

STAYFAST PHILIPPINES CORP., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND ANTONIO MENGUITO, RESPONDENTS.

G.R. No. 81480, February 09, 1993

Ponente: NOCON, J.

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NOCON, J.:

Before Us is a petition for review of the decision of the National Labor Relations Commission (NLRC) dated October 30, 1987 and its resolution dated December 29, 1987 in the case entitled "Antonio Menguito v. Stayfast Philippines Corporation, NLRC Case No. RB-IV-2-1816- 86." [1]

In the questioned decision, the NLRC reversed the findings of Labor Arbiter Crescencio J. Ramos, dismissing the complaint for illegal dismissal of Antonio Menguito against Stayfast Philippines Corp. (Stayfast) [2] and instead ordered the reinstatement of therein complainant to his former position without loss of seniority rights and other related benefits and payment of backwages of one (1) year. [3]

Given are the following facts of the case. It is undisputed that Antonio Menguito was at the time a regular employee, holding the position of a Machinist at Stayfast. He was employed on January 22, 1981 until his termination on September 23, 1985. He was also the Auditor of the local union, the Nagkakaisang Manggagawa Sa Stayfast-AFL, when he was terminated.

Events leading to his dismissal show that on August 13, 1985, Menguito was reported to be allegedly using company time, materials and equipment in repairing a ladies watch without proper authorization. This act is prohibited and punishable under the company rules and regulations. He was sent a memo the following day asking him to explain in writing his side of the incident. This he failed to do. On August 16, 1985, he was informed of his suspension effective August 19 to 21, 1985, having been found guilty of infraction.

Learning of his suspension Menguito allegedly incited, spearheaded and initiated a work stoppage which took place on August 19, 1985, the day his suspension was to take effect. Thus, on August 22, 1985, he was not allowed to enter the company premises and was instead served with a 30-day preventive suspension memo [4] pending investigation of the work stoppage incident of August 19. He was subsequently terminated effective September 23, 1985.

The case of Menguito was appealed and brought before the Grievance Committee. However, on October 8, 1985, the Grievance Committee, through its Chairman, informed the company that since Menguito has not been showing up the matter has not been discussed with him thoroughly. [5]

Private respondent in his position paper before the Labor Arbiter, on the other hand, claimed that when the union came to know about his suspension, the officers decided to submit the matter to grievance procedure and in the meantime, negotiated that the suspension order be held in abeyance. When it became apparent that the suspension order would be enforced, all union members decided not to report for work. Private respondent claimed that it was

a voluntary act on their part to show their support for him. He denied having incited, spearheaded or initiated the work stoppage.

The issue of whether private respondent has been validly dismissed and accorded due process could be gleaned from the factual findings of the Labor Arbiter, who heard the case on the merits; which We quote:

"Complainant was first preventively suspended during which time the company conducted an investigation, and the complainant admitted in his position paper that the union, of which he is an officer, elevated the matter to the grievance machinery. Records show however that the complainant showed lack of interest as evidenced by the union's letter to the management dated October 8, 1985, which states:

'Mr. Antonio Menguito has not been showing lately so that we were not able to discuss the matter with him thoroughly.'"[6]

The allegation therefore that the "investigation" was done by respondent without informing complainant is belied not only by said factual findings of the Labor Arbiter but also by Inter-office memo dated August 21, 1985 which advised private respondent that --

""The company reserves the right to impose disciplinary action on you after conducting investigations, including termination.'"[7]

As contended by petitioner:

"During the 30-day preventive suspension period, private respondent had all the opportunity in the world to present or explain his side, but he failed to do so. Even then, Mr. Menguito, who is a top union officer, knows -- or ought to know -- that he still has another forum where he could have appealed the management's decision to terminate his services. In fact, the union did bring the matter of Mr. Menguito's preventive suspension and eventual termination to the Grievance Machinery as called for in the Collective Bargaining Agreement (CBA). Despite, however, several extensions granted by management, the union failed to submit its position on the matter brought to the grievance system. If (sic) turned out that it was private respondent himself who appeared to have lost interest in pursuing his case, x x x"[8]

We are not remiss on the principle that the right to labor is constitutional as well as statutory.[9] A laborer cannot be deprived of his right without due process, the elements of which in cases of employee dismissal are those of notice and hearing.

The requisite of notice is intended to inform the employee concerned of the employer's intent to dismiss him and the reason for the proposed dismissal, while the requirement of hearing affords the employee an opportunity to answer his employer's charges against him and to defend himself therefrom before dismissal is effected. Neither of these requirements can be dismissed without running afoul of the due process requirement as mandated by the Constitution.[10]

The first time that Menguito was reported to have violated company rules, he was instructed to explain his side in writing. Yet, instead of complying, he refused to cooperate. He was also given ample opportunity to challenge the charges of his employer for allegedly instigating and spearheading work stoppage in the plant. The preventive suspension memo[11] he received on August 22, 1985, specifically stated the charges against him and that an investigation is to take place, contrary to the findings of NLRC that private respondent was not informed. Nevertheless, he did not take advantage of the union machinery to support and defend his cause.

What is more glaring is Menguito's failure to appear before the Grievance Committee. Being a union officer he cannot deny knowledge of the grievance procedure as outlined in the CBA, which. We quote:

"A grievance not brought up and/or appealed in the manner and/or within the time limit as provided in any of the steps above shall be considered withdrawn or decided to the satisfaction of the complainant and the union and the same shall be considered finally closed and terminated to the satisfaction of the complainant for all intents and purposes."

As correctly observed by the labor arbiter:

"The union has failed to exhaust and/or appeal within the time limit provided in the CBA despite the extension the union requested and was granted by the company. Under the CBA provision the case is now closed and terminated." [12]

Private respondent cries want of due process, simply because of the want of an invitation during the alleged investigation of the August 19 incident. We do not see any violation of said right even if no hearing was conducted where a chance to explain a party's side of the controversy was accorded to him. [13]

The essence of due process is simply an opportunity to be heard, or as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of. [14]

A formal or trial-type hearing is not at all times and in all instances essential. The requirements are satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy at hand. [15] What is frowned upon is the absolute lack of notice and hearing. There is no denial that the essence of due process was sufficiently complied with in the present case.

WHEREFORE, petition is granted. The decision of October 30, 1987 and resolution dated December 29, 1987 of respondent NLRC are hereby REVERSED and the decision of Labor Arbiter Cresencio J. Ramos dismissing the complaint for illegal dismissal is hereby AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

[1] Annex "A" of the Petition.

[2] Annex "C" of the Petition.

[3] Rollo, p. 14.

[4] Original Records, p. 36.

[5] Ibid, p. 39.

[6] Page 4-5, Decision, RB-IV-2-1816-86.

[7] Annex "E" of the Position Paper of petitioner, Original Record, p. 36.

[8] Rollo, p. 72.

[9] Phil. Movie Pictures Workers Association v. Premier Productions, Inc, 92 Phil 843.

[10] A.M. Oreta & Co. Inc. v. National Labor Relations Commission, G.R. No. 74004, 176 SCRA 218.

[11] Original Records, p. 36.

[12] Labor Arbiter's Decision, p. 5; Original Records, p. 48.

[13] Eden, et al., v. Ministry of Labor and Employment, et al., G.R. No. 72145, 182 SCRA 840.

[14] Bautista v. Secretary of Labor, G.R. No. 81374, 196 SCRA 470.

[15] Lloria Motors, Inc. v. Drilon, G.R. No. 82895, 179 SCRA 175.

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