

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
EN BANC**

**ORMOC SUGAR CO., INC., and
RODOLFO M. REVILLA,**
Petitioners,

-versus-

**G.R. No. L-15826
January 23, 1961**

**OSCO WORKERS FRATERNITY LABOR
UNION (OWFLU), BENITO
PORCADILLA and THE HONORABLE
JOSE S. BAUTISTA, ARSENIO I.
MARTINEZ, BALTAZAR M.
VILLANUEVA and EMILIANO C.
TABIGNE, as Judges of the COURT OF
INDUSTRIAL RELATIONS,**
Respondents.

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DECISION

LABRADOR, J.:

On October 15, 1957, the respondent OSCO Workers Fraternity Labor Union (OWFLU) filed with the respondent Court of Industrial Relations a complaint for unfair labor practices against the petitioners, the Ormoc Sugar Company, Inc., a corporation organized under Philippine laws and engaged in the business of milling sugar

cane, and Rodolfo M. Revilla, the company's resident-manager of its mill factory at Ormoc City. In this complaint, which was docketed as "Court of Industrial Relations Case No. 126-ULP (Cebu)", the union charged the company and its aforesaid manager of having interfered with free union activities, discriminated against union members, and dismissed, without just and valid cause, the following union officers: Benito Porcadilla, Crispino Gendoy, and Andres Tabudlong. In their answer, the company denied the allegations of unfair labor practices and averred that the above named employees were dismissed for just and valid causes.

After due hearing, the Court of Industrial Relations, through Judge Baltazar M. Villanueva, entered a decision on March 23, 1959 finding the company and its manager guilty of unfair labor practices as defined in Section 4 (a), subsections 1, 3 and 4 of Republic Act No. 875. As to the dismissal of the aforementioned unionists, the court found the dismissal of Crispin Gendoy and Andres Tabudlong to be for just and valid cause. With respect to Benito Porcadilla, however, the court ruled that there was no valid cause for his dismissal and ordered the company to reinstate him with backwages.

Not satisfied with the portion of the decision finding that there was no valid cause for the dismissal of Benito Porcadilla and requiring his reinstatement, the petitioners filed a motion for reconsideration, but the court, sitting en banc, denied said motion. The petitioners instituted the instant proceedings, alleging that the respondent Court of Industrial Relations committed grave abuse of discretion in finding that there was no valid cause for the dismissal of Benito Porcadilla and in ordering the latter's reinstatement with backwages.

This Court in a long line of cases has repeatedly ruled that the findings of fact of the Court of Industrial Relations are binding upon this Court. Before the findings, however, of the Court of Industrial Relations can enjoy the stamp of finality, there are certain cardinal rules which must first be satisfied. These cardinal rules, stated in the case of "Ang Tibay vs. Court of Industrial Relations, et al.," 69 Phil., 635 are as follows: That the parties must be given the opportunity to present evidence, that the tribunal must consider the evidence presented, that the tribunal must have something to support its findings, and that the evidence supporting its findings must be

substantial. The same case defines substantial evidence as more than a mere scintilla. “It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” In the language of this Court in the case on *NLU vs. Philippine Education Co.* (G.R. No. L-4423, March 31, 1952):

“Findings on the weight of evidence by the Court of Industrial Relations are conclusive, but findings unsupported by substantial or credible proof are not binding on the reviewing court.”

In the instant case, the petitioners claimed that Porcadilla was dismissed for sleeping during his assigned working hours on at least two occasions, an imputation which was denied by Porcadilla. The record shows that the petitioners presented as their witnesses two security guards of the company and three co-workers of Porcadilla. The security guards were Prudencio Tan and Julian Tolentin, while the three workers were Saturnino Rollada, Catalino Necesito and Pedro Lumapas. Rodolfo Revilla likewise testified on this point. All these witnesses for the petitioners testified that Porcadilla was caught in flagrante delicto, sleeping during working hours on two occasions by Rodolfo M. Revilla, the company’s resident manager. The first occasion was on April 22, 1957, for which Porcadilla and two other employees, who were also caught sleeping, were fined and warned that any repetition of the same offense would result in their dismissal. The second time that Porcadilla was caught sleeping at his post was about one month later, on May 17, 1957. Revilla testified that for this second dereliction of duty on the part of Porcadilla the latter was dismissed.

