

FIRST DIVISION

[G.R. No. 193324, July 23, 2014]

ST. LUKE'S MEDICAL CENTER, PETITIONER, VS. DANIEL QUEBRAL AND ST. LUKE'S MEDICAL CENTER EMPLOYEES' ASSOCIATION - ALLIANCE OF FILIPINO WORKERS (SLMCEA-AFW), RESPONDENTS.

D E C I S I O N

VILLARAMA, JR., J.:

Before us is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the April 22, 2010 Decision^[1] and August 12, 2010^[2] Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 108097. The appellate court affirmed the decision of the Secretary of the Department of Labor and Employment (DOLE) finding respondent Daniel Quebral to have been illegally dismissed by petitioner St. Luke's Medical Center.

The antecedents of the case follow:

Respondent Daniel Quebral (Quebral) started working for petitioner on June 1, 2000 as an Executive Check-up Coordinator. His position was later renamed to Wellness Center Assistant, whose principal duty is to promote the Executive Check-up Program of petitioner to its target customers and generate revenue and census from corporate clients.

As part of its customer service, petitioner provides free and/or discounted parking privileges to its patients. Wellness Center Assistants, such as Quebral, are tasked with claiming pre-approved parking tickets from the hospital's Information and Concierge Section on behalf of the patients. The Parking Regulations and Conditions stated in the Parking Validation Ticket read:

1. This Parking Validation Ticket extends the flat rate of PHP 40.00 per 24 hours for self-driven vehicles and PHP 65.00 per 24 hours for valet service. **This privilege is strictly for confined patients and their representative only.**
2. Each patient is allowed only one (1) Parking Validation Ticket per day.
3. SLMC reserves the right to verify the identity of the Parking Validation Ticket holder.
4. Vehicles must not be parked in a manner that will obstruct passageway of other vehicles, pedestrians, and wheelchairs.

5. SLMC is not responsible for any damage to or loss of the vehicle and/or its accessories and articles left herein.
6. The Parking Validation Ticket is valid only for the CHBC Parking Complex and SLMC Valet Service.
7. All parking attendants have the right to refuse the tickets, which are not properly validated by the issuing party.^[3] (Emphasis supplied.)

Quebral claims that on January 23, 2007, Arnel U. Ceriola, Department Manager, In-House Security of petitioner, called his attention regarding his unpaid parking fees totaling to P1,250. His parking records show that Quebral used the discounted parking privilege reserved for patients and their representatives for his personal use at least 20 times from December 3, 2006 to January 21, 2007. Ceriola asked Quebral as to how he was able to validate his parking tickets when such privilege was not extended to employees. Quebral replied that he just asks from the Concierge staff who provided him with parking tickets. He apologized to Ceriola and told him that he did not know that he was not allowed to avail of such validation benefits. On the same day, he paid his balance to Prestige Parking and returned to Ceriola to again apologize. According to Quebral, Ceriola accepted his apology and even remarked, "*o, nabayaran mo na pala. Ok na yon... walang problema, sige na.*"^[4]

On the same date, Ceriola sent the following memo to Victor Quiñones, Department Manager of Wellness Program Office:

TO : MR. VICTOR QUIÑONES
Department Manager, Wellness Program Office

FROM : Department Manager, In-house Security

RE : DAN QUEBRAL (unauthorized use of parking validation)

DATE : January 23, 2007

We received a report that one of your staff, Mr. Dan Quebral, parks his car at the CHBC building using validation tickets supposedly for wellness patients. According to him, he is not aware that this is not allowed. He admitted though that sometimes, he tells our concierge and information staff that the tickets are for our wellness patients. As per latest check with Prestige Parking Inc., he should have paid P1,250.00 more as regular rate.

For your information and appropriate action. Thank you.

(sgd.)

ARNEL U. CERIOLA^[5]

Quinoñes endorsed Quebral's case to the Employee and Labor Relations Department (ELRD) for investigation. On February 2, 2007, the ELRD through Ms. Roma Paje, Labor Relations Manager, issued the following Notice to Explain and Invitation to Conference to Quebral:

TO : MR. DANIEL S. QUEBRAL
FROM : EMPLOYEE AND LABOR RELATIONS
RE : Notice to Explain and Invitation to Conference
DATE : February 2, 2007

This is with regard to the case endorsement submitted by your Manager[,] Mr. Victor Quinoñes, Jr., wherein you allegedly used the CHBC car parking validation tickets for personal use from December 3, 2006 to January 21, 2007 (as per parking computer record).

x x x x

As such, please explain in writing within 48 hours from receipt of this memo why no disciplinary action should be imposed against you for possible violation of the above rule. Failure on your part to submit your explanation within the requisite period shall mean a waiver on your part of the right to be heard.

Finally, in order to afford you ample opportunity to defend yourself, you are further required to attend Case Conference on February 7, 2007, 9:00 am at the Orthopedic Conference Room 2nd floor Main Building. Failure on your part to submit the required written explanation within the period specified in your Notice to Explain and to attend the scheduled Conference shall mean waiver on your part of the right to be heard. Thus, the management shall be constrained to decide the case based on the documents/evidence at hand.

For immediate compliance.

