

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
FIRST DIVISION**

**AUGUSTO EVANGELISTA,**  
*Petitioner,*

*-versus-*

**G.R. No. 93915  
March 22, 1991**

**NATIONAL LABOR RELATIONS  
COMMISSION and ARTURO  
MENDOZA,**  
*Respondents.*

X-----X

**DECISION**  
**(RESOLUTION dated October 11, 1995)**

**GANCAYCO, J.:**

The Supreme Court is not a trier of facts. Invariably it must rely on the findings of facts of the administrative bodies unless there is a showing of a grave abuse of discretion. This petition is a typical example which does not warrant a departure from this accepted rule.

Private respondent was employed as a driver of one of the buses operated by petitioner. In April, 1977, private respondent filed a complaint for illegal dismissal against petitioner before the labor arbiter. He alleged therein that in 1976 his child was hospitalized so he submitted to petitioner the medicare papers to help him pay for

the hospitalization. Instead, petitioner scolded him so he was forced to seek assistance from the Social Welfare Administration (SWA). He decided to secure a salary loan from the SSS in the amount of P1,000.00. So, he submitted the Social Security System (SSS) forms to be accomplished by petitioner and when he asked for the detached portion thereafter, he was scolded anew and was not allowed to drive a bus anymore.

On the other hand, petitioner alleges that private respondent had never been dismissed from the service; that on April 27, 1977, the bus being driven by respondent figured in a traffic accident so an information for reckless imprudence resulting in damage to property was filed against him by the City Fiscal of Manila; and that respondent abandoned his job as there was a warrant for his arrest.

In due course, a decision was rendered by labor arbiter finding private respondent to have been illegally dismissed, and ordering the reinstatement of private respondent with backwages for one (1) year. The appeal therefrom interposed by both parties was resolved by the National Labor Relations Commission (NLRC). The NLRC affirmed the labor arbiter's decision with the modification that petitioner should pay private respondent three (3) years backwages.

Hence, petitioner filed in this Court a petition for *certiorari* docketed as G.R. No. 56388 alleging that the respondent NLRC committed a grave abuse of discretion in rendering its decision. On March 27, 1985, this Court rendered a resolution finding merit in the petition, setting aside the questioned decision of the respondent Commission, and remanding the case to the labor arbiter for full hearing wherein both parties may present their respective evidence, including the outcome of the criminal case filed against respondent Mendoza.

In due course, the labor arbiter, after hearing and based on the records submitted by the parties, the original record having been lost, rendered a decision on February 17, 1989 finding petitioner to have illegally dismissed private respondent and ordering him to reinstate private respondent as a driver with one (1) year backwages and to pay an additional sum of P290.00.

Both parties appealed to the NLRC . On May 23, 1990, a decision was rendered affirming the challenged decision with the modification that the backwages to be paid to private respondent is for three (3) years. Labor Employment Officer Erlinda Hipolito was directed to turn over to private respondent the amount of P1,000.00 which she received as partial payment from petitioner in this case on February 26, 1981.

Hence, the herein petition for *certiorari* filed by petitioner, the main thrust of which is that the public respondent NLRC committed a grave abuse of discretion in upholding the finding of illegal dismissal of petitioner based on mere conjectures and surmises without any substantial evidence.

The issue raised, therefore, is factual and this Court is bound by the finding of facts of administrative bodies like the NLRC.

Moreover, an examination of the record of the case shows that the findings of facts made by the NLRC are not based on surmises or conjectures but on positive evidence adduced by private respondent in that he was removed from his job because he sought assistance from petitioner for his child who was hospitalized. He had to seek help from the SWA and to apply for a salary loan with the SSS. He asked the petitioner to sign certain forms which had to be submitted to the SSS. The petitioner scolded him anew and did not allow him to report back for work.

The dismissal of private respondent, therefore, was not because of the accident that happened on April 27, 1977 wherein the respondent caused damage to the property. Indeed, the criminal case arising therefrom, whereby private respondent was charged with reckless imprudence resulting in damage to property was terminated on March 9, 1988, the same having been provisionally dismissed by the court inasmuch as the complaining witness could not be located.

Thus, even on this account it cannot be imputed that private respondent was negligent in driving the bus of petitioner, causing damage thereby, as the very case against him was provisionally dismissed.

The petitioner alleges that because private respondent was in hiding, as he could not raise the bail when he was ordered arrested in said criminal case, he thereby abandoned his job. On the contrary, even under the said circumstances, private respondent pursued his complaint before the labor arbiter which only shows that he had no intention to abandon his work.

Sadly indeed, the record of this case was lost not once but four times in the labor arbiter's offices and it was only due to the persistence and diligence of private respondent in pursuing his lawful claim that this case has finally reached its conclusion after almost fourteen (14) years of pendency.

The Court finds and so holds that private respondent had been illegally dismissed and the questioned decision of the respondent NLRC is well-taken.

**WHEREFORE**, the Petition is **DISMISSED**, with costs against petitioner.

**SO ORDERED.**

**Narvasa, Cruz, Griño-Aquino and Medialdea, JJ., concur.**