

ROBUSTA AGRO MARINE PRODUCTS, INC. AND MARIO SANTOS, JR., PETITIONERS, VS. BALTAZAR GOROMBALEM, NATIONAL LABOR RELATIONS COMMISSION (NLRC), SECOND DIVISION, DEPARTMENT OF LABOR ...

G.R. No. 80500. July 05, 1989

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

The principal issue in this case is whether or not administrative due process was denied the petitioners when the respondent labor arbiter rendered a decision based on position papers filed by the parties without conducting a trial.

The petition is erroneously captioned "Petition for Review on Certiorari." This error notwithstanding, and in the interest of justice, the Court resolved to treat the instant petition as a special civil action for certiorari on account of the jurisdiction issue raised herein.[1]

The undisputed facts are as follows:

On June 14, 1985, private respondent Baltazar C. Gorombalem filed a complaint with the Regional Arbitration Branch of the National Labor Relations Commission (NLRC) against petitioner Robusta Agro Marine Products, Inc., (Robusta for short), for unfair labor practice, illegal suspension, non-payment of overtime pay and premium pay for holiday and rest day, violation of various decrees on minimum wage and allowances, unpaid wages or commission, night shift differential pay, and separation pay. The case was docketed as NLRC Case No. RB IV-6-1639-85.

Initial hearing was scheduled for June 27, 1985. Notice was sent by registered mail to Robusta. As there was no appearance for both Robusta and Gorombalem, the hearing was reset. Robusta attended the July 1, 1985 hearing which was again reset for July 9 inasmuch as Gorombalem failed to appear. On July 9 Robusta failed to appear so the hearing was reset for July 19. Both parties were represented during the July 19 hearing. Nevertheless, the hearing was reset again to July 21 for possible amicable settlement. On July 26, 1985, both parties were again represented. However, upon their agreement, the hearing was reset to August 8, 1985.

In the August hearing, the parties failed to amicably settle the case. Gorombalem filed his sinumpaang salaysay (sworn statement), with a copy furnished to Robusta. Robusta was directed by the labor arbiter to file its answer within 10 days.

On August 20, 1985, Robusta filed a Manifestation and Urgent Motion for Extension of Time To File Counter Affidavit Ex-Parte, requesting that it be given fifteen (15) days from said date within which to file its counter affidavit. The labor arbiter granted the motion.

On September 4, 1985, Robusta filed a Second Motion For Extension of Further Time To File Position

Paper/Counter Affidavit, requesting another extension of fifteen days from September 4, 1985. The labor arbiter granted the same.

On September 18, 1985, Robusta filed a third Motion For Extension of Further Time To File Counter Affidavit, ex-parte requesting a period of fifteen (15) days from September 19, 1985 within which to file evidence.

On October 4, 1985, Robusta filed an Addendum to Motion For Extension of Further Time to file Counter Affidavit, ex-parte asking for another fifteen (15) days from October 4, 1985. This time, the labor arbiter in a notice sent on October 4, 1985, denied the motion for a fourth extension of time, but gave Robusta three days (3) from receipt of notice within which to file its position paper and evidence, with a warning that after the expiration of the three-day period, the case would be decided on the basis of the documents submitted and that no further motion for reconsideration shall be entertained.

Robusta received the notice on October 7, 1985, and it forthwith submitted its position paper on October 10, 1985 refuting the Sinumpaang Salaysay of Gorombalem and stating therein that the submission is subject to Robusta's right to finally submit a more extensive supplemental position paper and counter-affidavit of witnesses.

The Sinumpaang Salaysay submitted by Gorombalem alleges that from June 15, 1981 to August 30, 1981, he worked as a fishpond guard with Robusta in the latter's fishpond in Barangay Subay, Cardona, Rizal with a salary of P300.00 a month plus a ration of two gantas of rice every week. As fishpond guard, he worked from 6:00 p.m. to 6:00 a.m., Monday to Sunday. He had no rest day. He was not paid overtime pay, holiday pay, night shift differential pay and cost of living allowance. From September 1981 to December 31, 1982, he did not report for work. On January 1, 1983, he returned to work and Robusta assigned him again as fishpond guard with a monthly salary of P400.00 and a ration of two gantas of rice every week. His tour of duty was from 6:00 p.m. to 6:00 a.m. Again, he had no rest day, and Robusta did not pay him overtime pay, holiday pay, night shift differential pay, 13th month pay, and cost of living allowance.

On January 1, 1985, Gorombalem was given an additional salary of P50.00 a month, but his ration of two gantas of rice per week was reduced to one ganta of rice per week.

On June 6, 1985, private respondent inquired from Honest Subida, Robusta's general manager, about the reduction of his ration. Subida got angry and told him that he did not like to see his (Gorombalem's) face anymore. Subida also prohibited him from reporting for work. Thus, Gorombalem no longer reported for work.

In its position paper Robusta, denied that Gorombalem was illegally dismissed. It claimed that Gorombalem stopped working voluntarily because he was afraid of retaliation from a victim who charged him with frustrated homicide before the Court of First Instance of Rizal in a case docketed as Criminal Case No. 4457 and filed on September 1, 1981, and for which a warrant of arrest was issued against him on September 3, 1981. Robusta maintained that Gorombalem stopped working from September 1, 1981 and that he returned to work only on January 1, 1983. Robusta also invoked prescription against the claim for benefits from June 15, 1981 to August 30, 1981 and January 1, 1983 to January 1984.