(sgd.)
ROMA C. PAJE
Labor Relations Manager

Noted by:

(sgd.)
LUVIE A. DE LOS REYES
ELRD, Department Manager^[6]

In his reply^[7] dated February 7, 2007, Quebral stated that he did not know that employees and staff were prohibited to get a validation ticket and all that he knew was that, to be able to get a discount on their expensive parking, he needed to get a validation. He further stated that what he usually did was, whenever he would get

off late from the hospital, he would ask the information staff if he can get a validation. Without hesitation, they always provided him with it. Because of this, he thought that it was alright to get a validation even if he was an employee of the hospital. He likewise narrated what transpired on January 23, 2007 when Ceriola called his attention about his unpaid parking fees.

Two conferences were held wherein both Quebral and representatives from the St. Luke's Medical Center Employees Association – Alliance of Filipino Workers (SLMCEA-AFW), the exclusive bargaining representative of petitioner's rank-and-file employees, were present. During the February 7, 2007 conference, Quebral reiterated his previous explanations. He also demanded the presentation of the parking tickets for his examination and that he be allowed to confront the witnesses.

On February 9, 2007, the Information and Concierge Associates of petitioner submitted a joint written statement declaring among others that "[w]ith regards to Mr. Dan Quebral getting a validation ticket [from] us, we all know that it is for their patient, that is why we give him the validated ticket. As far as we all know[,] the ticket[s] that we issue [to] him will be used for their ECU patients."^[8]

On February 21, 2007, the second conference was held wherein the Information and Concierge Associates were present. They testified that "whenever [Quebral] ask for a parking ticket validation, [he] would simply state that it is for the 'Wellness Program'." They further testified that all employees of petitioner knew that the pre-validated tickets are exclusively for patients' use.^[9]

On March 6, 2007 the ELRD rendered a decision^[10] terminating Quebral's employment. The pertinent portion reads:

The claim that you "are not aware" of any policy or that the parking validation tickets are for patient's use is but a convenient self serving denial considering your position and tenure in the hospital. It suffices to say that your act of claiming the tickets and saying that it is for "Wellness Program" upon inquiry of the Information and Concierge Associates without indicating your name created a rouse to evince a degree of legitimacy. This demonstrates instead the dishonest intent in availing the parking validation tickets. This considering the fact that the tickets itself indicate that it is for patients use, the testimony of the Information and Concierge Associates, the fact that the tickets were exhausted by multiple-entry use and the fact that as Wellness Program Associate you regularly use the ticket for the convenience of the patients it is impossible to conclude that you are not aware that its sole purpose is to provide customer delight.

The allegation that SLMC did not suffer any loss is an infantile attempt to skirt from liability. Nonetheless, it may be worth mentioning that while no direct monies redound to the Medical Center it doesn't mean that it is not thereby disadvantaged. For by said act the supposed parking space intended for the convenience of the patient is thereby deprived.

An examination of the charges, the rules, your defenses, and facts

established led the Management to decide, as we hereby decide, against your favor. We find that the above charges are valid and that you have indeed violated Rule 1 – Act of Dishonesty, Section 18, Other Acts of Dishonesty. In light of the foregoing, your services are hereby TERMINATED effective the closing of business hours of March 10, 2007. This, of course, is without prejudice to the filing of any legal action or claims against you by the Medical Center for any outstanding obligations and accountabilities.^[11]

Quebral, through SLMCEA-AFW, appealed his dismissal in a letter^[12] dated March 8, 2007. He pleaded for reconsideration of the penalty of dismissal and that the same be reduced to a three-day suspension in the interest of substantial justice, fairness and compassion.

In a letter^[13] dated March 9, 2007, Fe Corazon B. Ramos-Muit, Vice-President, Human Resources Division of petitioner, replied to Quebral's appeal and stated therein that she directed the Department Head of the ELRD to take action on his appeal including "re-discussions with the Division Head of Customer Affairs for any possibility of commutation" and directed that his dismissal be temporarily held in abeyance pending final determination of the matter.

In a letter^[14] dated May 18, 2007 addressed to Norberto A. Sajorda, President of SLMCEA-AFW, petitioner relayed its decision to uphold its earlier decision dismissing Quebral effective May 22, 2007 after finding no compelling reason to reverse the same.

SLMCEA-AFW, through Sajorda, sent two letters^[15] addressed to Jose F.G. Ledesma, petitioner's President and Chief Executive Officer, appealing Quebral's dismissal. Thus, as part of the auxiliary review, the management looked into the finer details of Quebral's performance for the past 12 months preceding his dismissal and noted the following violations he committed:

- April 12, 2006
Written Reprimand for erroneous insertion of results of patient J. Leroy that resulted to threat of the patient not to recommend SLMC to other managers for ECU. A Violation of Rule VII Sec. 20 (Other Acts of Gross Inefficiency and Incompetence) of SLMC Code of Discipline.
- August 2006
Counsel was given instead of *3 Days Suspension* for erroneous insertion of results of patients of Dr. A. Sibulo. A Violation of Rule VII Sec. 20 (Other Acts of Gross Inefficiency and Incompetence) of SLMC Code of Discipline.
- September 12, 2006
3 Days Suspension was given instead of *7 Days Suspension* for erroneous insertion of results of patients C. Sablan and N. Sablan. A