

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**KAPISANAN NG MANGGAGAWA SA
CAMARA SHOES, DEMETRIO RAMOS
and ANANIAS ASTURIAS,**
Petitioners,

-versus-

**G.R. No. L-50985
January 30, 1982**

**CAMARA SHOES AND HEIRS OF
SANTOS CAMARA, NATIONAL LABOR
RELATIONS COMMISSION AND
MINISTER OF LABOR,**
Respondents.

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D E C I S I O N

MAKASIAR, J.:

MELENCIO-HERRERA, J., concurring:

Petition for *Certiorari* to Review the Decision of Labor Arbiter Sofronio A. Ona dated February 19, 1976, which was affirmed by the National Labor Relations Commission in a resolution dated April 14, 1977 and by the Minister of Labor in an order dated February 19, 1979, so as to include backwages.

The petitioner Kapisanan ng Manggagawa sa Camara Shoes is a legitimate labor union composed of the employees of the respondent Camara Shoes; and the heirs of Santos Camara are the surviving heirs of the late Santos Camara, the proprietor of Camara Shoes. Petitioners Demetrio Ramos and Ananias Asturias are members of the petitioner Union.

It appears that on October 23, 1969, the Acting Assistant Chief Prosecutor of the defunct Court of Industrial Relations, in behalf of herein petitioners, Kapisanan ng Manggagawa sa Camara Shoes, Demetrio Ramos, and Ananias Asturias, members of said labor union, charged Camara Shoes and its owner, Santos Camara, with unfair labor practice for deducting P1.00 a day from Ramos' salary, and later suspending him from his work, and dismissing Asturias because of union activities. The case was docketed as Case No. 5355-ULP (pp. 14-16, rec.).

In their answer dated November 18, 1969, private respondents claim that petitioner Demetrio Ramos was deducted the amount of P1.00 from his wages to pay his indebtedness of P50.00 which he incurred for medical expenses when he fell off a horse and that after the full payment thereof, the deduction was stopped; that he was suspended because he dirtied the payroll by unnecessarily writing "under protest" on the payroll, and that after serving his penalty he was reinstated; and that petitioner Asturias was dismissed because as supply purchaser, he altered the figures in the receipts and pocketed the difference (p. 17, rec.).

On February 19, 1976, Labor Arbiter Sofronio A. Ona rendered a decision, the dispositive portion of which reads:

"WHEREFORE, respondents Camara Shoes and Santos Camara are hereby declared not guilty of committing unfair labor practices against the complainants. Respondents are hereby directed to reinstate Ananias Asturias to his former position without backwages. The complaint of Demetrio Ramos, having become moot and academic by his subsequent reinstatement is hereby DISMISSED" (pp. 20-21, rec.).

The petitioners filed an appeal dated March 23, 1976 (pp. 22-32, rec.) to the National Labor Relations Commission, Manila, which, however, in a resolution dated April 14, 1977, dismissed the appeal for having been filed out of time (p. 33, rec.).

Appeal was then taken to the Minister of Labor, who likewise dismissed the appeal in an order dated February 19, 1979 (pp. 49-51, rec.).

Hence, the instant petition.

As found by the Labor Arbiter, the following are the antecedent facts of the case:

“ANANIAS ASTURIAS

“It appears that complainant Ananias Asturias, while employed as mechanic of the respondent on May 20, 1969, was directed to buy needles costing P13.00. The amount as stated in the receipt was tampered and changed to P18.00 (Annex E). The following day, two other employees were sent to buy the same size and quality of needles from the same store, J.B.Y. Tanlimco Sons, Inc., and it was discovered that the needles still cost P13.00 (Annex E-1). For overpricing in the amount of P5.00, complainant was justifiably dismissed from the service on May 22, 1969. While it is shown that the complainant Asturias was engaged in union activities since 1966, union membership and/or activities are not absolute insurance for his continued employment with the company. Disciplinary action against erring employee remains a management prerogative. Considering, however, the offense complainant Asturias committed, an act of overpricing amounting to only five pesos, and considering further that his main work is as a mechanic and not as a buyer, reinstatement without backwages should be expected under our Compassionate Society (PAL vs. PALEA Case, G.R. L-24626).

“DEMETRIO RAMOS

“It appears that complainant Ramos was being deducted the amount of P1.00 by the respondent in partial payment of his loan of P50.00 for medical expense, and P500.00 for two (2) cartloads of second hand lumber and building materials taken from the demolished store at Nueva Street. Complainant agreed to the deduction as partial payment of his obligations but later on spoiled the payroll of the company by placing therein ‘under protest.’ For this act of dirtying the official copy of the payroll, he was justifiably suspended indefinitely on May 28, 1969, hence, the complaint for reinstatement. Clearly the suspension of the complainant is for cause and could not be attributed to unfair labor practice. On July 1, 1969, complainant was reinstated (Exh. ‘B’) after one month suspension, rendering this case moot and academic” (pp. 19-20, rec.).

