

TWELFTH DIVISION

[CA-G.R. SP NO. 133461, May 20, 2014]

**JOWIE DUBLUIS AND DANILO AMORES, PETITIONERS, VS.
NATIONAL LABOR RELATIONS COMMISSION, PENTAGON STEEL
CORPORATION, MARIANO CHAN AND PABLITO ALCOVER
RESPONDENTS.**

D E C I S I O N

DICDICAN, J.:

Before us is a Petition for Certiorari^[1] filed by Jowie Dubluis and Danilo Amores ("petitioners") pursuant to Rule 65 of the 1997 Revised Rules of Court seeking to reverse and set aside the Decision^[2] of the National Labor Relations Commission ("NLRC") dated August 15, 2013 in NLRC NCR Case No. 07-11283-12 (LAC No. 02-000803-13) as well as the Resolution^[3] promulgated on October 31, 2013 denying the Motion for Reconsideration thereof.

The material and relevant facts of the case, as culled from the record, are as follows:

Pentagon Steel Corporation is a domestic corporation organized and existing under the law of the Philippines which is engaged in the manufacture of steel. It is represented by its General Manager, Mario Chan, and Human Resources Manager, Pablito Alcover ("private respondents").

The herein petitioner Dubluis was employed by the private respondents in August 2009 as machine operator in the wire drawing department of the company. On the other hand, petitioner Amores had been in the private respondents' company since June 6, 1996 and was likewise employed as machine operator.

As synthesized by Labor Arbiter Joel S. Lustria in his Decision^[4] dated December 27, 2012, the factual antecedents are as follows:

"In their position paper, complainants narrated that:

"Owing to perceived unfair labor practice committed by the company, complainants joined their co-employees in conducting a peaceful moving picket therein during their break time;

"Respondent company resented the matter and sent notices to explain;

"The said notices to explain, however, mentioned only the provisions of the company rules and regulations allegedly violated by complainants without specifying the details of the accusations against them. The said notices to explain even failed to mention the date and time when the violations were committed. Moreover, the notices to explain gave

complainants only 48 hours within which to come out with their explanation;

"Complainants still submitted their explanation, explaining that the concerted actions they committed, along with other workers in the company were committed during break time. They also pointed out that the company rules and regulations being alluded to by the company have not been approved, being still discussed by the company and the union. They pointed out that the freedom to engage in lawful picketing is part of their rights;

"The company scheduled clarificatory conferences with respect to the charges against the complainants. The hearing of complainant Danilo Amores' case took place on June 13, 2012. xxx he and respondent Pablito Alcover had a heated discussion regarding this case. On that day, June 13, 2012, respondent Alcover issued a memorandum dismissing complainant Amores from his job immediately;

"With respect to complainant Jowie Dubluis, the company issued him a memorandum terminating him from employment on June 30, 2012 xxx.

"xxxx.

"On the other hand, respondents disclaimed liability and posit their defense in their Position Paper, and contend the following:

"Complainants used to be employees of respondent Pentagon Steel Corporation and are members of the Pentagon Workers Union – PTGWO;

"Respondent Pentagon Steel Corporation has an existing Collective Bargaining Agreement (CBA) with Pentagon workers Union-PTGWO xxx;

"As employees of respondent Pentagon Steel Corporation and as member of the Pentagon Workers Union-PTGWO, the complainants are required to abide with all the terms and conditions imposed in the Collective Bargaining Agreement executed between the union and Pentagon Steel Corporation. They are also required to obey the company's rules and regulations xxx;

"Despite the effectivity of the CBA, the complainants lead a picket and disrupted the operation of the respondent without consent of the union. The complainants committed the following:

"They picketed at the compound at the respondents xxx;

"They conducted noise barrage at the compound of the respondents by hitting empty cans, drums, GI Sheets, and other metals with steel bars;

"The complainants even maligned the good name and integrity of the personnel manager, Pablito Alcover, and had even threatened the latter, causing the latter to file criminal complaints against the complainants xxx.

"Complaints also told their co-workers the following:

"Si Alcover ay bakla at di niya kami kayang tanggalin sa trabaho kahit pa anong violation namin sa sinasabi niyang CRR at bale wala ang kanyang CRR..."

