

SECOND DIVISION

[G.R. No. 114764, June 13, 1997]

**WILFREDO T. PADILLA, PETITIONER, VS. THE NATIONAL LABOR
RELATIONS COMMISSION AND SAN BEDA COLLEGE,
RESPONDENTS.**

DECISION

ROMERO, J.:

This petition for *certiorari* seeks to set aside the decision of the National Labor Relations Commission (NLRC) in NLRC NCR Case No. 10-03520-84, which reversed the decision of the Labor Arbiter, and its resolution denying petitioner's motion for reconsideration.

The factual antecedents in this case are not disputed.

Petitioner was a faculty member of the College of Arts and Sciences of San Beda College (SBC) from June 1980 up to his dismissal.

Sometime in November 1983, petitioner approached co-professor Leopoldo Martinez in behalf of his alleged "nephew," a student by the name of Luis Santos, whom Martinez failed in History I. Petitioner apparently disagreed with the grading system of Professor Martinez and urged the latter to change the grade of Santos. On November 10, 1983, an urgent meeting was called to deliberate on Santos' case. However, prior to said meeting, petitioner initiated a "whispering campaign" among the faculty members and students who failed in the same subject against Martinez, the obvious purpose of which was to exert pressure and influence on the latter regarding the proposed changing of the grades.

Petitioner admittedly approached the members of the Dean's Council^[1] to lobby for the reconsideration of Santos' failing grade."^[2] In several instances, he also acknowledged that Santos was not actually his nephew but he said so only to add weight to his request.

On ground of serious misconduct, petitioner's services were terminated on July 23, 1984. In a complaint for illegal dismissal against SBC, Labor Arbiter Isabel T. Ortiguerra rendered a decision dated October 10, 1991, the dispositive portion of which reads thus:

"WHEREFORE, premises considered, judgment is hereby rendered declaring the respondent guilty of illegal dismissal and ordering it to reinstate the complainant to his former position of full time professor without loss of seniority rights and with full backwages computed from the time he was dismissed up to the time he will actually be reinstated but not to exceed 3 years.

The claim for moral and exemplary damages are dismissed for lack of merit.

SO ORDERED.”

This decision was, however, reversed on appeal by the NLRC in its decision dated July 26, 1993. His motion for reconsideration having been denied on February 23, 1994, petitioner filed the instant petition for *certiorari*.

The petition must be dismissed.

This Court is convinced that the pressure and influence exerted by the petitioner on his colleague to change a failing grade to a passing one, as well as his misrepresentation that Santos is his nephew, constitute serious misconduct, which is a valid ground for dismissing an employee.^[3]

Petitioner asserts that he facilitated the request of Santos because he believed it was meritorious and that he did it in his capacity as teaching evaluator.

We are not persuaded. As aptly observed by the NLRC, it became petitioner’s personal crusade to help Santos, which he did not exhibit with the other students who failed. It further stated, “(a) teacher evaluator can, at best, advise a student as to how he can finish his course but certainly not to act as his lobbyist.”^[4]

With respect to the issue of whether petitioner was afforded due process, we rule in the affirmative.

Before an employee can be validly dismissed, the employee must be afforded due process and his dismissal must be for any of the causes specified in Article 282 of the Labor Code.^[5]

Labor Arbiter Ortiguerra mentioned in her decision^[6] that SBC failed to afford petitioner an impartial investigation, imputing to Father Odilardo Arceo, Dean of the College of Arts and Sciences, an “obvious predisposition” to dismiss him. This was, however, refuted by Fr. Arceo who declared in his sworn statement that he merely recommended the termination of petitioner’s employment to the Fr. Rector of SBC who, after an official investigation, adopted his recommendation.

Petitioner was indeed duly notified of the charges levelled against him. The records show that on June 7, 1984, he was officially informed that SBC was considering his dismissal on charges of serious misconduct, an investigation of which was scheduled on June 28, 1984. A postponement was requested and the hearing was moved to July 5, 1984. While the hearing was being conducted at the Fr. Rector’s office, petitioner suddenly walked out just as Professor Martinez was about to commence giving his testimony.

The essence of due process in administrative proceedings is the opportunity to explain one’s side or a chance to seek reconsideration of the action or ruling complained of.^[7] Thus, the Labor Code requires the employer to furnish the employee with a written notice containing a statement of the cause for termination