

RAPID MANPOWER CONSULTANTS, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, DAVID PRODIGALIDAD, FERNANDO DABU, WILFREDO NAZARENO AND DANTE SAN MIGUEL, RESPONDENTS.

G.R. No. 88683. October 18, 1990

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This petition for review on certiorari treated as a special civil action for certiorari seeks to reverse the decision and resolution of the National Labor Relations Commission (NLRC) dated November 22 and December 23, 1988, respectively, which affirmed the decision of the Philippine Overseas Employment Administration (POEA) as to overtime pay, salary differential and attorney's fees. They pray that these claims for overtime pay, salary differential and attorney's fees be remanded to the POEA together with the complaint for illegal dismissal for further reception of evidence.

The records show that petitioner in behalf of its accredited principal, Albert Abela Group/Saudi Catering and Contracting Services, hired complainants as janitors and deployed them at Khaled International Airport in Riyadh, Saudi Arabia for three years. Before the expiration of their contract, the complainants were repatriated to the Philippines allegedly on violations of company rules and laws of Saudi Arabia. On September 18, 1985, they filed a complaint with the POEA for illegal dismissal and payment of overtime pay, salary differential and attorney's fees.

On November 3, 1986, petitioner filed a Manifestation reserving its right to present additional evidence as soon as the same are made available by its principal in Al-Khobar, Kingdom of Saudi Arabia. On January 15, 1987, the POEA rendered its decision, to wit:

"WHEREFORE, judgment is hereby rendered, ordering respondent Rapid Manpower Consultants Inc. and Saudi Catering & Contracting to pay, jointly and severally, to:

"1. Wilfredo Nazareno, SIX THOUSAND SIX HUNDRED NINETY US DOLLARS AND 66/100 (US\$6,690.66) and TWO HUNDRED NINETY-ONE US DOLLARS AND 19/100 (US\$291.19) or the peso equivalent thereof at the time of payment, representing, respectively, the salaries corresponding to the unexpired portion of his contract and unpaid overtime pay;

"2. David Prodigalidad, SIX THOUSAND SEVEN HUNDRED ELEVEN US DOLLARS AND 46/100 (US\$6,711.46) and THREE HUNDRED EIGHTY-THREE US DOLLARS and 98/100 (US\$383.98) or the peso equivalent thereof at the time of payment, representing, respectively, the salaries corresponding to the unexpired portion of his contract and unpaid overtime pay;

"3. Dante San Miguel, SIX THOUSAND SEVEN HUNDRED TWENTY-FIVE US DOLLARS AND 33/100 (US\$6,725.33), THREE HUNDRED EIGHTY-FOUR US DOLLARS AND 79/100 (US\$364.79), and THREE HUNDRED THREE US DOLLARS and 48/100 (US\$303.48), or the peso equivalent thereof at the time of

payment, representing, respectively, the salaries corresponding to the unexpired portion of his contract, unpaid overtime pay and salary differential;

"4. Fernando Dabu, SIX THOUSAND SEVEN HUNDRED TWENTY-FIVE US DOLLARS AND 33/100 (US\$6,725.33), THREE HUNDRED EIGHTY-FOUR US DOLLARS AND 79/100 (US\$384.79), and THREE HUNDRED THREE US DOLLARS and 48/100 (US\$303.48), or the peso equivalent thereof at the time of actual payment, representing, respectively, the salaries corresponding to the unexpired portion of his contract unpaid overtime pay and salary differential;

"5. Ten percent (10%) of the above-mentioned amounts, as and for attorney's fees.

"The claim for unpaid salaries of Wilfredo Nazareno and David Prodigalidad are hereby DISMISSED for lack of evidence. For the same reason, the complaint against Ambraque International Placement & Services is hereby DISMISSED." (Rollo, pp. 20-21)

On February 9, 1987, petitioner appealed to the NLRC with a lone assignment of error, thus:

"That the Hon. Administrator erred in appreciating the true facts which transpired resulting in the dismissal." (Rollo, p. 22)

On June 16, 1987, it filed a Supplemental Memorandum on Appeal with Motion for New Trial. Petitioner claimed that it received the original employment record of the complainant from the office of their foreign employer in Saudi Arabia; that these documents would justify the dismissal of complainants; and that if such documents were considered as part of petitioner's evidence, the same would alter the result of this case.

On November 22, 1988, the NLRC rendered a decision, the dispositive portion of which reads:

"WHEREFORE, the decision appealed from is hereby AFFIRMED with modification by way of remanding the case for further reception of evidence of the respondent on the issue of illegal dismissal.

"And, let execution issue on the award of overtime pay, salary differential and attorney's fees.

"SO ORDERED." (Rollo, p. 25)

The petitioner now comes to us and submits that:

"(T)he Honorable NLRC erred when it ruled to exclude the issues on salary differential pay and unpaid overtime pay from being remanded for having failed to raise these on appeal despite the fact that the relief being sought for as stated in its Memorandum on Appeal praying to set aside the decision of the Honorable POEA Administration and subsequent dismissal of the case which, for all intents and purposes included all issues raised therein." (Rollo, p. 14)

Petitioner contends that it was not able to discuss and refute respondents' money claims owing to the fact that it did not have the documents to controvert the said claims; that it manifested before the POEA such lack and sought time to secure the much needed documents; that at the time the POEA rendered its decision, it still did not possess the said evidence; that it would have been foolish for petitioner to include the issues on money claims on appeal and fabricate its argument; that in its Supplemental Memorandum on Appeal, petitioner prayed for new trial based on newly discovered evidence as an alternative remedy; that the prayer in the original Memorandum on Appeal sought to reverse the Decision of January 15, 1989 and dismissal of this case which was comprehensive enough to include the other issues on money claims; and that it has no intention to deprive respondents of their money claims if the same are legitimate, valid and deserving but that the payment must be done after considering all the evidence including the documentary evidence it received from respondents' employer in Saudi Arabia.

The petition has merit. In labor cases, the rules of evidence prevailing in courts of law or equity are not

controlling (Article 221, Labor Code). The law requires the Commission and its members and the Labor Arbiters to use every and reasonable means to ascertain the facts in each case speedily and objectively in the interest of due process (ibid). The essence of due process is to be found in the reasonable opportunity to be heard and to submit any evidence one may have in support of one's defense (Zaldivar v. Sandiganbayan, et al., G.R. Nos. 79690-707, October 7, 1988; Zaldivar v. Gonzales, G.R. No. 80578, October 7, 1988; 166 SCRA 316).

In the instant case, the requirement of due process was not fully met. We quote the NLRC's ruling on this point:

"x x x (F)rom the time respondent Rapid made its manifestation to submit additional evidence up to the time the POEA Administration rendered the assailed decision, there is only a lapse of two (2) months and twelve (12) days. It would appear then, that respondent Rapid was given only more than two months by the POEA Administrator within which to submit additional evidence. To our mind, a period of two (2) months and twelve (12) days is too short a time for the respondent to be able to submit its additional evidence, considering that the same will have to be secured from its foreign principal in Saudi Arabia, which is almost halfway of the globe. In short, respondent Rapid was not afforded reasonable time below within which to submit its additional evidence.

"x x x

"x x x We believe that justice to both parties can be well served if we remand this case for reception of the evidence of respondent. Justice should not be sacrificed on mere technicality x x x." (Rollo, NLRC decision, pp. 24-25)

Given such a situation, We are more inclined to remand the entire case not just the issue on illegal dismissal to the POEA owing to the peculiar circumstances of this case. The petitioners could hardly be faulted for the delayed transmittal of the documents from Saudi Arabia. They did not sleep on their rights. Petitioners promptly informed the POEA of their lack of evidence and inability to fully traverse the issues and arguments raised against them. They had asked for time to get the necessary evidence but they were not granted the opportunity. Even the NLRC agreed with the petitioners that such opportunity was not given to them.

However, the NLRC, notwithstanding its notice of petitioners' predicament, ordered the remand of the issue of illegal dismissal inasmuch as it was the sole error raised on appeal. We do not agree. While it is true that the appeal raised only this error, it is likewise undisputed that petitioners' original memorandum on appeal contained a prayer for the reversal of the POEA decision. Necessarily, such prayer covers all the issues raised against them. Moreover, the additional evidence will have a bearing on all issues raised in the case. The documents themselves would show the veracity of the claims of the contending parties. Technicality should not be allowed to stand in the way of equitably and completely resolving the rights and obligations of the parties. It is therefore in the interest of fair play and justice that We remand the entire case to the POEA. Rules of procedure are intended to promote not to defeat substantial justice and therefore, they should not be applied in a very rigid and technical sense (Calasiao Farmers Cooperative Marketing Association, Inc., et al. v. Court of Appeals, G.R. No. 50633, August 17, 1981, 106 SCRA 630). In *Sosito v. Aguinaldo Development Corporation*, We held that:

"While the Constitution is committed to the policy of social justice and the protection of the working class, it should not be supposed that every labor dispute will be automatically decided in favor of labor. Management also has its own rights, which as such, are entitled to respect and enforcement in the interest of simple fair play. Out of its concern for those with less privileges in life, this Court has inclined more often than not toward the worker and upheld his cause in his conflicts with the employer. Such favoritism, however, has not blinded us to the rule that justice is in every case for the deserving, to be dispensed in the light of the established facts and the applicable law and doctrine (L-48926, December 14, 1987; 156 SCRA 392).

ACCORDINGLY, the NLRC decision dated November 22, 1988 is hereby REVERSED and POEA Case No.

L-85-09-0708 (David Prodigalidad, et al. v. Rapid Manpower Consultant, Inc.) is hereby REMANDED to the POEA for further reception of evidence. The Labor officials concerned are further directed to give priority to the trial of this case and decide the same with the least delay.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Grino-Aquino, JJ., concur.

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