

THIRD DIVISION

[G.R. No. 178520, June 23, 2009]

AMA COMPUTER COLLEGE-EAST RIZAL, AMABLE C. AGUILUZ AND ANTHONY JESUS R. VINCE CRUZ, PETITIONERS, VS. ALLAN RAYMOND R. IGNACIO, RESPONDENT.

D E C I S I O N

CHICO-NAZARIO, J.:

This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to set aside the Decision^[1] dated 22 December 2006 and the Resolution^[2] dated 4 June 2007 of the Court of Appeals in CA-G.R. SP No. 67047. The Court of Appeals, in its assailed Decision, ruled that respondent Allan Raymond R. Ignacio was illegally dismissed by petitioners AMA Computer College, Inc. (AMACCI), Amable C. Aguiluz (Aguiluz) and Anthony Jesus R. Vince Cruz (Cruz), thus, reversing and setting aside the Resolution dated 8 December 2000 of the National Labor Relations Commission (NLRC) in NLRC NCR CA No. 024664-2000, which affirmed the Decision dated 19 April 2000 of the Labor Arbiter in NLRC Case No. RAB-IV-10-11643-99-R. The appellate court denied in its assailed Resolution the Motion for Reconsideration of the petitioners.

The factual antecedents of this case are as follows:

Petitioner AMACCI is a corporation organized and existing under and by virtue of Philippine laws, engaged in the business of providing computer education, among other courses.^[3] AMA Computer College-East Rizal (AMACC-ER) is one of its branches. Petitioners Aguiluz and Cruz are President and Human Resource Director, respectively, of petitioner AMACCI.

Respondent was first employed on 25 September 1998 at another branch of AMACCI, namely, AMA Computer College-Fairview (AMACC-FV), as Management Trainee (Maintenance Supervisor) with a monthly salary of P7,700.00.^[4] Three months thereafter, on 29 December 1998, respondent was granted permanent status and his monthly salary was increased to P11,000.00.^[5]

Upon the recommendation of AMACC-ER School Director/Chief Operating Officer (COO) Lydia Taganguin (Taganguin) to AMACCI Vice President for Human Resource Patrick Alain Azanza, respondent was transferred to AMACC-ER effective 16 August 1999. The transfer was made because of the pressing deadline brought about by the ISO 9000 Oplan of AMACCI. AMACC-ER was scheduled to be inspected for Certification by the International Organization for Standardization (ISO)^[6] in the first week of September 1999.^[7]

On his first day of transfer to AMACC-ER, respondent went to AMACCI Head Office to

consult AMACCI Assistant Vice President for Construction, Engineer Noel Nobleza (Nobleza), on the renovation plan for the AMACC-ER school facilities. The renovation of the AMACC-ER school facilities was to be undertaken as part of the ISO 9000 Oplan. Nobleza told respondent that since the renovation was a major one, the latter needed to secure the approval of AMA Educational System (AMAES)^[8] Vice President Zenaida Carpio (Carpio). Since Carpio was out of her office, Ignacio went ahead to consult AMACC-ER School Director/COO Taganguin, and then to secure the approval of Mr. Joselito Domingo, owner of the JL Domingo Building in which the AMACC-ER school facilities were located. It was Taganguin who brought the renovation plan to Carpio, who approved the same. At around 5:30 p.m. of the same day, respondent conducted an emergency officers' meeting at AMACC-ER to discuss the approved renovation plan. Present at the said meeting were the two college deans and all the department heads of AMACC-ER.^[9]

Respondent started demolishing the concrete partition wall of the computer laboratory on 18 August 1999. In the morning of the following day, the maintenance crew, following respondent's order, brought plywood to cover the unfinished door opening of the computer laboratory. Carpio and AMACCI Assistant Vice President Balon Panay (Panay) came to AMACC-ER to conduct an inspection.

However, on 25 August 1999, the Audit Department of AMACCI filed a complaint against respondent, charging him with "(t)hreatening to damage company property, negligence or failure to exercise adequate asset control measures within one's area of responsibility."

Respondent then received on 3 September 1999 a Memorandum^[10] dated 2 September 1999 from petitioner Cruz, the AMACCI Human Resource Director, informing the former that a complaint was filed against him for inexcusable gross negligence resulting in serious damage to 35 computers and loss of class records/exams, and instructing him to submit his written explanation and evidence on that same day. Respondent was likewise placed on preventive suspension.^[11]

In a Memorandum dated 6 September 1999, the Human Resource Department (HRD) of AMACCI reported:

On September 03, 1999, respondent Mr. Allan Ignacio met with the committee members to air his side on the allegations lodged against him.

I. Statements of:

1.1 Allan Ignacio:

- Before I was assigned at AMACC - East Rizal I was already informed of the problem in the building which needs to be renovated based on the copy of the building plan provided to us by the owner. Seeing that the renovation plan was signed by the VP for Education and the School Director, I decided to start with the demolition of the partition taking into serious consideration that I

was given only a few days to comply with the deadline. I was then confident that I need not coordinate with anybody because on the evening prior to the demolition, Ms. Taganguin, the School Director called for a meeting to inform the concerned department heads about possible changes within the JL Domingo building. Thinking that the message was clear to everybody present during the meeting, I thought that the agenda is clearly implied; that I can already proceed with the demolition without seeking for another round of approval. Hence, I took it upon myself to start the following day because Ms. Taganguin attended the Corplan on that day.