The labor arbiter rendered a decision on October 24, 1985, ordering Robusta to reinstate Gorombalem and to pay him backwages, overtime pay, night shift differential pay, premium pay for holidays and premium pay for rest days in the total amount of P37,393.72.[2]

Robusta appealed the decision to the NLRC on the grounds that the labor arbiter committed a grave abuse of discretion in rendering the decision as well as serious errors in the findings of fact which, if not corrected, would cause grave or irreparable injury to Robusta. Robusta claimed it was denied a trial on the merits which is indispensable for purposes of administrative due process.[3]

In a decision promulgated on July 1, 1987, the Second Division of the NLRC[4] modified the decision of the labor arbiter by deleting the award of overtime pay, night differential pay and premium pay for holidays and rest days because of lack of evidence to support the claims. The NLRC affirmed the labor arbiter's award for backwages arising from Robusta's violation of the various Wage Orders issued by the government.[5]

Gorombalem filed a motion for reconsideration of the NLRC Decision, asking that the labor arbiter's decision be affirmed in toto.[6] Robusta also filed a motion for reconsideration of the NLRC decision on the ground, among others, that the labor arbiter failed to afford Robusta administrative due process by denying it a trial on the merits.[7]

In a resolution promulgated on October 9, 1987, the NLRC denied Robusta's motion for reconsideration for lack of merit and for having been filed out of time.[8]

Hence, the present petition anchored on the ground that petitioner was denied administrative due process.

The petition is devoid of merit.

What clearly appears in the record is contrary to petitioner's claim that it was denied administrative due process. The simple meaning of procedural due process is that a party to a case must be given sufficient opportunity to be heard. Its very essence is to allow all parties opportunity to present evidence.[9]

In administrative cases, the requirement of due process is the right to a hearing, including the right of the party interested or affected to present his own case and submit evidence to support his allegation.[10]

The record of the case discloses that the labor arbiter gave petitioner Robusta ample opportunity to present its side and to give evidence. It is petitioner's fault if it failed to do so. It is a well-known rule that in proceedings before the NLRC or a labor arbiter, technical rules of procedure and evidence are not binding.[11] Even under the revised rules of the NLRC an expeditious procedure is provided for.[12]

Under the aforementioned rules, after the initial conference for a possible amicable settlement of the case, the parties are required to submit their position papers accompanied by supporting documents and affidavits of witnesses. Under Section 3 of the same Rule VII, the labor arbiter has the discretion to determine the necessity for a formal hearing or investigation. This procedure was observed by the labor arbiter in this case.

Simplification of procedure, without regard to technicalities of law or procedure and without sacrificing the fundamental requisites of due process, is mandated to insure a speedy administration of social justice. This Court construed Article 221 of the Labor Code as to allow the NLRC or a labor arbiter to decide a case on the basis of position papers and other documents submitted without resorting to technical rules of evidence as observed in regular courts of justices.[13]

In the present case, it is crystal clear from the record, that petitioner was given several opportunities to present evidence in its favor, but it failed to do so. At no time did petitioner ever ask that there be a trial on the merits. All that it submitted was its position paper. It was within the competence of the labor arbiter to determine if there was a need for a hearing. In this case, the labor arbiter did not deem necessary to conduct a hearing. The petitioner was never denied administrative due process.

The court also takes note of the inconsistent stand of petitioner on the matter of Gorombalem's separation from the service. Petitioner's theory in its position paper was that the private respondent was not illegally dismissed as he resigned voluntarily because he was afraid of retaliatory action by the victim of a criminal incident for which he was charged. On the other hand, in its Motion for Reconsideration of the NLRC Decision, petitioner maintained that the criminal charge against private respondent should have been considered as a justification for

the dismissal of private respondent. This inconsistent position is an eloquent indication that the private respondent was dismissed from the service in an irregular manner and not in accordance with law.

Indeed, if truly the private respondent committed an act which was a lawful cause or justification for his dismissal, petitioner should have given him the opportunity to explain or present his side. There should not be an outright termination of the services of private respondent without affording him due process. Otherwise, it will be a violation of private respondent's right to security of tenures.[14]

WHEREFORE, the petition is DISMISSED for lack of merit, with costs against petitioner.

This decision is immediately executory.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Dentech Manufacturing Corporation v. National Labor Relations Commission, G.R. No. 81477, April 19, 1989.

[2] Pages 23-29, Rollo.

[3] Pages 36-40, Rollo.

[4] The Second Division of the NLRC was then composed of Presiding Commissioner Daniel M. Lucas, Jr., Commissioners Domingo H. Zapanta and Oscar N. Abella.

[5] Pages 42-48, Rollo.

[6] Pages 49-57, Rollo.

[7] Pages 60-62, Rollo.

[8] Pages 74-76, Rollo.

[9] Banco Español-Filipino vs. Palanca, 37 Phil. 921 (1918).

[10] Ang Tibay vs. Court of Industrial Relations, 69 Phil. 635 (1940).

[11] Article 221, Labor Code.

[12] Section 2, Rule VII.

[13] Manila Doctors Hospital vs. NLRC, 135 SCRA 262, 265-267 (1985).

[14] Article 3, Labor Code; Section 3, Article XIII, 1987 Constitution.

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