL

DISMISSAL." (P. 50, ROLLO)

AS HELD IN THE CASE OF CEBU INSTITUTE OF TECHNOLOGY VS. MINISTER OF LABOR, 113 SCRA 257 [1982] WHICH INVOLVED THE DISMISSAL OF AN INSTRUCTOR AND A DEPARTMENT HEAD OF THE PETITIONING SCHOOL:

"XXX. THE RESPONDENT REGIONAL DIRECTOR WAS FULLY CLOTHED WITH AUTHORITY AND DISCRETION WHEN HE SUMMARILY INVESTIGATED THE CASE OF SEGURA INSTEAD OF SUBMITTING IT FOR COMPULSORY ARBITRATION. POLICY INSTRUCTION NO. 14, ISSUED BY THE MINISTER OF LABOR PURSUANT TO PRESIDENTIAL DECREE NO. 850, READS IN PART, AS FOLLOWS:

"1. THE REGIONAL DIRECTOR IS NOW REQUIRED TO RULE ON EVERY APPLICATION FOR CLEARANCE, WHETHER THERE IS OPPOSITION OR NOT, WITHIN TEN (10) DAYS FROM RECEIPT THEREOF.

XXX XXX XXX

"4. THE SECOND DUTY OF THE REGIONAL DIRECTOR WHERE THERE IS OPPOSITION IS TO DETERMINE WHETHER TO CERTIFY THE APPLICATION FOR CLEARANCE TO THE EXECUTIVE ARBITER OR TO SUMMARILY INVESTIGATE AND DECIDE IT WITHIN TEN (10) DAYS FROM FILING. THE POLICY IS FOR THE REGIONAL DIRECTOR TO CERTIFY A) IF THE NATURE OF THE CASE DOES NOT SUIT SUMMARY INVESTIGATION, OR B) IF INTRICATE QUESTIONS OF LAW ARE INVOLVED AS DETERMINED BY THE REGIONAL DIRECTOR. IF THE NATURE OF THE CASE SUITS SUMMARY INVESTIGATION, THE REGIONAL DIRECTOR SHOULD SUMMARILY INVESTIGATE AND DECIDE THE CASE. IF HE DOES NOT DENY THE APPLICATION, HE SHOULD IMMEDIATELY CERTIFY THE CASE TO THE EXECUTIVE ARBITER FOR HEARING AND DECISION ON THE MERIT." XXX

PETITIONER CLAIMS THAT BECAUSE PRIVATE RESPONDENT IS A MANAGERIAL EMPLOYEE, HER TERMINATION ON ACCOUNT OF INEFFICIENCY, RESULTING IN PETITIONER'S LOSS OF CONFIDENCE IN HER, IS VALID AND JUSTIFIED.

THE CONTENTION IS MERITLESS.

TO BE AN ADEQUATE BASIS FOR DISMISSAL, LOSS OF CONFIDENCE SHOULD NOT BE SIMULATED AND MAY NOT BE ARBITRARILY ASSERTED IN THE FACE OF OVERWHELMING EVIDENCE TO THE CONTRARY (GENERAL BANK & TRUST COMPANY VS. CA, 135 SCRA 569).

A CURSORY READING OF THE ASSAILED DECISION OF RESPONDENT DEPUTY MINISTER REVEALS THAT PRIVATE RESPONDENT WAS DISMISSED WITHOUT CAUSE OR BASIS. THE RELEVANT PORTION OF THE DECISION READS, THUS:

"XXX IN SUPPORT OF ITS POSITION, RESPONDENT SUBMITTED XEROX COPIES OF VARIOUS OVERSEAS COMMUNICATIONS (ANNEXES "D" TO "CC") RECITING SEVERAL COMPLAINTS AND PROBLEMS ON RECRUITED WORKERS AND THEIR OVERSEAS CLIENTS. THESE DOCUMENTS, HOWEVER, ARE VAGUE AND GENERAL, AND DO NOT NECESSARILY POINT TO NOR PROVE COMPLAINANT'S SHORT-COMING AND INEFFICIENCIES. NOTHING HAS BEEN ADDUCED SHOWING SPECIFICALLY THAT SUCH PROBLEMS WERE DUE TO HER INEFFICIENCY OR NEGLIGENCE. BESIDES, ASSUMING, GRATIA ARGUMENTI, THAT THESE WERE TRUE, THE SAME CANNOT FAIRLY BE LAID ENTIRELY UPON HER DOORSTEPS. THE ORGANIZATIONAL CHART OF RESPONDENT CLEARLY SHOWS THE ALLOCATION OF DIRECT

RESPONSIBILITIES AND SUPERVISION. AND THIS WAS ESPECIALLY TRUE AFTER RESPONDENT'S 'ANNOUNCEMENT' OF 15 OCTOBER 1980 WHEREIN, AMONG OTHERS, ANOTHER SUPERVISING CONSULTANT FOR RECRUITMENT, MR. DOMINGO O. GOMEZ, JR. WAS APPOINTED, WHO WAS 'RESPONSIBLE IN PROVIDING PROFESSIONAL SELECTION/RECRUITMENT SERVICES TO CLIENTS FROM THE MIDDLE EAST' AND WHO 'SUPERVISE SENIOR CONSULTANTS WHO WILL HANDLE SERVICING OF CLIENT COMPANIES', WHILE HEREIN COMPLAINANT, AS SENIOR SUPERVISING CONSULTANT, WAS RESPONSIBLE ONLY 'FOR RECRUITMENT SERVICES OF HER GROUP' AND 'IN DEALING WITH HER ASSIGNED CLIENTS'. AND HERE, IT SHOULD BE NOTED THAT THE PROBLEMS INDICATED IN THE DOCUMENTS ANNEXES "D" TO "CC", WHICH DEALT MOSTLY WITH MIDDLE EAST RECRUITMENT PROBLEMS, OCCURRED BETWEEN NOVEMBER AND DECEMBER 1980 OR AFTER THE ABOVEMENTIONED ANNOUNCEMENT OF NEW OFFICERS AND DELINEATION OF FUNCTIONS. XXX" (PP. 21-22, ROLLO)

MOREOVER, AS FOUND BY PUBLIC RESPONDENTS, THE GRANTING OF PROMOTIONS AND SALARY INCREASES TO PRIVATE RESPONDENT BY PETITIONER NEGATES OR DISPROVES THE ALLEGATION THAT PETITIONER HAD LOST CONFIDENCE IN HER.

WELL-SETTLED IS THE RULE THAT FINDINGS OF FACT OF LABOR OFFICIALS ARE GENERALLY CONCLUSIVE AND BINDING UPON THE SUPREME COURT WHEN SUPPORTED BY SUBSTANTIAL EVIDENCE, AS IN THIS CASE (MAMERTO VS. INCIONG, 118 SCRA 265).

WHEREFORE, THE ASSAILED DECISION IS HEREBY AFFIRMED, AND THIS PETITION IS HEREBY DISMISSED.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Padilla, and Sarmiento, 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.