

PHILIPPINE AIRLINES, INC., PEDRO MARTIRES, JR. AND MANUEL PANLILIO, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER EDGARDO M. MADRIAGA, CARMENCITA NANNETTE ...

G.R. No. 87353. July 03, 1991

Ponente: MEDIALDEA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-87353/>

MEDIALDEA, J.:

This is a petition for certiorari with prayer for a preliminary injunction and/or restraining order seeking reversal of the decision of public respondent National Labor Relations Commission dated November 29, 1988 ordering, inter alia, reinstatement of private respondent Carmencita Nannette G. De Veyra to her former position with backwages; and its resolution dated February 21, 1989 denying the motion for reconsideration.

The antecedent facts are as follows:

On September 11, 1987, private respondent Carmencita Nannette G. De Veyra, a Duty Manager, filed a complaint for illegal suspension, non-payment of salaries and other benefits, as well as moral and exemplary damages against petitioners Philippine Airlines, Inc., Pedro Martires, Jr. and Manuel Panlilio. Conciliation conferences were conducted on September 30, 1987 and October 9, 1987. However, in the conciliation hearing on October 26, 1987, De Veyra's counsel manifested that due to her dismissal in the interim, they are no longer willing to settle the case amicably. Hence, without prejudice to the filing of an amended complaint by De Veyra, both parties were directed to file their position papers on November 12, 1987 and their replies thereto on November 23, 1987, after which the case will be deemed submitted for decision.

On October 27, 1987, De Veyra filed an amended complaint for illegal suspension, illegal dismissal and unpaid wages with claim for reinstatement; actual, moral and exemplary damages; and attorney's fees and cost of suit.

On November 23, 1987, PAL submitted its position paper, alleging the following facts (pp. 47-50, Rollo):

"Sometime in August of 1987, the Internal Audit and control (sic) Department of (PAL) conducted a review of the tickets issued by the Interline Ticket Counter located at the 6th Floor of PAL Building because of the uncovering of widespread fraud and manipulation of tickets by several (of its) employees that led to their eventual termination from the firm.

"It was on this occasion that said department was able to confirm cases of tampering and fraudulent manipulation of official documents some of which involve the travel documents of x x x, Nannette de Veyra then Senior Supervisor, ASD, and her dependents. A memo was issued by the Vice-President of Internal Audit and Control Department to this effect addressed to the Senior Vice-President for Customer Services Group, x x x. As stated therein, the priority classifications were tampered with enabling (De Veyra) and her dependents to travel first class knowing very well that they are not entitled to that privilege.

"On August 26, 1987, a Notice of Administrative charge was sent to (De Veyra) charging among others (sic)

the fact of knowingly using falsified trip passes to reflect a higher priority and space classification than what she and her dependents were entitled to on vacation travel. Being at Senior Supervisory level at the Passenger Handling Division with access to all aspects of our airport operations including computer terminals installed at the airport, in view of this incident, her presence therein was deemed a threat to company property and to the normal operations of the company so she was placed (sic) on preventive suspension. x x x.

"On September 11, 1987, (De Veyra) submitted a letter informing the Director of PAL Manila Station International that she hired the services of a lawyer thereby requesting for additional time within which to study and evaluate her defense, x x x.

"On September 18, 1987, the Director-PAL MSI replied, granting her request for extension of time to file her Answer to the Administrative Charge until September 29, 1987, x x x.

"On September 24, 1987, (De Veyra) submitted here (sic) sworn statement alleging among others (sic) that the tampering was done by somebody else, x x x.

"On October 16, 1987, the Director-PAL MSI issued a memo terminating the services of (De Veyra) after evaluating the evidences (sic) on record for serious misconduct in the use of trip passes which were falsified to reflect higher priority and space classification than what she and her spouse were entitled to on vacation travel in violation of the Company policy on travel priority and of the PAL Code of Discipline, x x x.

