

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**PHILIPPINE AIRLINES, INC.,
*Petitioner,***

-versus-

**G.R. No. 115785
August 4, 2000**

**NATIONAL LABOR RELATIONS
COMMISSION (4th Division), and
RAUL G. DIAMANTE,
*Respondents.***

X-----X

D E C I S I O N

PARDO, J.:

The case is a Petition for Certiorari with prayer for preliminary injunction and temporary restraining order, to nullify the decision of the National Labor Relations Commission^[1] dated March 18, 1994, which states:

“WHEREFORE, the instant appeals are hereby granted. The decision under appeal is hereby set aside and a new one entered declaring illegal the dismissal of the complainant appellants Alfonso P. Araneta and Raul G. Diamante and ordering respondent Philippine Airlines to reinstate them to their former or equivalent positions without loss of seniority rights, with

three (3) years backwages inclusive of allowances and other benefits.

“All other claims are hereby dismissed for lack of sufficient basis.

“SO ORDERED.

“Cebu City, Philippines.

“IRENEA E. CENIZA

“Commissioner”^[2]

and the resolution of May 31, 1994 which provides:

“WHEREFORE, premises considered, the decision in question is hereby SET ASIDE as regards complainant Alfonso Araneta only, whose appeal is hereby reopened to give the respondent-appellee the opportunity to answer the same in accordance with our above discussion. Except for this modification, the rest of the decision stays.

“SO ORDERED.

“Cebu City, Philippines.

“IRENEA E. CENIZA

“Presiding Commissioner”^[3]

The facts are as follows:

On June 30, 1975, Philippine Airlines hired respondent Raul Diamante as Integrated Ticket Representative for Bacolod City station.

On April 8, 1988, Edgardo Pineda, Rizalino Cabarloc, Ernesto Subia and Rolando Velasco went to Bacolod Airport to have their tickets booked for their flight to Manila on April 9 and 10, 1988. Romeo Vista, a former officemate of Edgardo Pineda, was their contact person. At the airport, Leticia Vista, wife of Romeo Vista, introduced

Raul Diamante to Edgardo Pineda as the person who could help in the booking of his ticket. Pineda requested Diamante if he could book their tickets for the April 8, 1988 flight, particularly Subia, who had to attend an important meeting in Manila. Diamante answered that all flights for the week were fully booked. He suggested that he leave with him their tickets. Pineda gave four (4) tickets to Diamante together with the amount of One Thousand Pesos (P1,000.00) then Diamante assured them that they will be accommodated. Subia was booked for the April 8, 1988 flight to Manila while Pineda, Velasco and Cabarloc were booked for the April 10, 1988 flight. When Subia failed to take the flight due to illness, Diamante returned Subia's ticket to Vista the following day since it was Diamante's day off. In order to facilitate Subia's re-booking, Vista asked for the help of her friend Nelia Cawaling, a neighbor of PAL Station Agent Rodolfo Puentebella. With the help of Cawaling and Puentebella, Subia was able to take the April 9, 1988 flight to Manila.

Upon their arrival in Manila, on June 20, 1988, Pineda executed an affidavit charging Diamante with bribery/corruption. On July 08, 1988 petitioner's Bacolod Branch Manager required Diamante to comment on the affidavit. On July 13, 1988, Diamante submitted his sworn statement denying the allegations against him.

On July 27, 1988, after evaluation of the complaint and finding the explanation of Diamante insufficient, petitioner's manager charged Diamante administratively with bribery/extortion and violation of PAL's Code of Discipline, particularly Article VIII, Section 1, paragraph 2 thereof, which provides:

“Any employee who directly or indirectly requests or receives any consideration, share, percentage or commission for himself or for another person in connection with the performance of his duties.”

Thereafter, petitioner convened an ad-hoc Committee on Administrative Investigation and conducted an investigation. On October 3, 1988 at a clarificatory hearing of the committee Diamante appeared and was investigated with the assistance of his counsel, Atty. Allan Zamora, and PALEA representative Mario Cornelio. During the hearing, it was agreed to reset the hearing on October 24,

1988, to give Diamante a chance to confront Pineda. After several postponements, there was never a confrontation. No confrontation occurred due to the fact that the committee unilaterally set the confrontation on November 11, 1988, at Tuguegarao Airport, Cagayan, despite the previous agreement of the parties and respondent counsel's request to reset it on November 22, 1988, in Manila. The Committee, after deliberation, resolved the case on the basis of the evidence on record.

