

LEONARDO B. LUCENA, PETITIONER, VS. PAN-TRADE, INC. AND/OR MR. RAMON TY HOAN CHAY, AND NATIONAL LABOR RELATIONS COMMISSION, RESPONDENTS.

G.R. No. 80998. April 25, 1989

Ponente: CRUZ, J.

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CRUZ, J.:

The decisions of the National Labor Relations Commission are reviewable by this Court only in a petition for certiorari under Rule 65 of the Rules of Court, which means that we can reverse them only upon a clear showing of a grave abuse of discretion amounting to lack of jurisdiction on the part of the respondent agency. Absent such a showing, even this Court is bound by such decisions as representing a correct appreciation of the pertinent laws by the entity entrusted to enforce them.

This rule is predicated on the well-settled principle that this Court is not a trier of facts and on the respect to be accorded the determinations made by administrative bodies in general on matters falling within their respective fields of specialization. This respect is based in turn on a recognition of the expertise that is supposed to be initially possessed, or at least eventually developed, by these administrative bodies in the solution of the problems addressed to them under the relevant law.

With these considerations in mind, the Court will first affirm such of the factual findings of the respondent NLRC as are supported by the evidence of record. We accept that the petitioner was illegally dismissed. It has been satisfactorily shown that as a result of a disagreement with the cashier of Pan Trade, Inc., who is a niece of the President, Ramon Ty Hoan Chay, the latter asked Leonardo B. Lucena to resign as salesman of the said company. That was sometime in November of 1983. The petitioner refused to do so and continued reporting for work and in fact was able to make, several sales afterwards. But all of them were disapproved by Ty, resulting in the petitioner's loss of the corresponding commissions. In the end, his name was removed from the payroll effective 1 January 1984.[1]

About a year later, Lucena sued Pan Trade, Inc. and Ty for illegal dismissal and demanded reinstatement with back wages. Lucena also alleged that as a result of his dismissal, he was reduced to penury and had to subsist on loans from relatives and friends. His children had to stop schooling. He himself was unable to get another employment because of Ty's negative influence and it was only later that he was hired by another company, but only as a free-lance salesman. For all this, he claimed moral damages.[2]

The labor arbiter ruled in his favor, and ordered as follows:

WHEREFORE, respondents PAN-TRADE, INC. and Mr. RAMON TY HOAN CHAY, are hereby ordered to reinstate complainant to his former position with full back wages without loss of seniority rights and benefits including monthly commissions of P8,839.31 until actually reinstated and to pay him P50,000.00 as moral damages.[3]

On appeal, however, the decision was modified by the National Labor Relations Commission, which held:

WHEREFORE, in view of the foregoing consideration, the decision appealed from is hereby MODIFIED, ordering the respondents to pay complainant separation pay equivalent to one month's salary for every year of service, computed on the basis of his last month salary, a fraction of at least six (6) months to be considered as one whole year.[4]

Lucena came to this Court asking for reversal of the decision of the NLRC and the revival of the earlier decision of the labor arbiter. After considering his petition, we dismissed the same for failure to show that the NLRC had committed grave abuse of discretion in rendering the challenged decision.[5] The petitioner then filed a motion for reconsideration on which comments from both the Solicitor General and the respondent NLRC were submitted as required. We shall now resolve this motion.

We hold first that the complaint for illegal dismissal which the petitioner filed on 21 November 1984 was not tardy, as suggested by the private respondents. Between that date and his actual separation on 1 January 1984, only a period of less than eleven months had intervened. It may be that during that interregnum the petitioner was deliberating on what course to take or perhaps even hoping for some development that would reconcile him with his former employer. In any event, neither prescription, nor laches had operated against him when, after that period, he decided to initiate his complaint.

The petitioner contends that after his illegal dismissal, he continued representing the respondent company and succeeded in negotiating sales with the Metro Manila Commission, the U.P. Institute of Physics, and the Land Bank. These were all disapproved by Ty, however, resulting in loss of substantial commissions that the petitioner could otherwise have collected. His claim is that the disapprovals were intended to spite him.

We find this difficult to accept. The respondent company is in the business of selling for profit, not for the benefit solely of its salesmen. It is inconceivable that it will refuse any purchase simply to prevent a salesman from earning his commission and in the process forfeit its own profits. That is not how a business operates. We therefore accept the private respondents more believable contention that the sales were disapproved because certain of its policy conditions, particularly with respect to credit and collection, were not complied with. As for the commissions due the petitioner for the servicing of the equipment leased to the GSIS, we are also satisfied with the explanation that such servicing had been terminated and with it the petitioner's commission.

