

MARY JOHNSTON HOSPITAL, BENJAMIN CAPILI AND ARSENIO SABALA, PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION AND LIGAYA CULALA, RESPONDENTS.

G.R. No. 73839, August 30, 1988

Ponente: PARAS, J.

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PARAS, J.:

Before Us is a petition for certiorari seeking to reverse the Resolution[1] of respondent National Labor Relations Commission (NLRC for brevity) in Case No. 9-3981-83, dated December 27, 1985, which affirmed the decision[2] of the Labor Arbiter's Office, its decretal portion reading as follows:

"WHEREFORE, finding the dismissal of complainant Ligaya Culala to be il-legal and unjustified, respondent Mary Johnston Hospital should, as it is hereby ordered to reinstate her to her former position with full backwages from the time of her dismissal on August 9, 1983 up to her actual reinstatement and pay her also all other fringe benefits which she could have earned had it not been for said unlawful dismissal and, without loss of seniority rights.

"SO ORDERED." (p. 40, Rollo)

The antecedent facts are as follows:

Complainant Mrs. Ligaya Culala filed a case before the Labor office against the Mary Johnston Hospital, her employer for dismissing her illegally from her work as cook/reliever in the Dietary Department of said hospital. The records reveal that Ligaya began her employment as a casual employee sometime in 1966 and was appointed as a regular employee on March 11, 1968 (Exh. "A" for the complainant).

The case arose out of an incident on June 1, 1983, when a heated argument ensued between Mrs. Ligaya Culala and Mr. Federico Amos, the administrative head of the Dietary Department. The dispute started when Mr. Amos made insinuations on the loss of food and supplies in the kitchen in the presence of the person who delivered meat to the hospital. Mrs. Culala felt that the insinuations were directed at her as this was followed by a direct confrontation whereby Mr. Amos stated bluntly to her "Ikaw Ligaya natitiis mong pakainin ang mga anak mo ng nakaw". Complainant, who was obviously embarrassed reacted angrily which reaction prompted her to say "Putang Ina mo. Wala kang kwentang head. Tarantado ka."

The matter in dispute was voluntarily brought to the attention of the management by the parties themselves. Mr. Arsenio Sabala, Personnel Manager, intervened in lieu of Mr. Benjamin Capili, Hospital Administrator, who was out of his office at the time. Mr. Sabala required the parties to submit written accounts of what had happened, and scheduled them for another oral confrontation on June 6, 1983. Only Mrs. Culala complied, admitting in writing that she uttered the bad remarks attributed to her but that she only uttered them after Mr. Amos had made hurting insinuations earlier against her.

On June 6, 1983, another confrontation was held with Mr. Sabala acting as arbiter of the dispute. Mr. Sabala

imposed upon Mrs. Culala a forced vacation leave of thirty (30) days with pay, after which Mrs. Culala received a letter from the hospital administration terminating her services in the hospital. Feeling aggrieved, she filed a case for illegal dismissal against Mary Johnston Hospital, its administrator Benjamin Capili and personnel manager, Arsenio Sabala.

The Labor Arbiter after due hearing ruled in favor of the complainant finding her termination from the service illegal. This ruling was likewise sustained by the NLRC on appeal by the respondents therein (petitioners herein). Hence, the filing of the present petition by the petitioners alleging that said decision was rendered with grave abuse of discretion as it is contrary to the evidence.

Petitioners capitalize on the admission of private respondent Culala that she really uttered those bad remarks attributed to her. Petitioners insist that such is tantamount to gross discourtesy, insolence, disrespect and insulting behavior against her superior and for this she must be dismissed from her work or employment. Petitioners argue that assuming arguendo that private respondent had been provoked by her immediate superior she should not have taken matters into her own hands and insulted her superior. The prudent thing for her to do was to report and file a complaint against said superior.

The petition deserves no consideration.

