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3. At any rate, as of April 10, 1979, a new Rent Control Law, Batas Pambansa Blg. 25 was signed by the President and took effect immediately. Petitioners, if falling within the terms thereof, may avail themselves of the benefits of this new legislation.

**WHEREFORE,** the petition for *certiorari* is dismissed. Costs against petitioners.

*Antonio (Acting Chairman), Aquino, Concepcion Jr.,* and *Santos, JJ.*, concur.

*Abad Santos, J.*, took no part.

*Barredo, J.*, on official leave.

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**SECOND DIVISION**

[G.R. No. L-50150. May 3, 1979]

**CENTRAL TEXTILE MILLS, INC.,** *petitioner, vs.* **NATIONAL LABOR RELATIONS COMMISSION and DANIEL CORPUZ,** *respondents.*

**SYLLABUS**

**1. CONSTITUTIONAL LAW; BILL OF RIGHTS; DUE PROCESS; OBSERVED WHEN A PARTY WAS GIVEN ALL GIVEN ALL THE CHANCE TO PRESENT ITS EVIDENCE AND VENTILATE ITS ARGUMENTS BEFORE THE PUBLIC RESPONDENTS.—** There is no violation of the due process clause where management's accusation of theft against private respondents was investigated and thereafter and found without basis by two Assistant Fiscals of Quezon City, and the case underwent conciliation and then compulsory arbitration where evidence was adduced by both parties after which the adverse decision rendered by the Labor Arbiter was appealed to the National

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Labor Relations Commission which affirmed the decision with modifications and thereafter denied the motion for reconsideration. All these show that the petitioner was given all the chance to present its evidence and ventilate its arguments before the public respondents.

2. **LABOR AND SOCIAL LEGISLATION; TERMINATION OF EMPLOYMENT; LOSS OF CONFIDENCE; NOT SUFFICIENT CAUSE FOR DISMISSAL WHERE THE ACCUSATION IS NOT BORNE OUT BY THE EVIDENCE.** — The reliance on the allegation of loss of confidence to justify a dismissal would be to render nugatory the security of tenure provision if there where no reinstatement. Such a vague, all-encompassing pretext as loss of confidence, if given the seal of approval by the Court, could easily be utilized to reduce to a barren form of words the constitutional guarantee of security of tenure. Precisely, *the employee is afforded that protection so that his means of* livelihood is not placed at the mercy of management. He is just as much a participant in the industrial process. He is entitled to be considered as such. Constitutional provisions protecting labor are in line with the predominant thinking all over the world safeguarding human dignity. It would then be to ignore not only a mandate of the fundamental law but also a counsel of wisdom and fair play to impart to the concept of loss of confidence such latitudinarian scope. What matters the investigation undergone by the private respondent resulting in the affirmation of his innocence, if thereafter management would just rely on an alleged loss of confidence? The constitutional provision is not to be so easily brushed aside. *If it were otherwise, there would be failure, in the language of* the *Philippine Air Lines Inc. v. Philippine Air Lines Employees Association*, L-24626, June 30, 1974 opinion "to conform to the ideal of the New Society, the establishment of which was so felicitously referred to by the First Lady as the Compassionate Society."

3. ***ID.; ID.; ID.; TERMINATION THEREFOR APPLICABLE ONLY FOR EMPLOYEES OF MANAGERIAL RANK; INSTANT CASE.*** — There may be cases where an employee of a managerial rank would be hard put to avoid separation from the service on a showing that management no longer possesses confidence in his ability to perform the task entrusted to him. In the case at bar, the managerial status of private respondent is not borne

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out by the records of the case; there is no showing as to whether he, as overseer, could lay down management policies, or whether he can hire, fire, demote or promote or whether he can effectively recommend the foregoing courses of action.

4. **REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; SHALL BE DISMISSED FOR FAILURE TO PROVE THE OBLIGATION OF ARBITRARINESS.** — A petition for *certiorari* will be dismissed where the decision it seeks to set aside fails to prove the allegation of arbitrariness and consequent lack of due process.