" 'x x x.' "

On the other hand, De Veyra in her position paper alleged the following facts (pp. 50-57, Rollo):

"1. (De Veyra) joined (PAL) as a Facilitation Representative sometime in 1967.

2. Because of sheer hardwork (sic) and consistent superlative performance, (De Veyra) rose from the ranks and held the positions of Senior Ground Stewardess, Ticket Representative, Traffic Representative, Shift Supervisor, Supervisor, Senior Supervisor and finally Duty Manager until her illegal dismissal from the Company's employ on 26 August 1987.

3. In recognition of her exemplary performance while in the Company's employ, (De Veyra) received several commendations. To cite a few:

(a) Commendation dated 24 April 1971- Case of COD Exec. Baggage-Mr. A. Mutuc, from station manager, MSI;

(b) Commendation dated 14 February 1973-from Supervisor-Ramp Handling;

(c) Commendation dated 26 March 1973-from Station Manager, Mnl. Stn. Int'l;

(d) Commendation dated 19 May 1973-from Manager, Mnl. Stn. Int'l;

(e) Letter of Appreciation dated 3 July 1980-from Manager Commercial Training Division, PAL Development Academy;

(f) Commendation dated 16 February 1981-from Director, MSI; and

(g) Commendation dated 20 May 1981-from Director, MSI.

There are many others which are not presently in the possession of (De Veyra) but are filed with the Company records. x x x.

4. Sometime in August 1986, while performing her duties as Senior Supervisor at the Manila International Airport, Ms. Minda Santiago, a Mabuhay Club member (Travel Agent) and a long time acquaintance (sic), approached (De Veyra) and inquired about the planned trip of her husband to the United States. (De Veyra)

informed Ms. Santiago that her husband's trip was not yet definite since it might disrupt (sic) their planned vacation tour to Europe sometime in October 1986 where they will both avail of her trip pass privilege from the Company. A trip pass privilege is a privilege to travel via the Company's airlines free of charge or at certain discounted rates granted to qualified employees and their relatives.

5. Upon learning that (De Veyra's) husband's trip was still tentative, Ms. Santiago offered to help the former's husband to go on a quick U.S. trip. She also offered to secure first class accommodation (sic) for both (De Veyra) and her husband when she found out that the former was only entitled to a maximum of executive class accommodation (sic) as a senior supervisor representing that she was close to the Company's top executives and could easily get the required authorization for the upgrading of their accommodation (sic).

6. Relying on her representations and it being a (sic) common knowledge that she has strong, (sic) influence in the Company and with high government officials, and aware that upgrading of trip pass accommodations (sic) of even the non-managerial employees is a common practice in the company, (De Veyra) sent her trip pass No. 883125 to Ms. Santiago's Office (Sanyo Travel) for her Husband's (sic) ticket on 18 August 1986.

7. Sometime in the afternoon of 19 August 1986, Ms. Santiago phoned to inform (De Veyra) that her husband's ticket was ready for pick up. (De Veyra) had the ticket picked-up the following morning, 20 August 1986. On the same date (De Veyra's) husband used ticket No. 079-4401 2138460/461 with priority classification Y/F (First Class) on his trip to the U.S. However, on his return to Manila on 26 August 1986, he was accommodated (sic) only in an economy class.

8. Sometime after her husband's return to Manila, (De Veyra) was able to talk to Ms. Santiago where she narrated to the latter the embarrassment experienced by her husband on his return trip to Manila when he was given only an economy class accommodation (sic) despite his ticket bearing the Y/F status. After having been informed of this, Mrs. Santiago promised (De Veyra) that it will not happen again and offered to have her own accommodation (sic) upgraded to first class for her emergency trip to Washington, U.S.A.

9. Again, relying on her representations, (De Veyra) sent her trip pass RRO No. 874047 dated 8 September 1986 to Ms. Santiago's Office as what she had earlier done with respect to TP/PRO No. 883125 dated 18 August 1986.

