

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
SECOND DIVISION**

**NORTHERN MOTORS, INC.,  
*Petitioner,***

***-versus-***

**G.R. No. L-10022  
January 31, 1958**

**NATIONAL LABOR UNION AND  
COURT OF INDUSTRIAL RELATIONS,  
*Respondents.***

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**DECISION**

**PARAS, J.:**

This is an appeal from a decision of the Court of Industrial Relations dated November 10, 1955, ordering the reinstatement of Antonio Alcantara, a member of the respondent, National Labor Union, without back wages.

It appears that Antonio Alcantara was dismissed by the petitioner, Northern Motors, Inc., on June 12, 1953. Respondent Union contested the dismissal and brought the case before the Court of Industrial Relations. After hearing, Antonio Alcantara was found to have smoked in the painting booth of the petitioner, contrary to its rules and regulations, and was declared to have been justifiably dismissed. Acting upon a motion for reconsideration filed by

respondent Union, the Court of Industrial Relations en banc affirmed the findings of the trial judge but changed the order of dismissal to that of reinstatement without back wages. Judge Martinez dissented, on the ground that no reason has been shown for the reinstatement. The petitioner has appealed.

The only question that arises is whether or not the act of which Antonio Alcantara was found guilty is a just cause for dismissal. It has been proved and is not disputed that Alcantara was an experienced painter and, having worked with the petitioner for some time, he knew that smoking in a painting booth is extremely hazardous. Such smoking has been shown to be dangerous, because the painting booth contained inflammable dusts and materials and there were painters who could proceed to take up a spray gun and paint without warning, thereby multiplying the danger of configuration from any flame. Indeed, the petitioner insisted in the rule against smoking in the painting booth to protect the very lives of its employees, especially those in the painting booth. We are constrained to hold that Alcantara's offense was grave and warranted his dismissal. The order of reinstatement complained of was obviously based on sympathy and no back wages having been awarded.

Consistently with the policy of promoting the welfare of labor, the interest of justice demands that capital should not be abused. Were, as in this case, the employer imposed and insisted in a regulation designed for the safety of the laborers themselves, a violation thereof by the latter is a just cause for outright dismissal which in effect protects labor and at the same time gives capital its due.

**WHEREFORE**, the Decision appealed from is hereby reversed and the dismissal of Antonio Alcantara declared to have been for a just cause. So ordered without pronouncement as to costs.

**Bengzon, Padilla, Montemayor, Reyes, Labrador, Concepcion, Reyes, Endencia and Felix, JJ., concur.**