The respondents presented Porcadilla alone. He denied that he slept during working hours. The respondents likewise placed, upon their voluntary initiative, Rodolfo M. Revilla on the witness stand and interrogated him on the cause for the dismissal of Porcadilla. As aforesaid, however, Revilla testified Porcadilla was dismissed for sleeping during working hours.

After carefully reviewing the record and the evidence presented in this case, this Court believes that the respondent Court of Industrial Relations erred in placing undue weight on the self-serving and

uncorroborated denial made by Porcadilla that he did not sleep in his post; and in totally disregarding, without giving any reason therefor, the testimonies of the five employees of the company who corroborated the testimony of Revilla to the effect that Porcadilla was dismissed for sleeping during working hours. As stated by Judge Emiliano S. Tabigne, who dissented from the majority opinion of the Court of Industrial Relations denying the motion for reconsideration filed by the company —

“The five persons who saw the employee sleeping are disinterested witnesses; and there is no reason why testimonies of these people, plus that of the manager, should not be given credit and weight.”

This Court fully agrees with the respondent that quality and not quantity of witnesses should be the primordial consideration in the appraisal of evidence. As between the testimonies, however, of the aforementioned five co-workers of Porcadilla, and the testimony of Porcadilla himself, this Court is inclined to resolve the conflict between the said testimonies in favor of the testimonies of the witnesses who do not appear to have any interest in this case. They are fellow employees of Porcadilla who worked on the same shift as Porcadilla. No valid reason was shown why they should testify falsely against Porcadilla. On the other hand, Porcadilla is personally interested and involved in this case — it was his dismissal that is in issue. He has every reason, therefore, to color his testimony. This is not to say that the testimony of a party litigant is not admissible in evidence. Section 25 of Rule 123 of the Rules of Court is clear on this point. Admissibility, however, is one thing, weight is another.

The very manner with which Porcadilla denied that he was caught sleeping, casts doubt on the veracity of his denial. Thus, according to Porcadilla, when Revilla made the inspection trip on May 17, 1957, (the occasion when, according to the evidence of petitioners, Porcadilla was caught sleeping) he (Porcadilla) was not asleep but was merely reclining near a certain basket. He added that when Revilla passed by the place where he was reclining, Revilla signalled Catalino Necesito (one of the witnesses presented by the petitioners) to wake him (Porcadilla) up. From this, one can gather that, assuming the truth of this testimony of Porcadilla, Porcadilla was completely

aware that Revilla believed that he was sleeping, otherwise there would have been no need of instructing somebody to wake him up. This notwithstanding, Porcadilla did not explain to, nor call the attention of, Revilla that he was not sleeping – something which he should have naturally done in the light of his own admission that he had been previously fined for sleeping and warned of dismissal for any repetition. To our mind, Porcadilla failed to tell Revilla that he was not sleeping because he was actually asleep.

Incidentally, the supposed lack of confrontation of Porcadilla when caught sleeping, which was used by the Court of Industrial Relations as an anchor for its decision, is belied by the very testimony of Porcadilla referred to above. That Revilla instructed somebody to wake Porcadilla up, to our mind, is enough confrontation.

The validity of dismissals must be evaluated in the light of its background and surrounding circumstances. (Standard Vacuum Oil Co. vs. Katipunan Labor Union, G.R. No. L-9666, Jan. 30, 1957.) In the case at hand, the evidence, as shown above, clearly establishes that Porcadilla was twice apprehended in flagrante delicto sleeping during his assigned working hours. That this dereliction of duty on the part of Porcadilla is a just cause for his dismissal need not be belabored here. The existence of a valid cause for the dismissal of Porcadilla negates the respondent's claim that Porcadilla was dismissed for union activities because the idea of dismissal by unfair labor practice is incompatible with dismissal for just cause.

WHEREFORE, the portion of the decision of the Court of Industrial Relations finding that there is no just cause for the dismissal of Porcadilla and requiring the petitioners to reinstate him with backwages, is hereby set aside, and the dismissal of the said Porcadilla is declared valid and justified. Without costs. So ordered.

Paras, C.J., Bengzon, Padilla, Concepcion, Reyes, Barrera, Gutierrez David, Paredes and Dizon, JJ., concur.