

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
THIRD DIVISION**

**ARIS PHILIPPINES, INC.,
*Petitioner,***

-versus-

**G.R. No. 97817
November 10, 1994**

**NATIONAL LABOR RELATIONS
COMMISSION, CONFEDERATION OF
FILIPINO WORKERS ARIS PHILS.,
WORKERS UNION and ARNEL
SANTOS,**

Respondents.

X-----X

DECISION

VITUG, J.:

This Petition for *Certiorari* assails the Decision of the National Labor Relations Commission (“NLRC”), which affirmed the Decision of the Labor Arbiter, and the NLRC Resolution of 14 February 1991, denying herein petitioner’s Motion for Reconsideration.

On 28 September 1988, Arnel Santos, when questioned by Eufemia Bautista, a canteen helper, for his use of somebody else’s identification card (“ID”), flared up and shouted invectives (“wala kang pakialam! Kung gusto mo, itapon ko itong mga pagkain ninyo”)

at her. When he noticed that some people were staring at him rather menacingly, he left the canteen posthaste but returned a few minutes later to remark challengingly: “Sino ba ang nagagalit?” Forthwith, he began smashing some food items on display for sale at the canteen. He then slapped Eufemia which caused her to fall and suffer slight contusions. The security officer-in-charge submitted a report on the incident to the company officials. Eufemia filed, on September 1988, a written complaint with Jesus Perez, the personnel manager of Aris, against Santos.

Perez issued a memorandum and required Santos to explain in writing why no disciplinary action should be taken against him. On 01 October 1989, Santos submitted an explanation. He admitted his misconduct but tried to explain it away by saying that he was under the influence of liquor at the time of the incident. On 17 October 1988, the personnel manager issued a letter of termination from employment of Santos for “gross misconduct seriously violative of (the) company rules and regulations.”

Some time later, Eufemia filed with the “Lupong Tagapayapa” of Barangay Orando, a complaint against Santos. She eventually filed with the Municipal Trial Court of Pasig, Metro Manila, a complaint charging Santos with slight physical injuries. She, however, subsequently executed an affidavit of desistance, and the complaint was thereupon dismissed.

Santos and the Confederation of Filipino Workers-Aris Philippines Workers Union (Union) filed a complaint for illegal dismissal. On 21 July 1989, Labor Arbiter Edilberto J. Pangan rendered a decision, the dispositive portions of which read:

“WHEREFORE, respondent Aris Philippines, Inc. is hereby ordered to reinstate complainant Arnel Santos to his former position, or any equivalent one without backwages.

“The period from the date of his dismissal on September 1988 up to his actual reinstatement shall be considered as the penalty for his misbehavior and/or misconduct. Should he commit any offense and/or any infraction which is punishable by dismissal pursuant to the Manual of Personnel Policies and Procedures,

complainant will accept the penalty, and abide by the respondent's decision.”^[1]

An appeal was timely interposed with the NLRC. On 28 December 1990, the NLRC affirmed the decision of the Labor Arbiter. The NLRC further observed:

“The slapping/punching incident involving the complainant and Ms. Bautista happened in the canteen. The misconduct of the complainant, therefore, was not connected with his employment. As a matter of fact, said incident did not, in any way, disrupt the operations of respondent. Consequently, the ultimate penalty of dismissal is too severe.”^[2]

Hence, the instant petition on the ground that respondent NLRC gravely abused its discretion when it held that the acts of private respondent did not constitute serious misconduct that could justify his dismissal from employment.

We must deny the petition.

The just causes of termination of employment are specifically enumerated in Article 282 of the Labor Code. Hence —

“Art. 282. Termination by employer. — An employer may terminate an employment for any of the following causes:

- “(a) Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work;
- “(b) Gross and habitual neglect by the employee of his duties;
- “(c) Fraud or willful breach by the employee of the trust reposed in him by his employer or duly authorized representative;
- “(d) Commission of a crime or offense by the employee against the person of his employer or any immediate

member of his family or his duly authorized representative; and

“(e) Other causes analogous to the foregoing.” (Emphasis supplied.)

It is not disputed that private respondent has done, indeed he has admitted to having committed, a serious misconduct. In order to constitute a “just cause” for dismissal, however, the act complained of must be related to the performance of the duties of the employee such as would show him to be thereby unfit to continue working for the employer.^[3] While we do not condone the guilt of private respondent, we, nevertheless, are concluded by the factual finding of the NLRC that his misconduct is not work-related and did not, in any way, disrupt the operations of the company.

WHEREFORE, the Petition is **DISMISSED**, and the Temporary Restraining Order issued by this Court on 15 April 1991 is now **LIFTED**. No costs.

SO ORDERED.

Bidin, Romero and Melo, JJ., concur.
Feliciano, J., is on leave.

[1] Rollo, pp. 18-19.

[2] Rollo, p. 21.

[3] Alcantara, Philippine Labor and Social Legislation Annotated, vol. 1, 1991 ed., p. 625; Tolentino vs. NLRC, 152 SCRA 717.