A perusal of the records shows that private respondent during her seventeen (17) years of employment with petitioner-hospital, was never reported to have committed infractions, misdemeanors, violations of company rules and regulations, or disrespect towards her superiors except for this incident with Mr. Amos, where private respondent said profane remarks to Mr. Amos and disobeyed his order by telling him to weigh them (the dressed chicken) himself. The Labor Arbiter, who heard the witnesses and weighed the evidence presented, concluded that private respondent backed up by her 17 years of unblemished record of employment was provoked by the unjust insinuations of Mr. Amos into uttering the words and doing the acts attributed to her. The Labor Arbiter stated his findings as follows:

"To begin with, there being nothing shown that except for this incident, complainant's record of employment for seven-teen (17) years or so with respondent is blemished with other infractions, misdemeanors, violations of company rules and regulations, let alone disrespect towards her superiors, we are not prepared to subscribe to respondent's contention that complainant, out of the blue, would just blurt out said profane remarks of 'Putang Ina Mo, Wala Kang Kwentang Head, Tarantado Ka,' against Amos, her superior, and to also disobey his order to weigh the dressed chickens by telling Amos to weigh them himself. Such unprovoked out-burst can only be expected from an insolent, troublesome, disrespectful and disobedient employee.

"This doubt is heightened by Amos' admission during the confrontation before respondent's personnel officer, Arsenio C. Sabala on June 6, 1983 that there were many things lost in the dietary department which he heads, such as longganisa and bion and that at one time he saw complainant wrapped some meat in a bread wrapping which she placed in the basurahan or garbage container (Exhs. 1 and 1-B), which allegations, Amos reiterated during the hearing on September 14, 1984 that there were side remarks about loss of certain items and that it was because of said uncalled for remarks which was the reason why Culala felt alluded to. Such being the case, this lends credence to complainant's claim that in the morning of June 1, 1983 at around 10:45 a.m. Amos, upon entering the kitchen remarked that 'there are many people who cannot be trusted because some of them are stealing' and other statements to that effect and he followed this up with the a curt remark--'Ikaw Ligaya natitiis mong pakanin ang mga anak mo ng nakaw.' And it further being admitted by Amos in the aforesaid hearing of September 14, 1984 that they were only two (2) of them (Amos and Ligaya Culala) during said incident there is every reason for complainant to believe that she was the one alluded to by Amos to be the one stealing said food stuff from the kitchen.

"With the said blunt accusation, although concededly not directly directed against complainant, we can-not

blame her to be deeply hurt. For with the said profane and unsavory remarks, the person to whom it is directed would naturally be seriously peeved and offended and, for that matter be carried away by emotional rage. This is especially so in the case, where as claimed by complainant, an outsider, Lito Espina happened to be there because of his delivery of pork, when the first snide remark of Amos was uttered. To be the recipient of such insulting and humiliating remark in the presence of another it is only to be expected of complainant to be blinded by obfuscation and passion. For such derogatory remark which placed her honor and integrity in bad light even before the eyes of an outsider would certainly make complainant to re-act the way she did. True, it is that, as admitted by complainant, Lito Espina denied having heard any said utterance when she approached him to confirm said remark of Amos. Said denial, however, is not unlikely to emanate from Espina. This is so because Espina having business dealing with respondent, he would want to refrain from being involved with said unpleasant incident, lest he incur the displeasure of Amos. For should he want to preserve the business dealing with respondent, he would not risk courting the ire of Amos who is in a position to cancel or to recommend the discontinuity of his delivery of meat to respondent, in case he affirms having heard said remark of Amos.