It is curious that while faulting the private respondents for their unfair dealings with him, the petitioner nevertheless insists that he should be reinstated. The NLRC had ruled that he should instead be given separation pay, but he disagrees, protesting that there are no strained relations between him and the private respondents. It may be that as far as he is concerned, he has no ill will toward the company or Ty and is eager to resume his employment. The trouble is that his employers are not similarly disposed. They will not have anything more to do with him and feel that his return will have a disruptive influence in the company.

We agree with the private respondents. As employers, it is their prerogative to maintain the proper atmosphere in the office. Indeed, the decision of the NLRC was conducive to industrial peace as it would discontinue the irritations that are not unlikely to recur where an unwanted employee has to be tolerated by the reluctant employer. Imposing the petitioner's position in the company where he is no longer welcome would only poison their relations to their mutual prejudice.

The petitioner's situation is different from the employees involved in the case of City Service Corporation Workers Union v. City Service Corporation,[6] for their relations with the employer as its janitors were more or less impersonal. In the petitioner's case, his dealings with the company and Ty are more direct and involve a higher degree of trust than the relations of janitors with management. Laborers in general perform mainly manual

functions and the trust required is in their competence to perform such functions. The position of salesman, on the other hand, requires a more personal relationship with management that once impaired is likely to prejudice the operations of the company.

It is really hard to understand why the petitioner should want to stay in a company that has rejected him, as if there were no other options available to him and no other employment he could find or want. He is like a one-woman man with an impossible love. Although there is much to say about his loyalty, his attitude becomes especially perplexing when viewed in the light of the manner of his dismissal by the private respondents.

That dismissal was undoubtedly arbitrary. Because of a simple disagreement with his niece, Ty immediately demanded the petitioner's resignation on pain of outright dismissal. The cause of the disagreement was not even serious and involved only the manner of offsetting the petitioner's obligations with the company against his commissions. The record does not indicate the details of the quarrel or show that the petitioner was disrespectful or used obscene language or employed physical force against the cashier. There, is no showing of moral turpitude or corruption or other improper conduct. Even the private respondents do not make any such allegations. Yet, as a result of their misunderstanding, Ty was quick to impose punishment by demanding the petitioner's immediate resignation. When the petitioner refused to resign, he was dropped from the payroll without any formal previous written notice.

The private respondents now claim that the petitioner had not been dismissed but had abandoned his work by obtaining employment in a rival company. This is obviously untrue. The petitioner had been with the company for all of five years when he was separated and was making good in his work. There was no reason why he should leave his employment. In fact, he still wants to be reinstated even now. As for his working with another company, this was a survival measure he had to take precisely because of his dismissal by the private respondents. His employment with E.Y. Enterprises was from 1 March 1984 to 31 July 1985, and only as a free-lance salesman, according to the certification of its president and general manager. Lucena was dismissed by the private respondents effective 1 January 1984.

In view of these circumstances, we are reconsidering our original ruling sustaining the NLRC in holding that the petitioner is not entitled to moral damages. We now hold that he is, because Ty acted in an oppressive manner in depriving him of his employment for the relatively minor cause of quarreling with the cashier, who happened to be his niece. This is a clear case of relatives ganging up on a subordinate and punishing him with dismissal because he had the temerity to disagree with them.

The days when the employer had the destiny and livelihood of his employee in the palm of his hand are over, and they will not be allowed to return in this enlightened age.

The petitioner avers that as a result of his dismissal, his finances were suddenly dislocated and his family had to subsist on loans from relatives and friends. His children had to stop their studies. He also claims that his efforts to obtain other employment were frustrated by Ty, who had a great deal of influence among his colleagues in the business. He blames all these reverses on the private respondents and so justifies the original award of moral damages in the amount of P50,000.00.

While agreeing that damages are due him, we do not believe that the whole amount is warranted as his own claims of injury are not entirely credible. At least he has not proved them to our satisfaction. It may be that he was discomfited for a time and had to rely on the help of others, but he cannot blame the private respondents if he is unable to recover for the rest of his life, as he seems to be suggesting. As for his allegation that Ty has blocked his employment elsewhere, that is a serious charge that must be established with definite proof and not mere wounded averments. For these reasons, exercising our sound discretion, we hereby, award moral damages to the petitioner

but in the reduced amount of P25,000.00.

WHEREFORE, the motion for reconsideration is partially GRANTED with the award of moral damages to the petitioner in the amount of P25,000.00. The rest of the challenged decision is AFFIRMED, without any pronouncement as to costs.

SO ORDERED.

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

[1] Rollo, p. 47.

[2] Ibid., pp. 5-6.

[3] Id., p. 45.

[4] Id., p. 51.

[5] Rollo, pp. 46-51.

[6] 135 SCRA 564.

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