

THIRD DIVISION

[G.R. NO. 139159, January 31, 2006]

**PHILIPPINE MILITARY VETERANS SECURITY AND
INVESTIGATION AGENCY AND/OR RAMON MACOROL,
PETITIONERS, VS. COURT OF APPEALS, NATIONAL LABOR
RELATIONS COMMISSION, TEODULO C. ALCOVENDAS, CESAR W.
LABRADOR, AND JORDAN T. TACANLOY, RESPONDENTS.**

D E C I S I O N

CARPIO, J.:

The Case

This is a petition for review^[1] of the Decision^[2] dated 31 March 1999 and the Resolution dated 23 June 1999 of the Court of Appeals in CA-G.R. SP No. 51930. The Court of Appeals dismissed the special civil action for *certiorari*, assailing the resolution of the National Labor Relations Commission ("NLRC"). The NLRC affirmed the decision of the Labor Arbiter holding that Teodulo C. Alcovendas, Cesar W. Labrador,^[3] and Jordan T. Tacanloy ("private respondents") were illegally dismissed.

The Facts

On 13 July 1993, Teodulo C. Alcovendas ("Alcovendas"), Cesar W. Labrador ("Labrador"), and Jordan T. Tacanloy ("Tacanloy") filed a case against Philippine Military Veterans Security and Investigation Agency and its President and General Manager, Ramon Macorol ("petitioners") for illegal dismissal, underpayment of wages, non-payment of overtime pay, holiday pay, night differential pay, service incentive leave pay, rest day pay, and 13th month pay.

The evidence submitted by private respondents to the Labor Arbiter show their employment record with Philippine Military Veterans Security and Investigation Agency ("PMVSIA") as follows:

1) Teodulo Alcovendas		
8/31/85 - 12/31/86	Security Guard	P1,000/month
1/1/87 - 12/30/90	Security Guard	P1,200/month
1/1/91 - 8/31/92	Security Officer	P1,600/month
8/31/92 - 2/23/93	Inspector	P2,500/month
2) Cesar W. Labrador		
8/6/86 - 1/30/87	Security Aide/LO	P2,000/month
1/1/87 - 1/8/91	LO/Inspector	P2,500/month
1/9/91 - 3/31/92	Operation Manager	P3,000/month

3) Jordan T. Tacanloy		
2/20/92 - 2/28/93	Security Guard	P2,300/month
3/1/93 - 8/18/93	Security Guard	P3,200/month ^[4]

Petitioners claim that Alcovendas resigned from his job. However, petitioners failed to present a copy of Alcovendas' resignation letter because Alcovendas allegedly stole it from petitioners' files to make it appear that he did not resign from his job. The prosecutor dismissed the case for qualified theft that petitioners filed against Alcovendas. However, petitioners insist that the dismissal is not binding on the labor tribunal. Petitioners assert that dismissal for loss of confidence based on suspected theft of company property is a valid cause for dismissal even if the employee is subsequently acquitted.

Petitioners allege that the dismissal of Labrador and Tacanloy was due to loss of trust and confidence. As Operations Manager, Labrador allegedly accepted unqualified applicants for security guards and facilitated the processing of their papers. Tacanloy, on the other hand, allegedly engaged in black propaganda intended to discredit petitioners' reputation. Petitioners further allege that Tacanloy, in connivance with Alcovendas and Labrador, filed a malicious suit against petitioners.

On 8 July 1996, the Labor Arbiter rendered a decision in favor of private respondents. The Labor Arbiter held that petitioners illegally dismissed private respondents. The Labor Arbiter ordered the payment of separation pay in lieu of reinstatement. In the computation of the money claims, the Labor Arbiter took into consideration the three-year prescriptive period within which money claims should be filed.^[5] The dispositive portion of the Labor Arbiter's Decision reads:

WHEREFORE, judgment is hereby rendered ordering respondents to pay complainants the total amount of P80,829.46 representing their separation pay and underpayment of wages inclusive of 10% attorney's fees, individually computed as follows:

