

RURAL BANK OF SAN MIGUEL (BOHOL), INC., PETITIONER, VS. HON. NATIONAL LABOR RELATIONS COMMISSION, TEODORO BONIOR, CECILIA MENDEZ, NELIA QUISMUNDO, DEMETRIA ANUTA AND PRIMO ALMED...

G.R. No. 82144. March 08, 1989

Ponente: REGALADO, J.

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REGALADO, J.:

Petitioner Rural Bank of San Miguel (Bohol), Inc. filed this special civil action for certiorari to annul the resolution of the National Labor Relations Commission (NLRC Second Division) in Case No. RAB-VII-1247-82, promulgated on July 22, 1987.[1]

This case had its inception in a complaint filed on July 19, 1982 by herein private respondents Teodoro Bonior, Cecilia Mendez, Nelia Quismundo, Demetria Anuta and Primo Almedilla, all former employees of the petitioner, against the latter before the Bohol Provincial Labor Office for illegal dismissal, nonpayment of service incentive leave pay, violation of Wage Order No. 3, violation of Presidential Decrees Nos. 1614, 1634, 1678, 17)3, and 1751, and for non-payment of unused vacation and sick leave pay.[2]

Petitioner filed an answer alleging that "all private respondents voluntarily resigned from employment; that petitioner has complied with the guidelines and laws on wages and allowances; that private respondent Teodoro Bonior has already been paid his accrued vacation and sick leaves and the other private respondents have already enjoyed their vacation and sick leaves." [3]

Conciliation proceedings having proved fruitless, the labor office endorsed the complaint to the Regional Director of Region 7 of the Department of Labor which certified the same to the Regional Arbitration Branch No. VII of the respondent commission.

On November 19, 1986, Labor Arbiter Felix G. Gaudiel rendered a decision upholding private respondents (complainants therein) but only with respect to service incentive leave, vacation leave and sick leave. The dispositive portion of the decision reads:

"WHEREFORE, responsive to all of the foregoing judgment is hereby rendered ordering the respondent Rural Bank of San Miguel, Inc., to pay the complainants through the Commission ten (10) days from receipt hereof for service incentive leave pay to Teodoro Bonior the sum of P306.75. to Cecilia Mendez the sum of P329.48, to Nelia Quismundo the sum of P460.25, to Demetria Anuta the sum of P460.25. to Primo Almedilla the sum of P375.00 and for fifteen (15) days vacation leave and fifteen days sick leave of absence with pay to Teodoro Bonior the sum of P1,620.00 to Cecilia Mendez the sum of P1,740.40, to Nelia Quismundo the sum of P2,430.00, to Demetria Anuta the sum of P2,430.00, and to Primo Almedilla the sum of P1,980.00, all for three (3) years period or a total aggregate sum of TWELVE THOUSAND ONE HUNDRED THIRTY ONE AND 73/100 PESOS or (P12,131.73)." Ibid.[4]

According to the labor arbiter, the awards for service incentive leave pay, vacation leave pay and sick leave pay cover the periods from July 20, 1979 or three (3) years back from the filing of this case, up to the last day of employment, or February 28, 1982. The money claims prior to July 20, 1979 are declared to have been barred by prescription.[5]

This decision was appealed by the petitioner to the public respondent. On July 22, 1987, said respondent commission issued the questioned resolution which deleted the award for service incentive leave pay but affirmed the grant of vacation and sick leave pay.

A motion for reconsideration having been denied[6] this petition before Us was filed, again questioning the award for vacation and sick leave pay.

The petition is meritorious.

The respondent commission, in affirming the award of vacation leave and sick leave pay, adopted the reasoning of the labor arbiter that the petitioner should be deemed to have admitted the grant of fifteen (15) days vacation leave and fifteen (15) days sick leave because it failed to deny the grant of the same in its answer to the basic complaint. We are of the considered opinion that such grant of vacation leave and sick leave can be conceded, not so much because of the lack of specific denial in petitioner bank's answer but because of an express admission therein. As hereinbefore noted, petitioner alleged in its answer that respondent Teodoro Bonior had already been paid his accrued vacation and sick leave pay while the other private respondents have already enjoyed their vacation leave and sick leave.