On December 14, 1988, Diamante received a notice of his dismissal from the service by an office memorandum, dated November 29, 1988.

On January 17, 1989, Diamante filed with the National Labor Relations Commission, Regional Arbitration Branch No. VI, Bacolod City, a Complaint^[4] against Philippine Airlines, Inc. for illegal dismissal, reinstatement with backwages and damages.

On October 28, 1992, Labor Arbiter Merlin Deloria rendered a Decision^[5] declaring the dismissal legal and valid.

On November 26, 1992, Diamante appealed the decision to the National Labor Relations Commission (NLRC).

On March 18, 1994, the NLRC rendered a decision granting Diamante's appeal and setting aside the Labor Arbiter's decision and ordering the reinstatement of Diamante with three years backwages.

On April 8, 1994, petitioner filed a motion for reconsideration which the NLRC denied in a resolution dated May 31, 1994.

Hence, this petition.^[6]

The principal issue before us is whether respondent was illegally dismissed which would entitle him to reinstatement with backwages. Petitioner alleges that the National Labor Relations Commission committed a grave error in ruling that private respondent was not accorded his full constitutional right to due process of law.

We reiterate the rule that in certiorari proceedings under Rule 65 of the Revised Rules of Court, this Court does not assess and weigh the sufficiency of evidence upon which the labor arbiter and the NLRC based their decisions. Our query is limited to the determination of whether or not public respondent acted without or in excess of jurisdiction or with grave abuse of discretion in rendering the assailed decisions.^[7] When the findings of fact of the NLRC contradict those of the labor arbiters this Court must of necessity review the records to determine which findings should be preferred as more conformable to the evidentiary facts.^[8]

Regarding the legality of respondent's dismissal, we note that respondent was found to have violated the Company Code of Discipline. We recognize the right of an employer to regulate all aspects of employment. This right, aptly called management prerogative, gives employers the freedom to regulate, according to their discretion and best judgment, all aspects of employment, including work assignment, working methods, processes to be followed, working regulations transfer of employees, work supervision, lay-off of workers and the discipline, dismissal and recall of workers.^[9] In general, management has the prerogative to discipline its employees and to impose appropriate penalties on erring workers pursuant to company rules and regulations.

With respect to the procedural aspect of private respondent's dismissal, he was given ample opportunity to present his side and to defend himself against the charges against him. He had every opportunity to be heard. Petitioner sent a letter dated July 8, 1988, to respondent, requiring him to answer the charges against him. He participated in the investigation conducted by the company and he appeared with his counsel on October 3, 1988. After investigation, he was notified of his dismissal. The fact that respondent Diamante was not able to confront Pineda did not mean that he was deprived of his right to due process.

The essence of due process is simply an opportunity to be heard, or as applied to administrative proceedings, an opportunity to explain one's side. A formal or trial type hearing is not at all times and in all instances essential to due process, the requirements of which are

satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy.^[10]

Since private respondent's dismissal was for just and valid cause, the order of public respondent for the reinstatement of private respondent with award of backwages has no factual and legal basis.

WHEREFORE, the petition is hereby **GRANTED**. The challenged decision and resolution of the National Labor Relations Commission are **SET ASIDE**. In lieu thereof, the decision of the Labor Arbiter dated October 28, 1992, is **AFFIRMED**.

No costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan and Ynares-Santiago, JJ., concur.

[1] In NLRC Case No. V-0008-93.

[2] Rollo, pp. 29-44, Annex "A" of the petition.

[3] Rollo, pp. 45-49, Annex "B" of the petition.

[4] Rollo, pp. 71-76, Annex "D" of the petition.

[5] Rollo, pp. 50-70, Annex "C" of the petition.

[6] Petition, filed on June 28, 1994, Rollo, pp. 2-28. On February 28, 1996, we gave due course to the petition (Rollo, p. 327).

[7] *Philippine Airlines vs. NLRC*, G. R. No. 126805, March 16, 2000, citing *Industrial Timber Corporation vs. NLRC*, 273 SCRA 200 (1997).

[8] *Arboleda vs. NLRC*, 303 SCRA 38, 44 (1999).

[9] *Tierra International Construction Corp. vs. NLRC*, 256 SCRA 36, 42 (1996), citing *San Miguel Brewery vs. Ople*, 170 SCRA 25 (1989).

[10] *National Semiconductor Distribution, Inc. vs. NLRC*, 291 SCRA 348, 355 (1998), citing *Llora Motors, Inc. vs. Drilon*, 179 SCRA 175 (1989).