1. TEODULO C. ALCOVENDAS:

Underpayment

7/21/90 - 01/07/91 = 5.53 mos.
P3,959.55 - P3,843.84 = P115.71
x 5.53 mos. = - - - - - P 639.88

1/08/91 - 02/23/93 = 25.50 mos.
P4,402.12 - P3,843.84 = P558.28
x 25.50 mos. = - - - - - 14,236.14
P14,876.02

Separation Pay

P4,402.12/2 x 8 years = - - - - - P17,608.48

Attorney's fees = - - - - - _3,248.45

Total - - - - - P35,732.95

2. CAESAR LABRADOR

Underpayment

7/21/90 - 1/07/91 = 5.53 mos.

P3,959.55 - P3,843.84 = P115.71

x 5.53 mos. = - - - - - P 639.88

1/08/91 - 3/31/93 = 26.76 mos.

P4,402.12 - P3,843.84 = P558.28

x 26.76 mos. = - - - - - 14,939.57
P15,579.45

Separation Pay

P4,402.12/2 x 6 years = - - - - - 13,206.36

Attorney's fees = - - - - - 2,878.58

Total - - - - - P 31,664.39

3. JORDAN T. TACANLOY

Underpayment

2/20/92 - 8/18/93 = 17.93 mos.

P4,402.12 - P3,843.84 = P558.28

x 17.93 mos. = - - - - - P10,009.96

Separation Pay

P4,402.12/2 x 1 year = - - - - - 2,201.06

Attorney's fees = - - - - - 1,221.10

Total - - - - - P13,432.12

Grand Total - - - - - P80,829.46

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SO ORDERED. ^[6]

On appeal, the NLRC affirmed the Labor Arbiter's decision. Upon denial of their motion for reconsideration, petitioners filed a special civil action for *certiorari* with the Court of Appeals.

On 31 March 1999, the Court of Appeals dismissed the special civil action for certiorari. Hence, this petition.

Issue

The sole issue is whether the Court of Appeals erred in affirming the resolution of the NLRC, which upheld the decision of the Labor Arbiter that petitioners illegally dismissed private respondents who should therefore receive separation pay, backwages, attorney's fees and salary differential.

The Ruling of the Court

The petition is without merit.

Factual Findings of the Labor Arbiter and the NLRC

We uphold the ruling of the Court of Appeals sustaining the findings of the Labor Arbiter and the NLRC that petitioners illegally dismissed private respondents. The Court of Appeals held that the evidence on record supported such findings.^[7]

Factual findings of labor officials, who possess the expertise in matters within their jurisdiction, have conclusive effect on this Court provided substantial evidence support such factual findings.^[8] More so in this case, where the findings of the Labor Arbiter and the NLRC coincide, and the Court of Appeals sustained such findings.^[9]

As found by the Labor Arbiter and the NLRC, petitioners failed to prove their assertion that Alcovendas voluntarily resigned. Petitioners assert that Alcovendas stole his letter of resignation. However, the Prosecutor dismissed for insufficiency of evidence the charge for qualified theft against Alcovendas for allegedly stealing company documents, including his own letter of resignation.^[10] In the labor case, petitioners also failed to present substantial evidence to establish the charge of qualified theft against Alcovendas.

Petitioners were likewise unable to support their claim that Labrador was involved in faking the licenses of security guards who were not qualified. The Labor Arbiter held:

Respondents herein alleged that Labrador was validly terminated on June 5, 1993 for dishonesty involving the faking of guards' licenses. Again, this alleged offense was never established by evidence. Invisible on record are the supposed documents issued to Labrador such as the notice of offense, notice requiring him to explain and the sworn statement of witnesses attesting to the charge. Even the very letter of termination dated June 14, 1993 served to Labrado[r] terminating the latter's services does not contain the alleged cause for his termination. We therefore rule that the termination of complainant Labrador from employment was contrary to law.^[11]

Petitioners also failed to substantiate their claim that Tacanloy engaged in black propaganda to discredit petitioners' reputation. The Labor Arbiter held that