

SECOND DIVISION

[G.R. NO. 155150, August 29, 2006]

**EMELITA A. RAMIREZ, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION AND SUERTE STEEL CORPORATION,
RESPONDENTS.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing the Decision of the Court of Appeals dated March 4, 2002 in CA-G.R. No. 60240, entitled "*Emelita A. Ramirez, petitioner, versus National Labor Relations Commission and Suerte Steel Corporation, respondents.*"

The facts are:

Emelita A. Ramirez, petitioner, was employed as a sales clerk by the Suerte Steel Corporation, respondent, on August 30, 1990.

On July 16, 1997, petitioner received a letter from respondent's personnel manager requiring her to explain in writing why no administrative action shall be taken against her for accepting money from one of the company's customers. Two days after, or on July 18, she received a memorandum from respondent placing her under preventive suspension. On August 1, respondent conducted an investigation. On August 6, respondent terminated petitioner's employment for dishonesty on the ground that she profited from a transaction, a violation of respondent company's rules and regulations.

Forthwith, petitioner filed with the Office of the Labor Arbiter, National Capital Region, a complaint for illegal dismissal from employment against respondent.

For its part, respondent alleged in its answer that petitioner, without authority, sold metal scraps at ₱.20 per kilo to Lolita Santiago, a customer. Petitioner's conduct violated Company Policy No. V (par. 4) on dishonesty which warrants her dismissal from the service.

On September 30, 1998, the Labor Arbiter rendered a Decision in favor of petitioner, ordering respondent to reinstate her to her former position without loss of seniority rights and to pay her backwages in the sum of ₱113,645.00.

On appeal, the National Labor Relations Commission, in its Decision of November 5, 1999, reversed the Labor Arbiter's judgment and declared that the dismissal of petitioner from employment is in accordance with law. Petitioner filed a motion for reconsideration, but it was denied in a Resolution dated January 25, 2000.