

## FIRST DIVISION

[ G.R. No. 115785, August 04, 2000 ]

**PHILIPPINE AIRLINES, INC., PETITIONER, VS. NATIONAL LABOR  
RELATIONS COMMISSION (4TH DIVISION), AND RAUL G.  
DIAMANTE, RESPONDENTS.**

### D E C I S I O N

**PARDO, J.:**

The case is a petition for certiorari with prayer for preliminary injunction and temporary restraining order, to nullify the decision of the National Labor Relations Commission<sup>[1]</sup> dated March 18, 1994, which states:

"WHEREFORE, the instant appeals are hereby granted. The decision under appeal is hereby set aside and a new one entered declaring illegal the dismissal of the complainant appellants Alfonso P. Araneta and Raul G. Diamante and ordering respondent Philippine Airlines to reinstate them to their former or equivalent positions without loss of seniority rights, with three (3) years backwages inclusive of allowances and other benefits.

"All other claims are hereby dismissed for lack of sufficient basis.

"SO ORDERED.

"Cebu City, Philippines.

"IRENEA E. CENIZA

"Commissioner"<sup>[2]</sup>

and the resolution of May 31, 1994 which provides:

"WHEREFORE, premises considered, the decision in question is hereby **SET ASIDE** as regards complainant Alfonso Araneta only, whose appeal is hereby reopened to give the respondent-appellee the opportunity to answer the same in accordance with our above discussion. Except for this modification, the rest of the decision stays.

"SO ORDERED.

"Cebu City, Philippines.

"IRENEA E. CENIZA

"Presiding  
Commissioner"<sup>[3]</sup>

The facts are as follows:

On June 30, 1975, Philippine Airlines hired respondent Raul Diamante as Integrated Ticket Representative for Bacolod City station.

On April 8, 1988, Edgardo Pineda, Rizalino Cabarloc, Ernesto Subia and Rolando Velasco went to Bacolod Airport to have their tickets booked for their flight to Manila on April 9 and 10, 1988. Romeo Vista, a former officemate of Edgardo Pineda, was their contact person. At the airport, Leticia Vista, wife of Romeo Vista, introduced Raul Diamante to Edgardo Pineda as the person who could help in the booking of his ticket. Pineda requested Diamante if he could book their tickets for the April 8, 1988 flight, particularly Subia, who had to attend an important meeting in Manila. Diamante answered that all flights for the week were fully booked. He suggested that he leave with him their tickets. Pineda gave four (4) tickets to Diamante together with the amount of One Thousand Pesos (P1,000.00) then Diamante assured them that they will be accommodated. Subia was booked for the April 8, 1988 flight to Manila while Pineda, Velasco and Cabarloc were booked for the April 10, 1988 flight. When Subia failed to take the flight due to illness, Diamante returned Subia's ticket to Vista the following day since it was Diamante's day off. In order to facilitate Subia's re-booking, Vista asked for the help of her friend Nelia Cawaling, a neighbor of PAL Station Agent Rodolfo Puentebella. With the help of Cawaling and Puentebella, Subia was able to take the April 9, 1988 flight to Manila.

Upon their arrival in Manila, on June 20, 1988, Pineda executed an affidavit charging Diamante with bribery/corruption. On July 08, 1988, petitioner's Bacolod Branch Manager required Diamante to comment on the affidavit. On July 13, 1988, Diamante submitted his sworn statement denying the allegations against him.

On July 27, 1988, after evaluation of the complaint and finding the explanation of Diamante insufficient, petitioner's manager charged Diamante administratively with bribery/extortion and violation of PAL's Code of Discipline, particularly Article VIII, Section 1, paragraph 2 thereof, which provides:

"Any employee who directly or indirectly requests or receives any consideration, share, percentage or commission for himself or for another person in connection with the performance of his duties."

Thereafter, petitioner convened an *ad-hoc* Committee on Administrative Investigation and conducted an investigation. On October 3, 1988, at a clarificatory hearing of the committee Diamante appeared and was investigated with the assistance of his counsel, Atty. Allan Zamora, and PALEA representative Mario Cornelio. During the hearing, it was agreed to reset the hearing on October 24, 1988, to give Diamante a chance to confront Pineda. After several postponements, there was never a confrontation. No confrontation occurred due to the fact that the committee unilaterally set the confrontation on November 11, 1988, at Tuguegarao Airport, Cagayan, despite the previous agreement of the parties and respondent counsel's request to reset it on November 22, 1988, in Manila. The Committee, after deliberation, resolved the case on the basis of the evidence on record.

On December 14, 1988, Diamante received a notice of his dismissal from the service by an office memorandum, dated November 29, 1988.

On January 17, 1989, Diamante filed with the National Labor Relations Commission, Regional Arbitration Branch No. VI, Bacolod City, a complaint<sup>[4]</sup> against Philippine Airlines, Inc. for illegal dismissal, reinstatement with backwages and damages.