10. On 12 September 1987, Ms. Santiago phoned (De Veyra) informing her that her ticket to the U.S. was ready for pick up. (De Veyra) then instructed her driver to get said ticket. On 14 September 1986, (De Veyra) used her ticket No. 079-440/2234490/489 to the U.S. and (came) back to Manila on 26 September 1986, both via first class accommodation (sic).

11. Meanwhile, on 16 June 1987, (De Veyra) was promoted to the position of Duty Manager by higher management in recognition of her consistent hard work and efficiency despite the reluctance of her superiors Messrs. Panlilio and Martinez (who) were forced to sign (De Veyra's) promotion since she was the most qualified among the contenders to the position.

12. Suddenly, much to (De Veyra's) surprise, she received a copy of a Notice of Administrative Charge dated 26 August 1987 signed by Mr. Pedro Martinez, Jr. informing her that based on an investigation conducted by the Company's Internal Audit and control (sic) Department, she and her husband were found to have used trip passes which were falsified to reflect a higher priority and space classification than what they were entitled to. In the same Notice, she was informed that effective upon her (sic) receipt of the Notice, she is being placed on preventive suspension since her continued employment poses a serious and imminent threat to the life of her other co-employees and/or to the property of the Company. She actually received the Notice on 4 September 1987. She was further given ten (10) days from 4 September 1987 within which to submit her sworn statement/counter-affidavit in answer to the charges against her, together with the sworn statements/affidavits of her witnesses in support of her answer as to why she should not be dismissed from her employment. x x x.

13. (De Veyra) was placed under preventive suspension without giving her the opportunity to be heard, therefore violative of her fundamental right to due process and in utter disregard of the pertinent provisions of the Company's Code of Discipline x x x;

x x x

14. In a letter dated 13 September 1987, (De Veyra) requested for a fifteen (15)-day extension of time within which to submit her sworn statement and for the lifting of her preventive suspension for lack of legal basis. x x x.

15. Meanwhile, on 14 September 1987, (De Veyra) filed a complaint for illegal suspension, non-payment of salaries and all other benefits and moral and exemplary damages.

16. In a Memorandum dated 18 September 1987, signed by Mr. Pedro M. Martires, Jr., (De Veyra's) request for extension was granted while her request for the immediate lifting of her preventive suspension was denied. x x x.

17. Because of the serious charges levelled against her by the Company, (De Veyra) engaged the services of undersigned counsel.

18. In a letter dated 23 September 1987, undersigned counsel submitted (De Veyra's) sworn statement in compliance with the Notice of Administrative Charge, where she vehemently denied the charges against her, while formally demanding for the immediate lifting of her preventive suspension and the immediate setting of her case for hearing to enable her, with the assistance of counsel, to prevent (sic) evidence in support of her defense. x x x.

19. In a Memorandum dated 7 October 1987 signed by Mr. Martires, Jr., (De Veyra) was informed by the Company that in view of (sic) request for an extension of 15 days to answer the administrative charge against her, the duration of her preventive suspension without pay and benefit is also adjusted to end on 18 October 1987 or more than 30 days, in violation of the provisions of the Labor Code and its implementing rules and regulations. x x x.

20. Suddenly, without conducting the formal investigation demanded by undersigned counsel dated 23 September 1987 x x x, the company issued a Memorandum dated 16 October 1987 informing (De Veyra) that her employment with the Company is terminated effective 26 August 1987, retroactive (to) the date she was placed on preventive suspension in violation of her right to due process and in an apparent attempt to cure the illegality of her preventive suspension. x x x. It must be noted that (De Veyra's) preventive suspension actually commenced upon her receipt of the Notice of Administrative Charge on 4 September 1987.

21. By dismissing (De Veyra) without a formal investigation (having been) conducted, the Company again violated the pertinent provisions of its Code of Discipline x x x:

x x x

22. On 27 October 1987, (De Veyra) filed an amended complaint for illegal dismissal, illegal suspension, unpaid wages, reinstatement of other benefits under Company policies and practices and the CBA, actual, moral and exemplary damages, attorney's fees and cost of suit.