It may be well to state that while it is true that findings of fact of the Ministry of Labor and the National Labor Relations Commission are entitled to great respect, however, such rule finds exception where the findings of fact, or conclusions made therefrom, are not supported by substantial evidence, or when there is grave abuse of discretion committed by said public officials, as in the case at bar.

As to petitioner Asturias, a close examination of the records shows that said petitioner was unjustifiably dismissed by respondent company on May 22, 1969. WE cannot lend credence to the contention of herein respondents that petitioner Asturias was shown to have overpriced the cost of needles he was ordered to buy by tampering and changing the amount of P13.00 appearing in the receipt to P18.00, thus overpricing in the amount of P5.00. Such contention, to OUR mind, is too naive to be worthy of belief. The records show, and this was not disputed by private respondents herein, that petitioner Asturias was given the amount of P13.40 by the cashier of respondent company Camara Shoes to buy needles; P13.00 for the needles and P.40 for transportation expenses. With the foregoing as backdrop, there would have been no basis to charge petitioner Asturias with overpricing because nowhere in the records was it amply shown that petitioner Asturias attempted to collect the difference or asked for and was given reimbursement in the amount of P5.00 by the respondent company, if it were true that Asturias tampered and changed the amount appearing in the receipt.

Moreover, neither the cashier of the respondent company who is in charge of disbursement of company funds nor the representative of the store where the needles were bought, were presented as witnesses to corroborate and substantiate the self-serving testimony of the late Santos Camara that petitioner Asturias overpriced the cost of needles.

Obviously, it is highly implausible and far-fetched to dramatize petitioner's dismissal as being based on a justifiable cause. Rather, what is more apparent here is the arbitrariness and high-handedness to which petitioner Asturias was subjected by said respondent Camara whose relations with herein petitioner was particularly strained by the union activities of the latter. The act of the respondent company in thus dismissing petitioner from his job is, therefore, unjustified, arbitrary, and without just cause. True it is that to dismiss or lay off an employee is management's prerogative; but it must be done without abuse of discretion, for what is at stake is not only petitioner's position but also his means of livelihood (*Bachiller vs. NLRC*, 98 SCRA 393, 396).

With respect to petitioner Demetrio Ramos, petitioner alleges that the deduction of P1.00 a day from his salary without his consent was unlawful; and that when he wrote "under protest" on the company payroll, he was merely exercising his right to air his grievances on the unauthorized deductions made by respondent company. Petitioner denied that he incurred a loan from the respondent company in the amount of P50.00, and P500.00 for two cartloads of second hand lumber and building materials taken from the demolished store at Nueva Street. Petitioner asserts that his suspension was due primarily to his union activities. He contends that his suspension was discriminatory and constitutes an unfair labor practice.

There is merit in this contention. The records amply show that petitioner Ramos has been an active member of the union since he joined the same in July 1966 and participated in the strike on November 14-23, 1966 (p. 8, rec.). Thereafter, it is not disputed that private respondent herein began to discriminate against and even dismissed active union members, which discriminations and dismissals were the subject of the following unfair labor practice cases filed against the respondent company.

“August 16, 1967 — Case No. 5013-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes, et al. versus Santos Camara’ for dismissal of G. Antonio and 5 others and reduction of working days of the workers.

“January 15, 1968 — Case No. 4949-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes, et al. versus Santos Camara’, for suspension/dismissal of Demetrio Ramos, Agripino Andanar, Ananias Asturias, Lydia Liboon and Rosita San Jose.

“February 15, 1968 — Case No. 4999-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Leon Quinsa versus Santos Camara’, for suspension of Leon Quinsa.

“September 25, 1968 — Case No. 5215-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Marcos G. Basilio versus Santos Camara and Camara Shoes’, for dismissal of Union President Marcos G. Basilio.

“July 1, 1969 — Case No. 5363-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Juan Labastida versus Camara Shoes and Santos Camara’, for dismissal of Juan Labastida.

“July 1, 1969 — Case No. 5376-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Virgilio Santos versus Santos Camara’, for dismissal of Virgilio Santos.

“July 8, 1970 — Case No. 5487-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes, Antonio Ignacio and Pedro Valentin versus Santos Camara’, for dismissal of Pedro Valentin and harassment of Antonio Ignacio.

“October 29, 1970 — Case No. 5724-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Ricardo dela Peña versus Camara Shoes and Santos Camara’, for dismissal of Ricardo dela Peña.

“February 12, 1974 — Case No. 5822-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Federico Banawa versus Santos Camara and Camara Shoes’, for dismissal of Federico Banawa.

“January 26, 1973 — Case No. 5986-ULP, ‘Kapisanan ng Manggagawa sa Camara Shoes and Magno Murphy versus Santos Camara’, for dismissal of Magno Murphy” (p. 104, rec.).

Except Case No. 5362-ULP which was dismissed and Case No. 5487-ULP which was also dismissed with respect to the complaint of Antonio Ignacio, all the other cases were decided in favor of the union and its members.

