

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**ASIAN DESIGN AND
MANUFACTURING CORPORATION,**
Petitioner,

-versus-

**G.R. No. 70552
May 23, 1986**

**THE HONORABLE DEPUTY MINISTER
OF LABOR AND CRISPIN LAVAREZ,
JR.,**

Respondents.

X-----X

RESOLUTION

ABAD SANTOS, J.:

Crispin Lavarez, Jr., the private respondent, challenged his dismissal by his employer Asian Design and Manufacturing Corporation, the petitioner, but the Regional Director of the Ministry of Labor and

Employment in Region No. 7 dismissed his complaint for lack of merit.

According to the Regional Director:

“The causes of complainant’s dismissal were repeated utterances of obscene, insulting or offensive words against a superior during and within working areas and making false and/or malicious statements against a superior, and violation of company rules and regulations. At one time, complainant uttered the following words to his co-employees: ‘If you don’t give a goat to the foreman you will be terminated. If you want to remain in this company, you have to give a goat.’ At another time he uttered the following remarks: ‘You render overtime work so that you can buy a coffin.’ A piece of paper posted on the wall of the comfort room contained statements which read: ‘Notice to all Sander — Those who want to remain in this company, you must give anything to your foreman. Failure to do so will be terminated — Alice ‘80.’ These statements were directed against the foreman Mrs. Alice Ermac and the complainant was the only one among the workers of respondent who was capable of doing it. These utterances, according to respondent, are destructive to the morale of the workers and affect efficient work performance. Paragraph 3 of Classification F of the company rules and regulations provides: ‘Using obscene, insulting or offensive language or words against co-employees within working areas. (If against a superior, immediate discharge),’ Thus, for all these acts, complainant has been dismissed.” (Rollo, pp. 15-16.)

Crispin Lavarez, Jr. appealed to the public respondent who sustained the appellant. He directed Asian Design and Manufacturing Corporation “to reinstate complainant to his former position with backwages of P3,456.00.” (Rollo, p. 21.) In reversing the order of the Regional Director, the public respondent said “that the charges levelled against complainant by Mrs. Alice Ermac are not backed by substantial evidence.” (Id.) Thus, according to the public respondent, “It is not clear whether the utterances of complainant on 3 June 1980 were directed against foreman Alice Ermac. Even if they were true nowhere in the record was there clear indication to whom said

statements were directed. Moreover, on their face value, these utterances can hardly be described as obscene, insulting or offensive words even if they were directed to a superior.” (Rollo, pp. 20-21.)

The issue is whether or not the public respondent committed a grave abuse of discretion in reversing the decision of the Regional Director. Stated differently, was the decision of the Regional Director not supported by substantial evidence?

Private respondent’s comment merely repeats the statements of the public respondent. Upon the other hand, the Solicitor General states that the petition is meritorious because “a cursory perusal of the Regional Director’s order dated August 7, 1980 will readily show that his factual findings are not merely conjectural but are supported by substantial evidence. He did not commit any misappreciation of the facts or misapplication of the law and therefore, the reversal of his order by public respondent is unjustified.” (Rollo, pp. 50-51.) The public respondent who also filed a comment merely reiterated what he had said in his order.

We sustain the Solicitor General. An examination of the record shows that the private respondent referred specifically to Mrs. Alice Ermac, the foreman, when he told his co-employees: “If you don’t give a goat to the foreman, you will be terminated. If you want to remain in this company, you have to give a goat.” In fact the public respondent acknowledges as much but minimizes the matter by saying that the utterance “can hardly be described as obscene, insulting or offensive words even if they were directed to a superior.”

We hold that the Regional Director has more sensitivity to the nature and effect of the words. He said:

“It is the finding of this office that complainant’s acts which were made the grounds for his dismissal were not only destructive of the morale of his co-employees and a violation of the company rules and regulations, but also constitute gross misconduct which is one of the grounds provided for by law to terminate services of an employee.” (Rollo, p. 16.)

WHEREFORE, the Petition is granted. Public respondent's Order dated August 3, 1983 is set aside and the Temporary Restraining Order is made permanent. Costs against the private respondent.

SO ORDERED.

Yap, Narvasa, Melencio-Herrera and Cruz, JJ., concur.

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