23. Based on the annexes attached to the 14 August 1987 Memorandum of the Vice President Internal Audit & Control to Mr. Ricardo G. Paloma, SVP-Customer Services, there is no showing that trip pass Nos. 883125 and 874047 were even falsified. x x x. Even assuming that what were falsified were the audit coupons neither (De Veyra) nor her husband could, under any circumstances have any control, or even see them, therefore, negating any possibility that they could have participated in the completion of said coupons. Moreover, the two (2) tickets were issued by two different Ticket Clerks as shown by said annexes.

24. Further, having used tickets bearing a higher passage classification than what is normally given to (De Veyra) and her husband, should not be taken against her since it is a known practice in the Company. It could be easily done by mere verbal advice of the Company's appropriate officials. It was only in 1987 when the Company became strict in allowing upgradings because of the rampant occurrences and issued a written Memorandum to that effect. Therefore, in using said tickets, (De Veyra) and her husband acted in utmost good faith and were not participants in any wrong doing (sic) (if any), which could constitute a ground for the Company to have lost its trust and confidence in her.

x x x.' ”

On May 31, 1988, the Labor Arbiter rendered its decision, the dispositive portion of which reads (p. 82, Rollo):

"WHEREFORE, premises considered, respondents are declared to have illegally suspended and dismissed complainant, and are hereby ordered to reinstate her to her former position with full backwages and other benefits provided by law until actually reinstated.

"Furthermore, respondents are hereby ordered to pay complainant P200,000.00 in moral damages, P100,000.00 in exemplary damages, as well as attorneys (sic) fees and costs of the suit.

"SO ORDERED."

On appeal, the Labor Arbiter's decision was modified by the NLRC, the dispositive portion of which reads (pp. 66-67, Rollo):

"WHEREFORE, judgment is hereby rendered as follows:

"a) declaring the dismissal of complainant-appellee as illegal;

"b) respondents-appellants are ordered to reinstate complainant-appellee to her former position with full backwages until reinstated but not to exceed three (3) years. The price difference between the upgraded first class tickets and the economy class tickets should be deducted from the backwages;

"c) the award of moral and exemplary damages are deleted.

"SO ORDERED."

The motion for reconsideration was denied (p. 68, Rollo). Hence, the present petition.

On April 10, 1989, We issued a temporary restraining order enjoining the execution of the questioned decision and resolution of the NLRC (pp. 98-99, Rollo).

The issue is whether or not De Veyra was dismissed illegally from employment.

PAL imputes grave abuse of discretion on the part of the NLRC: (1) in disregarding its evidence and the ineluctable conclusions therefrom; (2) in holding that there was no basis for PAL's loss of trust and confidence in De Veyra; (3) in holding that De Veyra was not afforded due process; and (4) in ordering reinstatement of De Veyra notwithstanding existing jurisprudence on the matter.

For a clearer appreciation of the circumstances which led to the dismissal of De Veyra from employment, it is necessary to discuss first PAL's policy on trip pass benefit and the mechanics for availment thereof. Among the various fringe benefits PAL extends to its employees is a trip pass benefit which entitles these employees as well as their dependents to travel via PAL free of charge. This benefit, however, is subject to company policies, rules and regulations. The extent of the benefit depends upon the employee's rank, position and years of service with the company. De Veyra, who was at that time Senior Supervisor, was entitled to economy class accommodation (pp. 83-85, Rollo). An employee eligible for a trip pass must apply therefor by accomplishing an application form