As to the allegation of private respondents that the amount of P1.00 was deducted from Ramos’ wages to pay his indebtedness to the company, the following pertinent observations in the decision of Judge Salome A. Montoya of the Municipal Court of Makati, dismissing Civil Case No. 8982 entitled “Santos Camara vs. Demetrio Ramos” are in point:

“DECISION

“The plaintiff Santos Camara seeks to collect from the defendant Demetrio Ramos an alleged indebtedness of P450.00.

“It appears from the evidence in this case that there is a labor dispute in the background of this suit. The defendant Ramos testified that he had been an active member of their labor union and had been among those who brought labor cases against the plaintiff Camara in the Court of Industrial Relations. One of the principal grounds for their filing of the unfair labor practices against the plaintiff was precisely the fact that the latter had been making illegal and unauthorized deductions from his pay which are the P1.00 deductions allegedly in payment for the lumber he took in 1964. The Court notes that while plaintiff claims that defendant took the lumber in 1964 and should therefore have started paying for the same, he started making deductions of P1.00 from the defendant’s pay only beginning

April 1969 when there had already been strained labor relations between the plaintiff and his employees among whom is the defendant. In fact plaintiff made a demand for the payment of P500.00 only on January 17, 1969 (Exh. 'C' for plaintiff, Exhibit '1' for defendant), after cases for unfair labor practices were filed against him by the defendant, and the labor union to which the latter belonged.

“The defendant presented as exhibits copies of the complaints in the following cases before the Court of Industrial Relations:

- “1. Case No. 2327 V entitled Kapisanang Manggagawa sa Camara Shoes et al., (including Demetrio Ramos) vs. Santos Camara dated June 26, 1967 [Exhibit 3-A];
- “2. Case No. 4949-ULP entitled Kapisanang Manggagawa sa Camara Shoes, et al. (including Demetrio Ramos) vs. Santos Camara dated December 11, 1963 [Exhibit d-B];
- “3. Case No. 5355-ULP entitled Kapisanang Manggagawa sa Camara Shoes, Demetrio Ramos and Ananias Asturias vs. Camara Shoes and Santos Camara dated October 23, 1969 [Exhibit 3].

“The existence of the aforesaid facts raises a doubt in the mind of the court as to the merit of plaintiff’s complaint. Other than his personal testimony to the effect that defendant had agreed to pay P500.00 for the lumber received by the latter, no further evidence supported the existence of the alleged obligation. Upon the other hand, the status of the defendant . . . could not afford to buy wood worth P500.00; the fact that plaintiff made no demands for payment of the supposed obligation until after five (5) years later when labor disputes between the parties were presumably at their peak; and the fact that defendant appeared to have been an active member of the union and was in fact an individual complainant against the plaintiff in all the labor cases pending in the CIR, lend credence to the claim of the defendant that he had in fact no obligation to the plaintiff and that the present action is only for harassment

purposes. Indeed, it could be that plaintiff filed this case to justify or support his having made deductions from the defendant's salary which deductions are among the subject of the labor cases he faced with the

CIR. . . ." (pp. 27-28, rec.).

It is thus all too clear from the foregoing that petitioner Ramos was justified in airing his grievances against the unauthorized and illegal deductions made by respondent company. By writing "under protest" on the company payroll, petitioner Ramos was well within the ambit of his constitutional freedom of expression as well as the right to petition against what was obviously a calculated undue harassment amounting to unfair labor practice perpetuated by respondent employer herein.

Accordingly, herein petitioner Ananias Asturias is therefore entitled to reinstatement with back wages pursuant to the policy to decree back wages not exceeding three (3) years without requiring the parties to submit or show proof of compensation received from other sources at the time of illegal dismissal until actual reinstatement, in order that judgment in favor of an employee or laborer can be executed without delay (Union of Supervisors [R.B.] NATU vs. The Secretary of Labor and Republic Bank, G.R. No. L-39889, November 12, 1981). Petitioner Demetrio Ramos, who was illegally suspended for one (1) month, is entitled to one month back wages.

WHEREFORE, THE ASSAILED ORDER DATED FEBRUARY 19, 1979 OF RESPONDENT MINISTER OF LABOR AFFIRMING THE FEBRUARY 19, 1976 DECISION OF THE LABOR ARBITER IS HEREBY MODIFIED, AND THE RESPONDENT CAMARA SHOES AND HEIRS OF SANTOS CAMARA ARE HEREBY ORDERED TO PAY PETITIONER ANANIAS ASTURIAS BACK WAGES EQUIVALENT TO THREE (3) YEARS WITHOUT QUALIFICATION AND TO PAY PETITIONER DEMETRIO RAMOS ONE (1) MONTH BACK WAGES.

THIS DECISION IS IMMEDIATELY EXECUTORY.

SO ORDERED.

Teehankee, C.J., (Chairman), Fernandez, Guerrero and Plana, JJ., concur.

SEPARATE OPINION

MELENCIO-HERRERA, J., concurring:

I concur in so far as Demetrio Ramos is concerned, his alleged loans not having been substantiated. I dissent in respect to Ananias Asturias, the matter of overpricing by him having been found as a fact below.