

STANFORD MICROSYSTEMS, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND HENRY TRINIO, RESPONDENTS.

G.R. No. 74187. January 28, 1988

Ponente: NARVASA, J.

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NARVASA, J.:

This special civil action of certiorari concerns the appropriateness or commensurateness of the penalty imposed by an employer on an employee found guilty, after due investigation, of breaches of company regulations.

Henry Trinio was employed by Stanford Microsystems, Inc. as "security coordinator," to exercise supervision over all guards assigned to secure the latter's premises by an agency with which Stanford had a security agreement.

He was dismissed from employment on July 12, 1982, after an investigation conducted by Stanford established that he had committed serious breaches of company rules in the night of July 4, 1982. It appears that on that night, at about 11 o'clock, Trinio allowed two female security guards, Vicky Magaling and Excelsa Mina to come inside the Security Office; he caused the introduction of intoxicating liquor into the premises of which he imbibed; he invited and allowed a guard on duty, Marcelino Medrana, to partake of the liquor when the latter entered the office; and thereafter he, a married man, had sexual intercourse with Guard Mina, a married woman, on top of the desk of the Security Head, while Magaling pretended to be asleep during all the time that the lustful act was commenced and consummated.

Professing innocence, Trinio lost no time in haling his employer before the Ministry of Labor and Employment. He filed a complaint for unfair labor practice and illegal dismissal against Stanford on July 16, 1982. After due proceedings, judgment was rendered thereon by the Labor Arbiter on September 30, 1983, as follows:

"IN VIEW OF THE FOREGOING, the charge of unfair labor practice is hereby dismissed for lack of factual basis. As regards the charge of illegal dismissal, respondent exceeded its disciplinary authority when it terminated the services of complainant. In accordance with its rules, a mere suspension should issue and that suspension should not last for more than thirty (30) days. Effective August 13, 1982, the suspension lapses and complainant becomes entitled to backwages and other fringe benefits thereafter. The computation of said monetary award is hereby ordered until complainant is finally reinstated."

Stanford seasonably brought the case to the National Labor Relations Commission on appeal. The Commission however declined to sustain Stanford's contention that the Arbiter had committed grave abuse of discretion in ruling that it had "exceeded its disciplinary authority when it terminated** (Trinio's) services" notwithstanding said Arbiter's own findings that Trinio had indeed committed serious misconduct and violations of company rules and regulations, including what he characterized as an act "repulsive to morality." By judgment dated March 10, 1986, the Commission affirmed the Arbiter's direction for Trinio's reinstatement but modified the award of back wages by limiting the same to two (2) years, without deduction or qualification of any kind.

In the special civil action of certiorari instituted by it in this Court, Stanford maintains that the NLRC was guilty of grave abuse of discretion in affirming the decision of the Labor Arbiter in light of the latter's patent errors -

(1)

in ordering reinstatement of Trinio despite his factual finding that Trinio was guilty of serious misconduct and other infringements of Company rules and regulations; and

(2)

in holding the Company to be so bound by its own rules and regulations prescribing penalties corresponding to specific offenses as to be estopped to discharge an employee on grounds provided in the Labor Code.

There is merit in the petition, warranting its concession. The writ of certiorari prayed for will issue.

That there is sufficient evidence proving the acts ascribed to Trinio is not seriously in dispute. Trinio did violate his employer's rules: he allowed women into the Security Office; he allowed liquor to be brought in; he drank that liquor and invited another security guard to drink it, too; he and his lady friend, both being married but not to each other, satisfied their carnal passions in a business office and in the known presence of another person. This last act was, to be sure, one "repulsive to morality," as the Labor Arbiter has put it.