(p. 86, Rollo). Tickets are then issued against the trip pass authorization. In the issuance of the ticket, the issuing clerk at the ticket office writes on the blank portions of the audit coupon certain data including the priority and travel classification code of the employee. Entries written on the audit coupon are automatically reproduced by carbon copying on the succeeding flight coupons. In the case of De Veyra's tickets, entries written on the audit coupons were different from the entries written on the flight coupons. The priority code first written on the audit coupons was Q/G4/F or first class. This was reproduced on the flight coupons. Thereafter, "Y" was superimposed an "F," and "C" was added after "Y" but only on the audit coupons. Thus, as a result thereof, the priority code on the audit coupons seemed to be Q/G4/YC to make it appear to the accountants of PAL that it conformed with the travel priority of De Veyra appearing on the travel authorization, which was Q/G4/YC or economy class (pp. 86-87, Rollo). As regards De Veyra's husband, his priority classification was S/H5/Y or economy class. The audit coupons of his tickets did not indicate said code. However, on the "Fare Basis" column on the audit coupons, letter "Y" was written. In contrast, the flight coupons of said tickets showed priority code Q/F3/Y/F or first class written on the "Tour Code" column. On the "Fare Basis" column, a capital letter "F" was written following letter "Y" and therefore read "Y/F." Priority Code Q/F3/Y/F corresponds to the travel and space classification of employees and their dependents who were given a seventy-five percent (75%) discount of the regular fare. Since his tickets reflected an "FOC" or free of charge, this was an indication that he did not pay the discounted fare corresponding to the priority code Q/F3/Y/F which he used in his travel (p. 13, Rollo).

Now, upgrading of priority and space classification, such as from economy class to first class, must be authorized by designated company officials through the issuance of a form referred to as special airport concession. However, in the said authorized upgrading, entries on the tickets are not altered to reflect a higher space entitlement. The ticket would still bear economy class entitlement but during the boarding process, the upgrading would be effected. Special airport concessions are issued only for valid reasons, namely, in favor of high government officials and severely inconvenienced revenue paying passengers (pp. 25-26, Rollo). According to De Veyra, a certain Minda Santiago of Sanyo Travel secured their first class accommodations. Minda Santiago represented to them that she was close to PAL's top executives and can easily get the required authorization for the upgrading of their accommodations (p. 5, *supra*). Yet, this defense was never substantiated by De Veyra either by presenting Minda Santiago personally to testify or submitting her affidavit. More importantly, there was no authorization for the upgrading of their accommodations, at all.

The administrative charge against De Veyra was based on her and her husband's use of trip passes which were falsified to reflect a higher priority and space classification than what they were entitled to on vacation travel when the trip passes were issued (p. 91, Rollo). It is an established fact that the De Veyras used first class trip passes, but what is disputed is whether or not their trip passes/tickets were falsified. The NLRC and De Veyra limit the definition of the word "falsify" either to tamper with or alter. That is not so. The word refers likewise either to represent falsely, distort or violate the truth (Webster's Third New International Dictionary, 1986 Edition, p. 820; see Black's Law Dictionary, 1987 Edition, p. 542). Inasmuch as their tickets did not speak the truth, those were undoubtedly falsified. Having been employed with the company for twenty (20) years and familiar with its policies and procedures, De Veyra was, therefore, aware that in accordance with PAL's policy and in the absence of a valid authorization for upgrading of priority and space classification, she and her husband were entitled to economy accommodation only.

Mention may be made of another circumstance which proves the falsity of De Veyra's tickets. In relation to her entitlement to travel benefits, she secured a Philippine Tourism Authority Reduced Travel Tax Certificate (p. 87, Rollo) entitling her to pay a reduced travel tax of only P810.00. This amount represents payment for economy travel. The certificate itself provided that it referred only to economy class travel and not first class passage. The certificate was purportedly presented for the purpose of availment of the reduced travel tax privilege of airline

employees. However, the entries appearing on the bottom left portion of her tickets reflected a travel tax payment of P1,350.00, corresponding to first class passage (pp. 86-87, Rollo).

In ruling that PAL has not proven the culpability of De Veyra, the NLRC ignored PAL's ample evidence before it. It resolved the controversy based on a shallow analysis thereof, which was supported by the Solicitor General (p. 62, Rollo):

"At this point, it is necessary to discuss the procedures on how plane tickets are actually issued by (PAL) x x x. A ticket booklet consists of the audit coupon as the first page, and the succeeding coupons constitute the passenger coupon and the agent's coupon. All entries in the audit coupon are automatically reproduced in the succeeding coupons of the ticket booklet. Upon issuance of the ticket, the audit coupon is detached by the issuing clerk, which coupon goes to the Company's Auditing Department. The other coupons are given to the passenger and are detached upon checking in at the counters for the particular flight and leg of journey involved.