**APPEARANCES OF COUNSEL**

*Eduard P. David & Associates* for petitioner.
*Marvin Ramos Hill & Associates* for private respondent.
*Solicitor General Estelito P. Mendoza* and *Assistant Solicitor General Reynato S. Puno* for respondent Commission.

## D E C I S I O N

**FERNANDO, *Acting C.J.*:**

The security of tenure included in the constitutional provision on protection to labor under the present Constitution affords sufficient basis for sustaining the decision of respondent National Labor Relations Commission sought to be set aside in this petition for *certiorari* filed by the employer.[1] The allegation of arbitrariness and consequent lack of due process, whether in its procedural or substantive aspect, by petitioner Central Textile Mills, Inc., lacks basis, as pointed out clearly by Solicitor General Estelito P. Mendoza in his Comment considered as the Answer.[2]

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[1] According to Article II, Section 9 of the Constitution: "The State shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration."

[2] He was assisted by Assistant Solicitor General Reynato S. Puno.

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The dismissal of private respondent Daniel Corpuz which was set aside by respondent Commission was premised on the failure to substantiate the charge that he was guilty of theft. As set forth in its Decision: "The right to reinstatement, after finding that the dismissal of an employee is illegal, becomes a must. This is imperative, if only to give meaning and fulfillment to the security of tenure clause in the Constitution of the Philippines."[3] Why a petition of this character lacks merit was rendered even more evident by the Comment of Solicitor General Mendoza that as no dismissal was even contemplated had not management imputed theft to private respondent, an accusation investigated and thereafter found without basis not only by two Assistant Fiscals of Quezon City but also by respondent Commission, it would be to render nugatory the security of tenure provision if there were no reinstatement. That is to abide by the authoritative pronouncement in *Philippine Air Lines, Inc. v. Philippine Airlines Employees Association*.[4]

The petition must fail.

1. The decision sought to be set aside in its opening paragraph set forth the decisive fact as to the failure to prove the allegation of theft. It considered such accusation "a bankrupt assertion in the light of the recommendation of the investigating Assistant City Fiscal Amado Costales," which was for dismissing the unwarranted charge. That was the view of Assistant City Fiscal Amado Costales of Quezon City in the reinvestigation of such complaint. There was thus an affirmance of the same conclusion by Assistant City Fiscal Nestor Batungbakal of the same City.[5] Both the City Fiscal's Office then and respondent Commission are united in the view that no theft was committed. The allegation of arbitrariness must, therefore, fail. The matter was duly and carefully investigated. The proof as to the allegation of theft

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[3] Decision of the National Labor Relations Commission, 3. The decision was attached to the petition but counsel for petitioner failed to mark it as an annex.

[4] L-24626, June 28, 1974, 57 SCRA 489.

[5] *Cf. Ibid*, 1-3. Comment of Solicitor General Mendoza, 1-5.

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certainly did not suffice. Under the circumstances, the imposition of a penalty for an offense not committed is unwarranted. On this point, there is pertinence to the following excerpt from the Comment: "It is not also accurate for petitioner to say that the public respondents simply relied on the findings of the City Fiscal of Quezon City. They did not. The case at bar underwent *conciliation and then compulsory arbitration where evidence* was adduced by both parties. After an adverse decision by Labor Arbiter Daniel M. Lucas, Jr., petitioner appealed to the NLRC on both questions of fact and of law. On November 29, 1978, the NLRC affirmed the decision of the Labor Arbiter with modifications. Again, petitioner filed a Motion for Reconsideration, which was denied by the NLRC *en banc* on November 24, 1978. All these show that the petitioner was given all the chance to present its evidence and ventilate its arguments before the public respondents."[6] There was then no violation of the due process clause, whether in its procedural or substantive aspect. Moreover, the finding of fact thus arrived at by the conscientious exercise of official function, that no theft could be imputed to private respondent, is entitled to the fullest respect. So it has been reiterated time and time again.[7] We do so once more.

