

ST. MARY'S COLLEGE (TAGUM, DAVAO), SR. JACINTA DE BELEN, R.V.M., SR. MILAGROS SEALONGO, R.V.M. AND JOSEFINA LLEDO, R.V.M., PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION, ...

G.R. No. 76752. January 12, 1990

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for certiorari seeking to annul the decision of the respondent National Labor Relations Commission in NLRC Case No. 362-ULP-XI-82 (Annex E), which affirmed (except as to the award of moral damages) the decision of Labor Arbiter Potenciano Canizares (Annex C) finding the petitioners guilty of unfair labor practice and ordering private respondents' reinstatement with backwages.

The facts of the case are as follows:

Petitioners Sister Jacinta de Belen, Sister Milagros Sealongo and Sister Josefina Lledo are the directress, principal and cashier of the petitioner-school respectively while private respondents Miguelita Lubiano, Elena Odilao, Rosalinda Francisquete, Louella de Borja, Delia de la Cruz and Aida Peralta are faculty members of the said school.

On or about April 12, 1982, when applications for the next school year were being received, private respondents circulated a six-page "Manifesto" in petitioner-school, accusing the individual petitioners, among others, of forcing teachers to sign affidavits waiving the benefits of P. D. No. 1713, blacklisting ten (10) teachers whose names were listed in the Manifesto, terminating teachers without proper evaluation, and aborting the organization of a teachers' union by creating fear and insecurity among the teachers. Thus, the Manifesto demanded the replacement of the petitioners for making the school "a prison without walls where there is no freedom, justice and peace x x x." (Annex H)

Upon investigation, private respondents admitted authorship of the Manifesto. Thus, Sister Ma. Jacinta de Belen terminated the services of private respondents Lubiano, Francisquete and de la Cruz for gross insubordination and serious disrespect and did not renew the probationary contracts of de Borja, Odilao and Peralta.

On June 29, 1982, private respondents, together with respondent Associated Labor Union (ALU), filed a complaint with the respondent Commission charging the petitioners with illegal dismissal, unfair labor practice, violation of P.D. No. 1713 and P.D. No. 851 and other acts giving rise to a claim for damages. More specifically, private respondents alleged that together with a number of their co-teachers, they tried to organize a local faculty union which would be affiliated with respondent ALU but the petitioners discouraged union membership which culminated in the dismissal of private respondents. (p. 26, Rollo)

On July 21, 1982, the parties appeared before Labor Arbiter Jose O. Libron for initial conference. When they failed to arrive at an amicable settlement, they were required to submit their position papers.

Petitioners attached to their position paper a letter dated May 27, 1982 of seventy-seven (77) faculty members of petitioner-school, addressed to the Superior General of the Congregation, disclaiming that they ever authorized the five or six authors of the Manifesto to speak for the faculty. (Exh. 3) In said letter, six of the ten teachers alleged by private respondents to have been "blacklisted" by the school authorities also denied that they were ever "blacklisted", thus, leaving only the four private respondents with their self-serving allegations. Petitioners also attached to their position paper a certification dated June 7, 1982 of sixty eight (68) teachers, stating: that they have never been refused or denied their right to form and/or organize themselves into a union; that the decision to form or not to form a union was discussed openly in a general assembly of the faculty in the month of February 1982; and that the overwhelming number of teachers decided to organize a "Faculty Association" instead of a "Faculty Union" without any intervention from the school administration. (Exh. 9)

On the other hand, private respondents attached to their position paper certificates of good character issued by former school directresses. (p. 187, Rollo)

A few days after the submission of the parties' position papers, another Labor Arbiter, Potenciano Canizares, Jr. rendered a decision, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered:

"1. Declaring respondents guilty of unfair labor practice as charged;

"2. Ordering respondents to cease and desist from committing the unfair labor practice acts complained of;

"3. Ordering respondents to reinstate complainants in their former positions without loss of seniority right and other privileges, and to pay them full backwages from the time they were dismissed until their actual reinstatement; and

"4. Ordering respondents to pay complainants moral damages in the sum of ONE HUNDRED THOUSAND PESOS (P100,000.00).

"The claims for emergency cost of living allowance, 13th month pay, unpaid salaries and vacation leave are hereby dismissed for lack of sufficient evidence." (p. 10, Rollo)

Said decision was affirmed on appeal, except for the award of moral damages which was deleted, having been found to have no sufficient basis. (p. 15, Rollo)

Petitioners filed a motion for reconsideration but was denied.

In this petition, petitioners claim that they were deprived of due process because they were denied the opportunity to cross-examine private respondents and to rebut their documentary evidence.

At the inception of the case, the parties were heard or at least given an opportunity to be heard. Failing to arrive to an amicable settlement, they agreed to submit their respective position papers for resolution. Thus, the requirements of due process have been satisfied and a decision based on the position papers which were found to be sufficient meets the requirements of a fair and open hearing. (Gonzales v. Hon. Sec. of Labor, 116 SCRA 575)

While as a general rule, the findings of respondent Commission are binding upon the Court, the finding of unfair labor practice on the part of the petitioners cannot be upheld for it clearly appears to have no reasonable support in evidence. There is no substantial evidence of record upon which the said finding of fact may be based. To be substantial, the evidence must first of all be credible.

Here, out of the more than eighty (80) faculty members of the petitioner school, sixty eight (68) teachers denied the charge that petitioners interfered with their right to self-organization (Exh. 9). Similarly, seventy seven (77)

teachers, including six (6) of the ten (10) alleged by private respondents to have been blacklisted categorically denied the charge of blacklisting (Exh. 3).

Not having the support of a substantial number of their colleagues, We find it hard to believe that private respondents were in the process of organizing a faculty union when they were dismissed by the petitioners. A cursory glance at the number of teachers disowning the charges of private respondents against the petitioners shows that they cannot even comply with the thirty percent (30%) subscription requirement for a certification election. With this kind of support from the faculty members, there is no reason for the petitioners to commit acts of unfair labor practice against private respondents.

On the other hand, private respondents admitted authorship of the widely circulated Manifesto, which ridiculed the petitioners and demanded their removal and which disrupted the good order and decorum in the school. This constitutes gross misconduct which is a just cause for the termination of their employment.

WHEREFORE, the questioned decisions are hereby REVERSED and the complaint against petitioners, DISMISSED.

SO ORDERED.

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

Sarmiento, J., dissents. He does not see any grave abuse of discretion committed by the NLRC in rendering the judgment favorable to the private respondents.

Padilla, J., no part; former partner of law firm representing petitioners.

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