"Records reveal that what was tampered with was the audit coupon by superimposing the letter "Y" over the letter "F" and adding the letter "C" thereto. However, the other parts of the tickets given to (De Veyra) were not tampered with. It is, therefore, misleading for (PAL) to allege that (De Veyra) used tampered tickets. As senior supervisor at the Manila International Airport (De Veyra) had no participation in the issuance of plane tickets. She was not even personally present when the tickets were being issued by the Company's ticket clerks and therefore could not have had any knowledge of the alleged tampering of the Audit coupon. x x x. Considering also that there is not an iota of evidence to establish (De Veyra's) participation in the tampering of the audit coupons, her dismissal by (PAL) is illegal."

While De Veyra may not have known about the alteration performed on the audit coupons, she cannot feign ignorance about the falsity of their tickets, as discussed previously. And, it is not even necessary to prove De Veyra's participation in the falsification of their tickets. What is material is their use of trip passes which were falsified to reflect a higher priority and space classification than what they were entitled to on vacation travel when the trip passes were issued, *supra*, which served as the basis for PAL to have lost its trust and confidence on De Veyra. By and large, this Court has continually recognized the right of the employer to dismiss an employee on the ground of loss of confidence or breach of trust (*Atlas Consolidated Mining and Development Corporation v. NLRC, et al.*, G.R. No. 75755, November 24, 1988, 167 SCRA 758; *San Miguel Corporation v. NLRC, et al.*, G.R. No. 50321, March 13, 1984, 128 SCRA 180; *Central Textile Mills, Inc. v. NLRC, et al.*, G.R. No. 50150, May 3, 1979, 90 SCRA 9; *Valladolid v. Inciong, etc., et al.*, G.R. No. 52364, March 25, 1983, 121 SCRA 205; *Dole Philippines, Inc. v. NLRC, et al.*, G.R. No. 55413, July 25, 1983, 123 SCRA 673; *Tabacalera Insurance Co., et al. v. NLRC, et al.*, G.R. No. 72555, July 31, 1987, 152 SCRA 667; *Riker v. Ople, et al.*, G.R. No. 50492, October 27, 1987, 155 SCRA 85). In fact, the mere existence of a basis for believing that the employee has breached the trust and confidence reposed on him by his employer is sufficient ground for dismissal (*Sea-Land Service, Inc. v. NLRC, et al.*, G.R. No. 68212, May 24, 1985, 136 SCRA 544). More so, in the case of a supervisor or other personnel occupying positions of responsibility, the loss of the trust and confidence by their employer may justify their termination (*Associated Citizens Bank v. Ople, etc., et al.*, G.R. No. L-48896, February 24, 1981, 103 SCRA 130; *New Frontier Mines, Inc. v. NLRC, et al.*, G.R. No. 51578, May 29, 1984, 129 SCRA 502; *Reynolds Philippine Corporation v. Eslava, etc., et al.*, G.R. No. L-48814, June 27, 1985, 137 SCRA 259).

Aside from finding that there was no legal cause for De Veyra's dismissal from employment, the NLRC also ruled that her dismissal was arbitrary because she was not granted a hearing on the charge against her, in total disregard of PAL's Code of Discipline which, *inter alia*, provides that (p. 65, Rollo):

“ARTICLE VI

INVESTIGATION PROPER

SECTION 1. SETTING OF HEARING. Upon the filing of the administrative charge, the department head shall immediately set the case for hearing, with notice to the employee concerned, copy furnished his union, if he is a member of any.