"On account of the various violations of the company's rules and regulation committed by the complainants, the respondent Pentagon Steel Corporation gave them several memorandum concerning the violations they committed xxx.

"Complainants filed their answer xxx and alleged that their actions cannot be considered violations of the CRR because the CRR is allegedly not valid since they did not approve the said CRR xxx.

"The complainants forgot that the CRR was promulgated with prior consultation to PWU-PTGWO and to the employees of respondent Pentagon Steel Coporation;

"To afford the complainants the fullest opportunity to be heard, respondent Pentagon Steel Corporation conducted a formal investigation and required the complainants to attend the investigation;

"During the investigation xxx at the office of respondent, the General Manager, Chan requested complainant Amores to remove his hat as he was inside the office and courtesy demands that he remove his hat. However, complainant Danilo Amores shouted at Mariano Chan and told him the following:

"Hindi ko tatanggalin ang sombrero ko, gagawin ko kung ano ang gusto ko, gawin nyo kung ano gusto nyo."

"After shouting at the General Manager Mariano Chan, complainant Amores turned to the personnel manager, Pablito Alcover and hurled malicious accusation against him. Complainants keep turns with each other in hurling insidious words against Pablito Alcover. Hence, heated arguments took place and the investigation was terminated;

"On account of the violations of the company's rules and regulations and on the disrespect displayed by the complainants, the respondent Pentagon Steel Corporation was left with no alternative but to dismiss the complaints."

Thus, the herein petitioners filed their Complaint for illegal dismissal with prayer for reinstatement, payment of backwages, overtime pay, 13th month pay, damages and attorney's fees against the herein private respondents before the Labor Arbiter in Quezon City.

By reason of the filing by the petitioners of the said Complaint against the private respondents, proceedings were conducted by the Labor Arbiter. First, there was a mandatory conciliatory conference with the parties which was held by the Labor Arbiter. When no settlement was arrived at, the parties were directed to file their respective position papers which the parties filed in due time.

Eventually, on December 27, 2012, Labor Arbiter Lustria rendered a Decision in favor of the private respondents. The pertinent portion of the said Decision reads:

"WHEREFORE, responsive to the foregoing, judgment is hereby rendered, DISMISSING the above-entitled case for lack of merit. However, as above-discussed, respondents are ordered to pay complainants, namely, Dalino Amores and Jowie Dubluis, the amount of P30,000.00 pesos each, by way of financial assistance.

"xxx.

"SO ORDERED."

Unsatisfied with the Labor Arbiter's disposition, petitioners filed their partial appeal from the former's Decision to the NLRC. On August 15, 2013, the NLRC rendered the herein assailed Decision which modified the findings of the Labor Arbiter. The decretal portion of the NLRC Decision reads:

"WHEREFORE, premises considered, the assailed Decision of the Labor Arbiter dated December 27, 2012 is MODIFIED to grant an award of nominal damages in the sum of P20,000.00 each in favor of Danilo E. Amores and Jowie E. Dubluis. The rest is AFFIRMED in toto.

"SO ORDERED."

Petitioners then filed a Motion for Reconsideration^[5] of the said Decision of the NLRC. On October 31, 2013, the NLRC issued the herein assailed Resolution denying petitioners' Motion for Reconsideration.

Unperturbed, petitioners filed the present petition before this Court assigning the following acts of grave abuse of discretion purportedly committed by the NLRC:

I.

THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT FAILED TO HOLD THAT PRIVATE RESPONDENTS FAILED TO ESTABLISH THE EXISTENCE OF A VALID CAUSE FOR THE TERMINATION OF THE PETITIONERS FROM THEIR EMPLOYMENT.

II.

THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT FAILED TO HOLD THAT PENALTY OF DISMISSAL WAS NOT COMMENSURATE AND PROPORTIONATE TO PETITIONERS' ALLEGED OFFENSE.

After a careful and judicious scrutiny of the whole matter, together with the applicable laws and jurisprudence in the premises, we find the instant petition devoid of merit.

In the case at bench, petitioners contended that the NLRC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it ruled that there was a valid cause for the termination of the herein petitioners from their employment. According to the petitioners, they were merely conducting a peaceful picket during lunch break without disrupting the private respondents' operation. The herein petitioners likewise argued that the penalty of dismissal from work was too harsh