- I believe that I have taken into consideration the precautionary measures needed, hence, I put an asbestos sheet and a plywood to cover the computers inside the room.
- The computer units did not sustain any damage. This can be attested by the certification issued by the IT Supervisor.

1.2. Elsie Tablisma:

- On August 18, 1999 the Maintenance Supervisor Allan Ignacio started to shatter the cemented wall partition of computer laboratory at the J.L. Domingo Building. The IT Department and the property department were not informed of the said demolition. This resulted to the exposure of thirty-five (35) computer units to possible loss and damages.

x x x x

1.3. Mr. Darwin Ramos:

On August 20, 1999 when I, together with Mr. Arnold Necio and Rupert Verdad conducted inventory of computers at the J.L. Building, we found out that part of the concrete wall of the laboratory was already demolished. We also discovered that the computers were not moved away from the falling debris coming from the concrete walls.

1.4. Mr. Arnulfo Necio:

At 8:30 today, August 20, 1999, we are supposed to conduct

inventory of recently delivered computers to get the serial numbers. However, we found out the wall was demolished without our knowledge. There were trumps and maintenance personnel working inside the computer laboratory at that time, creating another hole for air conditioning unit. We noted that some of the computers have debris from the smashed cemented walling.

II. Analysis of Facts Presented:

Based on the statements submitted, the committee hereby states the findings:

1. That Mr. Allan Ignacio without seeking written approval to proceed, has ordered the start of the demolition project on August 18, 1999. Likewise, he did not inform the concerned departments of his move hence, the computer units were not properly secured.
2. Respondent assumed that during the conduct of the meeting the evening before, all concerned employees have already understood what has been implied about the renovation.
3. He did not coordinate his action with the proper channels and did not exercise due diligence before he started the demolition of the computer laboratory.
4. His act could have caused the possible loss/damage of the computer units which were exposed.

x x x x

III. Recommendation:

Taking the above findings into serious consideration, it is recommended that respondent Allan Ignacio be duly sanctioned for his offense. He has clearly violated Rule E Section 4 of the company code of conduct. The corresponding sanction for this is DISMISSAL.

[12]

In accordance with the foregoing recommendation of the HRD of AMACCI, respondent was terminated from employment on 9 September 1999.[13]

On 27 October 1999, respondent filed with the NLRC a complaint for illegal dismissal, non-payment of salaries and wages, overtime pay, holiday pay and rest day damages against petitioners.[14] Respondent's complaint was docketed as NLRC Case No. RAB-IV-10-11643-99-R.

Petitioners denied that respondent was illegally dismissed. They contended that on 18 August 1999, barely eight days after assuming the position of Maintenance

Supervisor at AMACC-ER, respondent caused the demolition of a wall partition in the computer laboratory without the proper authorization from the departments concerned. The Information Technology (IT) Department was not informed of the demolition of the computer laboratory, causing the exposure of 35 computer units to loss and damages. Worse, after the demolition, respondent left the laboratory open and did not even cover the demolished wall, exposing the laboratory equipment and school records to possible theft. Indeed, school records were lost the next day due to the open wall partition.

Petitioners also alleged that respondent was charged with a very serious offense, *i.e.*, damaging company property thru gross negligence, or threatening to damage company property either willfully or thru negligence, covered by letter (e) of No. 4, Rule IV Employee Conduct and Discipline.^[15] The corresponding penalty for such an offense is dismissal, as provided for in the Disciplinary Actions of the Employees Manual.^[16]

Petitioners further insisted that they complied with the requirements of procedural due process. The twin requirements of notice and hearing, which constitute essential elements of due process in cases of employee dismissal, were complied with. Petitioners gave respondent a first notice of investigation and the opportunity to be heard and to present evidence on his behalf on 3 September 1999 at 1:00 p.m. During the scheduled hearing, respondent was able to explain his position and submit his evidence. On 6 September 1999, the Investigating Committee ruled that respondent was guilty as charged and recommended that he be sanctioned and dismissed. Respondent was given the second notice, dated 9 September 1999, terminating his employment. Thus, both substantive and procedural due process were strictly complied with by petitioners.

In her Decision dated 19 April 2000 in NLRC Case No. RAB-IV-10-11643-99-R, Labor Arbiter Nieves De Castro held that respondent was legally dismissed. The Labor Arbiter found that there was substantive ground to justify respondent's dismissal:

There is no doubt that [herein petitioners'] evidence is substantial. We are more than convinced that [herein respondent] committed a very serious offense of demolishing without permission from the management the wall partition of the computer laboratory. Worse, after the demolition, [respondent] left the laboratory open which resulted in the loss of class records.

Yet, [respondent] had the temerity to tell that the safekeeping of documents was not part of his duties as Maintenance Supervisor. This, to our mind demonstrates the reprehensible character of the [respondent]. He knew fully well that it was his unauthorized demolition of the wall partition and leaving it open thereafter which lead to the loss of school records. Moreover, he did not even bother to explain why he caused the demolition of the wall partition on his own without permission or even the courtesy of notice to the management. We should not loss (sic) sight of the fact that [respondent] is a supervisor and not an ordinary laborer whose lapses may be more easily condoned. His is not a mere lapse but a serious misconduct.