SECTION 2. HEARING PROPER. The employer (sic) may be accompanied to and assisted by a representative of his choice at the hearing. However, the presence of such representative shall not be allowed to unduly delay or in any way detract from the summary nature of the proceedings (Annex 'C-2, p. 61, Rollo)."

As stated earlier, sometime in August, 1987, the Internal Audit and Control Department of PAL conducted a review of the tickets issued by the Interline Ticket Counter because of the uncovering of widespread fraud and manipulation of tickets by several of PAL's employees that resulted to their eventual termination from the firm. It was on this occasion that said department was able to confirm cases of tampering and fraudulent manipulation of official documents, some of which involved the travel documents of De Veyra and her husband. A memorandum was issued by the Vice President of the Internal Audit and Control Department to this effect addressed to the Senior Vice President for Customer Services Group. On August 26, 1987, the Notice of Administrative Charge was sent to De Veyra. On September 11, 1987, she requested additional time within which to study and evaluate her defense. On September 18, 1987, her request was granted. She was allowed until September 29, 1987 to file her answer. On September 24, 1987, De Veyra submitted her sworn statement wherein she admitted having used tickets bearing the upgraded priority classification. She mentioned Minda Santiago as the person who arranged the upgrading of their trip passes. On October 16, 1987, De Veyra's services were terminated by PAL. Taking into account these circumstances, it cannot be said that De Veyra was denied administrative due process of law simply because the aforequoted provision was not observed by PAL. There is no violation of due process even if no hearing was conducted where a chance to explain a party's side of the controversy was accorded to him. What is frowned upon is the denial of the opportunity to be heard (*Eden, et al. v. Ministry of Labor and Employment, et al.*, G.R. No. 72145, February 28, 1990, 182 SCRA 840; *Asprey v. Itchon, et al.*, G.R. No. L-21685, April 30, 1966, 16 SCRA 921). Since De Veyra admitted in her sworn statement having used tickets bearing the upgraded priority classification; the documentary evidence of PAL already proved the falsity of the tickets; and De Veyra was aware of this falsity, there was no necessity for the parties to undergo the ritual of holding a hearing.

To reiterate, there was a legal ground for PAL's termination of the services of De Veyra. We are not persuaded by the opinion advanced by the NLRC that (p. 63, Rollo):

"Even assuming, *arguendo*, that (De Veyra) was guilty still, the supreme penalty of dismissal was greatly disproportionate to the offense imputed to her. After working for twenty (20) years with (PAL), and receiving numerous commendations and promotions at that, (De Veyra) does not deserve the penalty of dismissal for the violation of a company rule which, after all, is a common practice in the company. This is not to condone the alleged misstep committed by (De Veyra). It is merely to point out that in the light of the surrounding circumstances, dismissal is too severe a penalty. x x x."

In the first place, the statement that De Veyra's violation of PAL's rule is a common practice in the company is misleading because of lack of proof. In the second place, the fact that De Veyra has worked with PAL for twenty (20) years, if it is to be considered at all, should be taken against her. The infraction that she committed, *vis-a-vis* her long years of service with the company, reflects a regrettable lack of loyalty. Loyalty that she should have strengthened instead of betrayed. If an employee's length of service is to be regarded as a justification for moderating the penalty of dismissal, it will actually become a prize for disloyalty, perverting the meaning of social justice and undermining the efforts of labor to cleanse its ranks of all undesirables (see *Philippine Long Distance Telephone Company v. NLRC, et al.*, G.R. No. 80609, August 23, 1988, 164 SCRA 671).

ACCORDINGLY, the petition is hereby GRANTED. The decision of the National Labor Relations Commission dated November 29, 1988 and its resolution dated February 21, 1989 with respect to paragraphs (a) and (b) are hereby MODIFIED by declaring the dismissal of private respondent Carmencita Nannette G. De Veyra as valid; but AFFIRMED with respect to paragraph (c). The temporary restraining order issued on April 10, 1989 is made permanent.

SO ORDERED.

Narvasa, (Chairman), Cruz, and Griño-Aquino, JJ., concur.
Gancayco, J., on leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.