"Amos' snide remark having been motivated only by his suspicion that complainant was the one stealing said lost items, he should have placed her under close surveillance in order that he can catch her red-handed instead of uttering said defamatory remark against her. His not having done so despite his assertion that he saw her one time wrapping some pork in a bread's wrapper and placed this in a garbage can only ventilates the hollowness of said contention. For desirous of unearthing the perpetrator of said theft of said food stuff, as what he wants to convey, it defies reason why he did not seize that opportunity to catch her in flagrante delicto. His having let such an opportunity to pass on the pretext that he was busy that time renders his said contention weak and shallow. And like his claim that the two (2) longganisas were eaten by complainant, it turns out that he has no personal knowledge since this was merely reported to him. A prudent superior would take steps to ascertain the truth of said report and not accept it hook, line and sinker. It's only when his information and suspicion is confirmed would his accusing complain-ant be justified.

As it turned out, however even the eating by complainant of said longganisas is not without justification. For, as explained by her and corroborated, said longganisas being merely samples given by a certain dealer, the same was cooked by complainant for tasting, at the ins-tance of Angelina U. Capalar, the Staff Dietitian, and Amos was even one of those who ate the same together with Capalar and complainant. This is shown by commen-datory letter of Capalar dated September 1, 1983 (Annex B of complainant's Position Paper). Said commendatory letter being given by a responsible employee of res-pondent and who, in doing so, ran the risk of being chastised, and/or disci-plined by his employer, we are convinced that said information of Amos regarding said longganisas being eaten by complain-ant is baseless and came from a polluted source. And if complainant is not pos-sessed of an enviable trait, who accepts every change of her assignment and be-cause of loyalty to respondent renders service even beyond the call of her duty, Esperanza V. Gomez, respondent's Chief Dietitian and Demetrio O. Raquedan, another employee of respondent, would not come forward likewise with their own letters of commendation (Annexes A and C, supra).

"Without even touching on the purported bias of the personnel officer, Sabala, who investigated them, because of his closeness with and being room mate of Amos in the dormitory, we are convinced that complainant's dismissal is illegal. For her answering back Amos and her not obeying his order to weigh the dressed chickens was provoked by and only in retaliation of the humi-liation and embarrassment heaped on her integrity and honor by Amos defamatory, snide and unsavory but unfounded accusa-tion levelled against her. Needless to add, said accusation, indirect though it maybe, would naturally be a cause for not only losing one's composure and equanimity but also for arousing one's anger." (pp. 36-40, Rollo)

The aforementioned conclusions of fact were sufficiently supported by undisputed evidence on record which must be respected by appellate tribunals because the hear-ing officer was placed in a unique position of observing the

demeanor and therefore judging the credibility of the testimonies of the contending parties and their witnesses. Furthermore, it was shown that the conclusions were reached after an exhaustive assessment and evaluation of the evidence adduced by the contending parties.

The right of an employee to security of tenure is protected by the constitution which must be respected unless a just cause exists for the termination of employment. The determination of the existence and sufficiency of just cause must be exercised with fairness and in good faith and after observing due process. The records reveal that private respondent was terminated without benefit of due process guaranteed by our fundamental law. Denial of due process was evident from the lack of a formal and un-biased investigation conducted by the hospital management or administration. The conference between Mrs. Culala and Mr. Amos held on June 6, 1983 was presided over by Mr. Sabala who did not bother to summon witnesses or record the proceedings as admitted by Mr. Sabala himself on cross-examination. On the same occasion, Mrs. Culala was ordered to go on leave for thirty (30) days with pay without any further pronouncement. After the expiration of her 30-day leave, she received a letter drastically terminating her services with the hospital as decided upon by an investigating body of the hospital composed of Mr. Capili and Mr. Sabala, both friends of Mr. Amos. Clearly, such body cannot be said to be truly impartial for obvious reasons. Considering that the incident on June 1, 1983, was the first offense of private respondent and considering the attendant circumstances already mentioned, We find that the penalty of termination is extreme and excessive and is not commensurate with the acts committed.

WHEREFORE, premises considered, the Petition is hereby DISMISSED for lack of merit.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[1] Penned by Commissioners Ricardo C. Castro, Cecilio Sena and Federico Borromeo.

[2] Penned by Labor Arbiter Raymundo Valenzuela

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