383 Phil. 83

SECOND DIVISION

[G.R. No. 131943, February 22, 2000]

VIRGINIA G. RAMORAN, PETITIONER, VS. JARDINE CMG LIFE INSURANCE COMPANY, INC., RESPONDENT.

D E C I S I O N

DE LEON, JR., J.:

Before us is a petition for review on *certiorari* of the twin resolutions of the Court of Appeals[1] dated August 27, 1997[2] and December 22, 1997[3], which upheld the decision of the Panel of Voluntary Arbitrators to dismiss petitioner Virginia G. Ramoran whom they found guilty of falsifying her overtime authorization slips in violation of Rule No. 32 of the Company Rules and Regulations issued by respondent Jardine CMG Life Insurance Company, Inc. (hereafter, "Jardine").

The facts are:

Petitioner Ramoran started working with Jardine on June 6, 1976 as an accounting clerk. She rose thru the ranks and held the position of junior accountant in 1994. Antonio Robles, then Manager of the Accounting Department of respondent Jardine, was her immediate supervisor.[4]

On December 7, 1993,[5] the Human Resources Development (hereafter, "HRD") of Jardine, received from petitioner an overtime (OT) authorization slip dated December 6, 1993, covering her alleged overtime work on November 16, 17, 18, 22, 23 and 24, 1993.[6] Jardine paid petitioner overtime pay for the said days as included in the payroll for the period of December 1-15,1993.[7]

On December 15, 1993,[8] the HRD received an OT authorization slip dated December 14, 1993, prepared by petitioner, covering the overtime work allegedly rendered by her on December 13 and 14, 1993.[9] The HRD paid petitioner overtime pay for the two (2) days, as included in the next payroll covering the period of December 16-31, 1993.[10]

It is a company rule of respondent Jardine that an OT authorization slip must pertain to only one (1) date when the overtime was rendered. The OT authorization slip must also contain the following instructions: (1) that the department supervisor must forward the OT authorization slip to the guard on duty not later than 5:00 o'clock in the afternoon of the working day before the authorized overtime; (2) that the guard on duty in turn is required to transmit the OT authorization slip to the HRD not later than 9:00 o'clock in the morning of the following day; and (3) that no payment for OT work may be made unless the OT authorization slip is properly accomplished.

On December 18, 1993, Yolanda S. Carreon, HRD Clerk, together with Amelia F. Castillo, HRD Assistant, in the course of preparing and post-auditing payroll payments, noticed some irregularities in the overtime slips, dated December 6 and December 14, 1993, submitted by petitioner.[11]

The OT authorization slip, dated December 6, 1993, covered alleged overtime work on six (6) days, November 16, 17, 18, 22, 23, and 24, 1993, as appearing from the entries under the headings "Overtime Date" and "Actual Time". Said slip was prepared only on December 6, 1993 and signed by the security guard on December 7, 1993, or long after the stated days on which petitioner had supposedly worked overtime.[12]

The OT authorization slip dated December 14, 1993, covered the alleged overtime work for two (2) days on December 13 and 14, 1993, as appearing from the entries under the heading "Overtime Date" and "Department", "Name", and Actual Time". Said OT slip appeared to have been tampered with. In the declared overtime dates of "December 13 and 14, 1993", the words "13 &" as well as the caret mark "^" indicated the mere addition of "13 &" to the basic entry "December 14, 1993". Moreover, the entries "Roderick Paat" of the "Admin. (Department)" for the purpose "To file BPI Checks" "from 5:00 to 9:00 (p.m.)" had been cancelled or crossed out without the verifying initials of the approving Department Head. Below such cancellation, petitioner entered the date "Dec. 13/93" and "Dec. 14/93" under the heading "Dept.," and filled out the corresponding blanks for "Name", "Reason" and "Authorized Time" to cover her purported overtime work on December 13 and 14, 1993.[13]

The matter was brought to the attention of Ms. Aida N. Hornilla, HRD Supervisor, who in turn called the attention of Norman T. Tamayo, HRD Manager.[14]

In a Memorandum dated January 4, 1994, Tamayo called the attention of Robles who approved petitioner's OT authorization slips.[15]

On February 1, 1994, respondent Jardine conducted an administrative investigation concerning petitioner. Present were petitioner herself, Ms. Hornilla, Tamayo, Robles, Rommel Muñoz, President of the Jardine CMG Life Union (hereafter, "Jardine union"), and Ms. Ma. Teresa Luague, Secretary of the Jardine union.[16]

During the said proceedings, Tamayo opened the discussion by emphasizing the purpose of the meeting, that is, to clarify issues regarding the overtime rendered by petitioner as recorded in her OT authorization slips dated December 6 and 14, 1993.

Petitioner stated that she had no intention of rendering overtime. She just wanted to catch up with work backlog caused by her serving a previous penalty of suspension and, for that reason, she did not immediately file her OT authorization slips and was only prompted to submit the same when she was reminded by the HRD for the purpose of completing documentation.

On the other hand, Robles, petitioner's immediate supervisor, consistently denied having signed and approved petitioner's irregular OT authorization slips. He maintained that he did not authorize petitioner to render overtime work on those questioned dates and that petitioner's OT authorization slip dated December 14,

1993 had erasures which do not bear his initials.[17]

On February 8, 1994, the administrative investigation continued. It was attended by petitioner, Robles, Tamayo, Ms. Hornilla, Muñoz, Ms. Luague and a certain E.J. Dela Cruz, of the Jardine union. The proceedings were recorded in the minutes of the said meeting.[18]

On April 4, 1994, petitioner was terminated from employment for violation of Rule 32 of the Company Rules and Regulations penalizing with dismissal, the offense of "falsification of personnel, medical and other company records" in pursuit of personal gain.[19]

On May 5, 1994, the Jardine union filed with the National Conciliation and Mediation Board (NCMB), a Notice of Strike, docketed as NCMB Case No. NS-05-232-94, raising as one of the issues, the alleged illegal termination of petitioner's employment.[20] Several conciliation hearing was conducted by the NCMB but the parties were unable to resolve their differences.

On July 6, 1994, the Jardine union staged a strike.[21]

On July 8, 1994, respondent Jardine filed a complaint with the Arbitration Board of the National Labor Relations Commission (NLRC) where it was docketed as NLRC NCR Case No. 07-05244-94. Respondent prayed that the strike staged by the Jardine union be declared illegal and that the individual respondents named in the complaint be ordered dismissed for having knowingly participated in the illegal strike.

In the meantime, respondent Jardine filed a complaint[22] on July 19, 1994 against petitioner with the Provincial Prosecution Office of Rizal for violation of Article 172 in relation to Article 171, paragraphs 2 and 6 of the Revised Penal Code.

On July 22, 1994, respondent and the Jardine union entered into a Compromise Agreement[23] whereby it was resolved, among others, that the legality of the termination of petitioner's employment should be decided by a panel of voluntary arbitrators.

On August 19, 1994, Labor Arbiter Yulo rendered a decision[24] dismissing NLRC NCR Case No. 07-05244-94 on the basis of the said Compromise Agreement.

On December 29, 1994, 2nd Asst. Prosecutor Bautista issued a Memorandum[25] for Rizal Provincial Prosecutor Mauro Castro, recommending that petitioner be indicted for the crime of falsification of private document on two (2) counts. Two (2) separate informations which were accordingly filed against petitioner were docketed as Criminal Cases Nos. 163751 and 163752 and subsequently raffled to Branch 61 of the Metropolitan Trial Court.[26] On arraignment, petitioner pleaded not guilty to both charges.

On March 6, 1995, respondent and the Jardine union signed a Submission Agreement whereby they agreed to subject the issue of whether or not petitioner's employment was terminated for cause and in accordance with due process, to

voluntary arbitration.[27]

On May 24, 1995, the first arbitration conference[28] was held. Respondent and the Jardine union, representing petitioner, agreed on the composition of the Panel of Voluntary Arbitrators which includes Atty. Sixto A. Martinez, Jr. as Chairman; Efren P. Aranzamendez, representing the Jardine union; and Atty. Josephus B. Jimenez, representing respondent.

On June 6, 1995, the second arbitration conference was held. Muñoz, President of the Jardine union, represented the petitioner. At the said conference, the parties agreed that they would simultaneously file their respective position papers. They likewise agreed that the case shall be deemed submitted on the basis of their position papers and their reply.[29]

On June 28, 1995 and August 14, 1995, respondent Jardine and petitioner respectively filed their position papers.[30]

In the meantime, trial on the merits in Criminal Cases Nos. 163751 and 163752 started on August 29, 1995 and concluded on January 15, 1996.[31]

On December 28, 1995, the Panel of Voluntary Arbitrators rendered a decision of even date, upholding the termination of petitioner's employment and denying her claim for moral and exemplary damages.[32]

On May 14, 1996, Judge Maximo Contreras, Presiding Judge of Branch 61 of the Metropolitan Trial Court of Makati City, rendered a decision convicting petitioner in Criminal Case No. 163751 but acquitting her in Criminal Case No. 163752 because her alleged guilt was not satisfactorily shown.[33]

Petitioner questioned her conviction in Criminal Case No. 163752 before the Regional Trial Court of Makati City which subsequently rendered a decision reversing petitioner's conviction.[34]

Believing that the decision of the Panel of Voluntary Arbitrators may now be overturned following her acquittal in the two criminal cases filed against her, petitioner filed with the Court of Appeals, a Petition for *Certiorari* under Rule 65 of the Revised Rules of Court assailing said decision.

But on August 27, 1997, the Court of Appeals rebuffed petitioner with a resolution denying due course to her petition.[35]

On September 18, 1997, petitioner filed a motion for reconsideration which the Court of Appeals denied on December 22, 1997.[36]

Hence, this petition.

Petitioner raised the following assignment of errors:

> "I THE RULING OF THE HONORABLE COURT OF APPEALS IN ITS RESOLUTION DATED AUGUST 27, 1997 THAT THE PETITION

FOR REVIEW UNDER RULE 65 OF THE REVISED RULES OF COURT IS NOT THE PROPER REMEDY IS NOT IN ACCORD WITH THE DECISIONS OF THE HONORABLE SUPREME COURT IN CASES WHERE THE RIGHT TO APPEAL IS LOST DUE TO THE GROSS NEGLIGENCE OF COUNSEL.

II THE HONORABLE COURT OF APPEALS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS IN DECIDING THE CASE ON ITS MERITS WITHOUT REQUIRING THE RESPONDENTS TO COMMENT ON THE PETITION FOR REVIEW UNDER RULE 65 OF THE REVISED RULES OF COURT.

III THE HONORABLE COURT OF APPEALS DISREGARDED THE FUNDAMENTAL REQUIREMENT OF INTEGRITY, INDEPENDENCE AND IMPARTIALITY ON THE PART OF THE PANEL OF VOLUNTARY ARBITRATORS WHO IN PERFORMING QUASI-JUDICIAL FUNCTIONS SHOULD BE BOUND BY THE CODE OF JUDICIAL CONDUCT.

IV THE HONORABLE COURT OF APPEALS PLACED MORE IMPORTANCE ON TECHNICALITIES THAN CONSIDERATION OF JUSTICE AND EQUITY WHICH ARE THE ULTIMATE ENDS OF THE RULES OF PROCEDURE."[37]

The petition lacks merit.

First. Entrenched is the rule that findings of facts of quasi-judicial agencies are accorded great respect and, at times, even finality, if supported by substantial evidence.[38] Thus the Court of Appeals ruled:

> "The lifeblood, as it were, of this petition, hinges on the sole issue, here phrased: is an employee, who has been dismissed by his employee due to loss of trust, entitled to reinstatement upon his acquittal in a criminal action? The question is not at all new, having been addressed in a number of cases x x x.
>
> "xxx
>
> "The petition calls for the substitution of the trial court's judgment over that of the panel of voluntary arbitrators. After assaying RAMORAN'S argument, the Court believes that it is only proper to observe the principle enunciated in *Maranaw Hotels and Resorts Corporation v. Court of Appeals* (G.R. No. 103215, 215 SCRA 501 [1992]), that is, conclusions of voluntary arbitrator (or a panel as in this case) when they are sufficiently corroborated by the evidence on record, should similarly be respected by appellate tribunals. On this score, the respondent panel found that:
>
> > "First, in the series of events that complainant herself admitted to have done was the punching of her time card for November 16, 17, 18, 22, 23 & 24, 1993 indicating her alleged overtime work performed which was inconsistent with her claim that 'at first I was not decided whether I would secure authorization for the overtime work. However, when Ms. Yolanda S. