

SAMAHANG MANGGAGAWA NG RIZAL PARK AND DOMINGO ENRIQUEZ, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND NATIONAL PARK DEVELOPMENT COMMITTEE, RESPONDENTS.

G.R. No. 94372. June 21, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

The petitioners were dismissed by the National Park Development Committee, private respondent herein, on the supercilious ground that their continued employment was "not compatible with the rules of the New Society." That was in 1972, shortly after the imposition of martial law. When the petitioners complained to the Department of Labor, their dismissal was sustained by the Labor Arbiter. This was not suprising because the year was 1976 and martial law was still in force.

What is suprising is this. When his decision was appealed to the NLRC, the public respondent also affirmed the dismissal albeit on a different ground. This was on June 29, 1990, long after the New Society had been banished and discredited. The Freedom Constitution had already called for the eradication of "all iniquitous vestiges of the previous regime." [1]

The petitioners were employees of the private respondent, then under the chairmanship of Imelda Marcos and the vice-chairmanship of the late Teodoro F. Valencia. Sometime in August 1972, the petitioner union proposed negotiations for the adoption of a collective bargaining agreement but the proposal was ignored. The union then filed a notice of strike with the Bureau of Labor Relations on September 6, 1972, on the grounds of refusal of management to bargain collectively, refusal to recognize the union, and discrimination of union members. The conference scheduled by the Bureau for the following day could not even be held because the private respondent did not send a representative.

On September 16, 1972, petitioner Corazon Alparicio was dismissed. This was followed on October 3 and 4, 1972, with the unceremonious separation also of the other individual petitioners. The uniform reason given was the incompatibility of their continued employment with the rules of the New Society. A sample letter read as follows:

Republic of the Philippines
Office of the President

NATIONAL PARKS DEVELOPMENT COMMITTEE

Rizal Park, Manila

October 3, 1972

Date

Mr. Modesto Deunida

Driver Truck In-Charge

Rizal Park

Sir/Madam:

This notice terminates your services, effective immediately. Your continued employment under the NATIONAL PARKS DEVELOPMENT COMMITTEE or in any of its projects is not compatible with the rules of the New Society.

For immediate compliance and guidance.

(SGD.) JESUS B. ALVAREZ, JR.

Director

The proceedings were delayed when the private respondent submitted that the complaint should be resolved by the Office of the President, resulting in the elevation of the matter to Malacañang. The case was returned to the public respondent on the finding that it fell under the jurisdiction of the NLRC pursuant to P.D. No. 21, promulgated on October 14, 1972.[2]

The Labor Arbiter dismissed the case, holding that P.D. No. 21 was not applicable, the dismissals having been made before its effectivity date. His decision was duly appealed to the NLRC, but action on the appeal was also delayed, and further still when the records of the case were among those burned in the fire at the NLRC building on December 13, 1983. According to the NLRC, it took some time before they could be reconstituted.[3]

In its own decision,[4] the reorganized NLRC still saw fit to sustain the dismissals made by the private respondent and declared as follows:

A perusal of the evidence adduced shows that the charge of unfair labor practice allegedly committed by the respondent has not been sufficiently proven. It is well settled that a charge for unfair labor practice must be proven by clear and convincing evidence, which is miserably wanting in this case.

The NLRC assumed all the time that it had jurisdiction over the case. So apparently have the petitioners in the petition now before us as the said decision is challenged only for grave abuse of discretion in upholding the invalid dismissals. The Solicitor General has moved for dismissal, but not on jurisdictional grounds.

In recent decisions, this Court has held that the National Parks Development Committee is a government agency whose employees are covered by the civil service rules and not the Labor Code.

In *Perlas vs. People of the Philippines*,[5] we held that the Sandiganbayan had jurisdiction over the acting director of the Committee who was under prosecution for estafa, thus:

The National Parks Development Committee was created originally as an Executive Committee on January 14, 1963, for the development of the Quezon Memorial, Luneta and other national parks (Executive Order No. 30). It was later designated as the National Parks Development Committee (NPDC) on February 7, 1974 (E.O. No. 69). On January 9, 1966, Mrs. Imelda R. Marcos and Teodoro F. Valencia were designated Chairman and Vice-Chairman respectively (E.O. No. 3). Despite an attempt to transfer it to the Bureau of Forest Development, Department of Natural Resources, on December 1, 1975 (Letter of Implementation No. 39, issued pursuant to PD No. 830, dated November 27, 1975), the NPDC has remained under the Office of the President (E.O. No. 709, dated July 27, 1981).

Affirming that finding, we said in *Republic vs. Court of Appeals*[6] as follows:

Since NPDC is a government agency, its employees are covered by civil service rules and regulations (Sec. 2, Article IX, 1987 Constitution). Its employees are civil service employees (Sec. 14, Executive Order No. 180).

While NPDC employees are allowed under the 1987 Constitution to organize and join unions of their choice, there is as yet no law permitting them to strike. In case of a labor dispute between the employees and the government, Section 15 of Executive Order No. 180 dated June 1, 1987 provides that the Public Sector Labor-Management Council, not the Department of Labor and Employment, shall hear the dispute. Clearly, the Court of Appeals and the lower court erred in holding that the labor dispute between the NPDC and the members of the NPDSA is cognizable by the Department of Labor and Employment.

Nevertheless, considering that this case has been pending since 1972 and all the evidence needed to resolve it is before us, and more so because the issue presents no special difficulty, the Court feels it should be decided now, without going through the correct procedural formalities that anyway will result in the same conclusion.

Accordingly, we rule directly as follows.

A mere reading of the termination notice will readily show that the dismissals were not for cause and that the reason given was prima facie invalid. The general statement that the employment of the petitioners was not consonant with the rules of the New Society was a preposterous justification. There was no indication of the specific rules supposedly violated nor was there a showing, assuming the said rules had been pinpointed, of how or when they had been breached by the dismissed employees. Neither was it established that the employees were informed of the charges against them or that they were given an opportunity to be heard in their defense.

Such cavalier treatment of the employees could have been permitted under the so-called New Society but cannot be countenanced now under the restored democracy. It is truly amazing that it was sustained by the present NLRC and no less astonishing that it is now defended by the Office of the Solicitor General. That office suggests that the burden of proof was on the petitioners, as complainants, to show that their dismissal was illegal. This is incorrect; that office has it backwards. It is settled that in cases of dismissal, it is the employer who must prove its validity, not the employee who must prove its invalidity.

It must be borne in mind that the basic principle in termination cases is that the burden of proof rests upon the employer to show that the dismissal is for just cause and failure to do so would necessarily mean that the dismissal is not justified and, therefore the employee is entitled to be reinstated in accordance with the mandate of Article 280 of the New Labor Code.[7]

By simply saying that the continued employment of the petitioners was not consistent with the rules of the New Society, the private respondent failed to discharge the burden of proving that the employees deserved to be dismissed. In sustaining the dismissals despite their undisguised arbitrariness, the NLRC committed grave abuse of discretion correctible by the extraordinary writ of certiorari under Rule 65 of the Rules of Court.

The insolence of the Marcos government should have been corrected by now, after more than five years since the people power revolution that banished the deposed President and with him, it was hoped then, all the oppressions of his discredited regime. It seems, however, that the effects of past arrogance have not yet completely disappeared and, worse, are still being affirmed and stoutly defended now by the new government. The Court will not allow this.

WHEREFORE, the petitioners GRANTED. The decision of the NLRC dated June 29, 1990, is REVERSED. The private respondent is ordered to REINSTATE all the individual petitioners without loss of seniority rights and to pay them five years back salaries.[8]

SO ORDERED.

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

[1] Article II, Sec. 1(a).

[2] Rollo, pp. 48-49.

[3] Rollo, p. 62.

[4] Decision penned by Commissioner Rustico L. Diokno with Commissioners Bonto-Perez and Zapanta, concurring.

[5] 176 SCRA 57.

[6] 180 SCRA 428.

[7] Polymedic General Hospital vs. NLRC, 134 SCRA 420 (1985).

[8] Balquidra v. CFI of Capiz, 80 SCRA 123 (1977), citing Cristobal v. Melchor, 101 Phil. 857 (1977); Salcedo v. C.A., 81 SCRA 408 (1978); Gementiza v. C.A., 113 SCRA 477 (1982); Laganapan v. Asedillo, 154 SCRA 377 (1987); and Antiporda v. Ticao, 160 SCRA 40 (1968), where, reinstatement no longer being feasible, payment to a dismissed civil service employee of “back wages equivalent to five (5) years pay without qualification or deduction,” was declared adequate remedy in the premises.

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