The issue does not therefore lie in the facts, or the sufficiency of the evidence in proof thereof. The issue posed, rather, is whether or not under the established facts, the penalty of dismissal is merited, instead of merely that of suspension for not more than 30 days -- which is what the company rules by their literal terms indicate. The respondent Commission, in the Comment submitted in its behalf by the Solicitor General, concedes that the formulation and promulgation by an employer of rules of conduct and discipline for its employees, inclusive of those deemed to constitute serious misconduct, cannot and should not operate to altogether negate his prerogative and responsibility to determine and declare whether or not facts not explicitly set out in the rules may and do constitute such serious misconduct as to justify the dismissal of the employee or the imposition of sanctions heavier than those specifically and expressly prescribed. The concession is dictated by logic; otherwise, the rules, literally applied, would result in absurdity: grave offenses, e.g., rape, would be penalized by mere suspension; this, despite the heavier penalty provided therefor by the Labor Code, or otherwise dictated by common sense.

But said public respondent would minimize the gravity of Trinio's acts, by pointing out that the latter was only seen to be kissing his lady friend while embracing her tightly, and that there was no clear showing that he had been drinking to excess, and hence, the commensurate penalty for such "first offense" is not separation from employment but suspension and forfeiture of back wages. The public respondent theorizes that while it was in truth morally wrong for Trinio to have done what he did, it was not sufficient cause for the company to lose trust and confidence in him. Implicit in the argument is the acknowledgment that if the facts were really as described by the employer's proofs and as found by the Labor Arbiter, the penalty of dismissal from the service would be otherwise appropriate.

The evidence has been misread by public respondent. The evidence does establish the commission by Trinio of the acts with which he was charged: drinking liquor on company time in company premises; openly and deliberately sanctioning breach of company rules by persons under his superintendence; public performance of an adulterous act of sexual intercourse on company time and in company premises. Here was no mere tolerance or disregard of infringement of company rules for the enforcement of which Trinio was particularly charged, which would be bad enough. Here was an open invitation by him for others to violate those rules, and a transgression even by him of those same rules in a manner that could not but expose his personal depravity, and betray his

contempt and scorn of those rules as well as the lightness with which he held the responsibility entrusted to him to protect his employer's premises, chattels, interests, reputation and integrity. The offenses cannot be excused upon a plea of their being "first offenses", or have not resulted in prejudice to the company in any way. No employer may rationally be expected to continue in employment a person whose lack of morals, respect and loyalty to his employer, regard for his employer's rules, and appreciation of the dignity and responsibility of his office, has so plainly and completely been bared.

That there should be concern, sympathy, and solicitude for the rights and welfare of the working class, is meet and proper. That in controversies between a laborer and his master, doubts reasonably arising from the evidence, or in the interpretation of agreements and writings should be resolved in the former's favor, is not an unreasonable or unfair rule. But that disregard of the employer's own rights and interests can be justified by that concern and solicitude is unjust and unacceptable.[1]

WHEREFORE, the Decision of the National Labor Relations Commission dated March 10, 1986 and that of the Labor Arbiter dated September 30, 1983 are annulled and set aside, and the complaint of Henry Trinio against the petitioner for unfair labor practice and illegal termination of employment, dismissed for lack of factual and legal basis. This judgment is immediately executory, and no motion for extension of time to file a motion for reconsideration thereof will be entertained.

Teehankee, C.J., Cruz, Paras,[*] and Gancayco, JJ., concur.

[1] *University of the East v. NLRC*, 140 SCRA 296, citing *San Miguel Brewery v. NLU*, 97 Phil. 379 and *El Hogar Filipino v. Building Employees, Inc.*, 107 Phil. 473; *Engineering Equipment, Inc. v. NLRC*, 133 SCRA 752, citing *Manila Trading, etc. v. Phil. Labor Union*, 71 Phil. 124, *El Hogar Filipino v. Building Employees, Inc.*, supra, *PAL v. PALEA*, 57 SCRA 489; *National Service Corp. v. Leogardo*, 130 SCRA 502; *Federation of Free Farmers v. Court of Appeals*, 107 SCRA 352; *Caltex, Inc. v. Phil. Labor Organization*, Caltex Chapter, 92 Phil. 1014, 1018.

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