2. The weakness of the petition, to repeat, is thus indisputable. Petitioner, however, would try to impart a semblance of plausibility by alleging that even on the assumption that no theft was committed, still there was loss of confidence sufficient to cause his dismissal. In the Philippine Air Lines decision referred to, the accusation that theft was committed by the employee was likewise not borne out by the evidence. To justify a dismissal, management relied on the allegation that there was breach of

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[6] Comment, 6-7.

[7] Cf. *Antipolo Highway Lines v. Inciong*, L-38532, June 27, 1975, 64 SCRA 441; *Jacqueline Industries v. National Labor Relations Commission*, L-37034, August 29, 1975, 66 SCRA 397; *Federacion Obrera v. Noriel*, L-41937, July 6, 1976, 72 SCRA 24; *Kapisanan ng mga Manggagawa v. Noriel*, L-45475, June 20, 1977, 77 SCRA 414; *Monark International, Inc. v. Noriel*, L-47570-71, May 11, 1978, 83 SCRA 114.

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trust, a ground analogous to loss of confidence. The Court of Industrial Relations did not agree. Neither did this Court. Reinstatement was ordered. So it must be in this case. Such a vague, all-encompassing pretext as loss of confidence, if given the seal of approval by this Court, could easily be utilized to reduce to a barren form of words the constitutional guarantee of security of tenure. Precisely, the employee is afforded that protection so that his means of livelihood is not placed at the mercy of management. He is just as much a participant in the industrial process. He is entitled to be considered as such. Constitutional provisions protecting labor are in line with the predominant thinking all over the world safeguarding human dignity. It would then be to ignore not only a mandate of the fundamental law but also a counsel of wisdom and fair play to impart to the concept of loss of confidence such a latitudinarian scope. What matters the investigation undergone by private respondent resulting in the affirmation of his innocence, if thereafter management would just rely on an alleged loss of confidence? The constitutional provision is not to be so easily brushed aside. If it were otherwise, there would be failure, in the language of the Philippine Air Lines opinion "to conform to the ideal of the New Society, the establishment of which was so felicitously referred to by the First Lady as the Compassionate Society."[8]

3. There is no implication in this opinion that under certain circumstances, loss of confidence could not justify termination of the service. There may be cases where an employee of a managerial rank would be hard put to avoid separation from the service on a showing that management no longer possesses confidence in his ability to perform the task entrusted to him. Even so, petitioner is not in a better position. The order of reinstatement must stand. Correctly, the Comment of the Solicitor General pointed out that there was no evidence that private respondent had that status. Thus: "The allegation that no dispute exists as to the managerial status of private respondent is misleading. The fact is the records of the case [do] not show

[8] 57 SCRA 489, 496.

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that petitioner submitted any evidence to support its conclusion. There is no showing as to whether private respondent, as overseer, can lay down management policies, or whether he can hire, fire, demote or promote or whether he can effectively recommend the foregoing courses of action. Indeed upon to this stage, petitioner does not define the powers and duties of an overseer in its company."[9]

**WHEREFORE,** this petition for *certiorari* is dismissed. The decision is immediately executory. No costs.

*Antonio (Actg. Chairman), Aquino, Concepcion Jr., Santos,* and *Abad Santos, JJ.*, concur.

*Barredo, J.,* on official leave.

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**SECOND DIVISION**

[G.R. No. L-31102. May 5, 1979]

**THE PEOPLE OF THE PHILIPPINES,** *plaintiff-appellee, vs.* **FELIPE DUEÑO,** ***alias*** **FELIPE CATALAN SOFRONIO DUEÑO and ANDRESITO BELONIO** ***alias*** **HAPON,** *defendants-appellants.*

**SYLLABUS**

**1. REMEDIAL LAW; EVIDENCE; WITNESSES; FACTS TO BE TAKEN INTO ACCOUNT IN ACCESSING THEIR CREDIBILITY.** — Eyewitnesses to murder who, a few hours before the perpetration of the crime, have been the target themselves of the accused's attack, should be expected to take some risks — to the point perhaps of being illogical and reckless — identity and, if possible, frustrate any further attempts on

[9] Comment, 5-6.