However, said admission of the existence of the policy on vacation leave and sick leave does not necessarily imbue the present complaint of the private respondents with merit. On the contrary, petitioner's allegations of prior payment and enjoyment of said leaves by private respondents have raised the issue as to whether the latter are still entitled to said leaves which they now claim. On this point, therefore, the onus is on the parties to sustain their respective contentions.

The labor arbiter held that petitioner "failed to adduce any piece of evidence to disprove and controvert said claims and demands,"[7] conveniently disregarding the rule that the primary and antecedent burden of proving said claims rests in the first instance on the claimants, the private respondents herein. This evidential obligation was not discharged by the latter because, as the arbiter himself pointed out," they failed to file the required position paper.

Neither was there a hearing in this case. Petitioner points to the uncontroverted fact that the scheduled hearings before the labor arbiter on September 15, 1983 and October 21, 1983 did not materialize because of the non-appearance of the private respondents and their counsel on the latter date and no further hearings were scheduled.[8] The public respondent, on the other hand, denied the prayer of the petitioner for a hearing because petitioner allegedly did not raise a contest on the same during the trial of the case. The respondent commission obviously forgot or overlooked the fact that there was no trial conducted before the labor arbiter.

It must be emphasized that the complaint is for the recovery of unused vacation leave and sick leave.[9] It was palpable and prejudicial error, therefore, to grant private respondents complete payment for all the vacation leaves and sick leaves supposedly corresponding to the entire period from July 20, 1979 to February 28, 1982, without receiving evidence on and determining the exact number of days thereof which may not have been used or availed of by the private respondents and which would be the proper subject of any claim on their part.

It appears to Us that both the labor arbiter and the respondent commission awarded the controverted vacation leave and sick leave pay on the bases only of the complaint filed by the private respondents and the failure of

petitioner to deny the grant of the same in its answer to the complaint. Yet, it will be observed that the complaint referred to here is merely a printed form accomplished by the private respondents and which appears to have merely recited the names of the complainants, their personal circumstances, periods of employment, respective positions and latest salaries received.[10]

The respondent commission and the labor arbiter should have used every and all reasonable means to ascertain the facts in the case, speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process[11] and for purposes of accuracy and correctness in adjudicating the monetary awards.

We are not unmindful of the well-settled rule that factual findings of quasi-judicial agencies, like the public respondent, which have acquired expertise, are generally accorded not only respect but at times finality if such findings are supported by substantial evidence.[12] Conversely, such findings of facts unsupported by substantial and credible evidence do not bind this Court,[13] especially if the conclusions are imprecise and confusing.

We have exerted efforts to ferret out the necessary facts which will support and make possible a complete and accurate computation of the awards of sick leave and vacation leave that may still be respectively due to each of the private respondents, but to no avail for lack of the necessary evidentiary data as aforesaid. It is, in fact, the paucity of the requisite and specific factual bases that confers merit on this petition and requires that the writ issue as prayed for.

WHEREFORE, the challenged resolution of respondent National Labor Relations Commission, in so far as it awards sick leave and vacation leave pay to private respondents, is hereby ANNULLED and SET ASIDE. Its denial by deletion of the service incentive leave pay granted in the decision of Labor Arbiter Felix G. Gaudiel is AFFIRMED.

SO ORDERED.

Melencio-Herrera (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

[1] Penned Commissioner Oscar N. Abella, with the concurrence of Presiding Commissioner Daniel M. Lucas, Jr. and Commissioner Domingo R. Zapanta

[2] Rollo, 3.

[3] Ibid., id.

[4] Ibid., 25-26.

[5] Ibid., 25.

[6] Ibid., 46.

[7] Ibid., 24.

[8] Ibid., 4.

[9] Ibid., 3, 63.

[10] Ibid., 19.

[11] Art. 221, Labor Code.

[12] Manila Mandarin Employees Union vs. NLRC, I 54 SCRA 368 (1987); Baby Bus, Inc. vs. Minister of Labor. 158 SCRA 221 (1988).

[13] Llobera vs. NLRC, et al., G.R. No. 76271. June 28. 1988.

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