

PHILIPPINE AIRLINES, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, NATHANIEL PINUELA AND PHILIPPINE AIRLINES EMPLOYEES ASSOCIATION, RESPONDENTS.*G.R. No. 82471. February 18, 1991*

Ponente: FERNAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-82471/>**FERNAN, C.J.:**

Private respondent Nathaniel Pinuela was ground equipment and tug operator of petitioner Philippine Air Lines (PAL), responsible for towing aircraft from the hangar to the ramp area and vice-versa. In line with his function, he held a professional driver's license and an operator's permit issued by PAL after he had passed corresponding theoretical and practical tests to operate PAL vehicles used for towing aircraft. He was already five (5) years in this particular line of work when the incident in question arose.

On May 31, 1985, Pinuela was assigned as a member of the group tasked to park and position the Boeing 747 aircraft registered as N-745 at the Manila International Airport {now Ninoy Aquino International Airport, [NAIA]} for a flight to the United States. The group members and their respective assignments were: Pinuela — tow tug operator, Rolando Manalaysay - leadman and wingtip guide; Rodrigo Camina headsetman; Arturo Balagat - breakman, and a certain Tañada - guide. The head of the group in charge of the parking/positioning of said aircraft was Nolie Domingo.

On or about 12:55 in the afternoon, the aircraft was towed from the PAL technical center to Bay 16 area at the NAIA. While the Boeing 747 was being towed, the airplane collided with the bridge at Bay 16 causing damage to the plane's left landing light and the left wing flop and scratching its No. 2 engine. Consequently, on June 1, 1985, Pinuela was placed under preventive suspension and was charged administratively. After investigation by the PAL Administrative Board, he was dismissed from the service effective July 1, 1985.

Thereafter, Pinuela filed a complaint for illegal dismissal and unfair labor practice against PAL. On July 21, 1987, the Labor Arbiter ruled in favor of Pinuela and ordered PAL to reinstate him to his former position without loss of seniority rights with full backwages until actual reinstatement. [1]

On appeal, the National Labor Relations Commission (NLRC) on January 29, 1988 affirmed the decision of the Labor Arbiter but limited the award of backwages to two (2) years only.[2] The Labor Tribunal opined that "Pinuela could not be blamed for the accident as he relied on the signal of the headsetman (Camina) who still signaled to him despite the fact that the nose of the aircraft being towed was about to overshoot the yellow line and the aircraft wing was about to hit the airbridge." [3]

Hence, this recourse, the issue being whether or not the NLRC gravely abused its discretion in appreciating the facts of the case. Petitioner PAL contends that the records do not reveal that a tow operator can rely only on a headsetman. According to the Engineering Manual of petitioner, a tug operator must establish positive visual contact with the wing tipguide when towing aircraft in congested areas. Thus, PAL avers that Pinuela should have relied on the signal of Manalaysay, then wing tipguide, and not on Camina, the headsetman.[4]

We reverse. As a rule, findings of facts of the NLRC are entitled to respect except when such findings are not supported by substantial evidence or when there is grave abuse of discretion.[5] The case at bar falls within the exception. We find sufficient reason to disturb the findings of public respondents.

In his testimony, Pinuela stated that the normal procedure is for the ground equipment operator to rely on the headsetman or the wing tipguide for guidance. Since Pinuela failed to see Manalaysay, he merely relied on Camina who continued signaling when the accident happened.[6]

Such reliance by Pinuela on Camina was unwarranted. Even assuming that Pinuela did not see Manalaysay, his appropriate response should have been to stop towing. According to petitioner's Engineering and Maintenance Manual, "obstructed vision is a signal to stop and get necessary assistance." [7]

To support his allegation that Camina continued signaling despite the fact that the nose of the aircraft was about to overshoot the yellow line, Pinuela presented Ricardo Cruz, a ramp scheduler who claims he was present during the incident. However, Ricardo Cruz's statement that despite his shouts of "Ihinto ninyo, tatama kayo," Camina still proceeded signaling, is not convincing. This is because Cruz admitted later that he was not familiar with the hand signals used by the maintenance crew. Thus, Cruz is incompetent to interpret the hand signals of the ground crew.[8] Moreover, Cruz's unsure responses to the questions propounded to him reveal that he did not have a firm grasp of the events as they unfolded.

One must admit that towing an aircraft is a group activity necessitating group coordination. This is explicit in petitioner's Engineering and Maintenance Manual which states, "that the tug operator must undertake and/or continue on towing/pushing procedure only when positive visual contact with all guidemen, is possible." The use of, "all necessary guidemen" indicates plurality or group coordination. Thus, instead of relying solely on the signals of Camina, Pinuela should have also checked with the other ground crew personnel.

Particularly, Pinuela should have relied on Manalaysay. Exhibit 2 distinctly shows the relative position of the plane, ground crew personnel and the airport's aerobridge when the incident happened. Manalaysay, who was near the marked line and the nearest obstruction which was the aerobridge and the parked service vehicle, was strategically located. For Pinuela to claim that he relied on Camina for signals is not credible, for he demonstrated before the Labor Arbiter that he had to turn 180 degrees to see Camina who was directly at his back.[9]

In contradiction to the Labor Arbiter's opinion that petitioner's stance is weak because PAL failed to establish normal towing speed, we say that there is no necessity of determining the exact numerical towing speed. From daily operations, we can safely assume that the ground crew knows what "creeping" speed means. Through their working experience, they must certainly have gained a sufficient degree of competence to determine whether a Boeing 747, weighing tons, was being towed beyond normal speed or not. Indeed, the Labor Arbiter acted with grave abuse of discretion in ignoring this vital piece of evidence for the petitioner.

Pinuela's act of towing beyond normal speed, his failure, to observe proper parking procedure as provided in the Engineering and Maintenance Manual, and the unanimous statement of the members of the towing crew that he completely disregarded their warning shouts indicate that Pinuela is grossly negligent of his responsibilities as a tug operator. Pinuela's dismissal must therefore follow for a company has the right to dismiss its erring employees if only as a measure of self-protection against acts inimical to its interest.[10] Philippine Airlines, as employer, cannot be legally compelled to continue with the employment of a person admittedly guilty of gross negligence in the performance of his duties.[11]

Lastly, Pinuela should not compare the penalty of dismissal imposed on him in relation to lesser sanctions previously meted by PAL on its other employees. We are solely concerned here with the sufficiency of the

evidence surrounding Pinuela's dis-missal. Besides, Pinuela's examples do not involve a plane with a scheduled flight. A mere delay on petitioner's flight schedule due to aircraft damage entails problems like hotel accommodations for its passengers, re-booking, the possibility of law suits, and payment of special landing fees not to mention the soaring costs of replacing aircraft parts. All told, Pinuela's gross negligence which called for dismissal is evident and it was grave abuse of discretion on the part of the labor tribunal to have ruled otherwise.

WHEREFORE, the instant petition hereby GRANTED. The decision of the National Labor Relations Commission dated January 29, 1988 is hereby set aside and the complaint in NLRC-NCR-7-2113-85 dismissed. No pronouncement as to costs.

Gutierrez, Jr., Feliciano, Bidin, and Davide, Jr., JJ., concur.

[1] Rollo, p. 39.

[2] Rollo, p. 29.

[3] Rollo, p. 28

[4] Rollo, pp. 8-10.

[5] Franklin Baker Co. of the Philippines vs. Trajano, G.R. No. 75039; January 28, 1988, 157 SCRA 416.

[6] Pages 2-3, Formal Investigation of Manuel Pinuela.

[7] Philippine Airlines, Engineering and Maintenance Manual, Section 4.4.1.7.

[8] Exhibit N.

[9] Memorandum for Respondent, p. 9

[10] Dole Philippines vs. NLRC, G.R. No. 55413, July 25, 1983, 123 SCRA 673; Manila Trading Supply vs. Zulueta 69 Phil 485 and International Hardwood and Veneer Co. of the Phil vs. Leogardo, G.R. No. 57429, October 28, 1982, 117 SCRA 967.

[11] Fuentes vs. NLRC, G.R. No. 75955, October 28, 1988, 166 SCRA 759

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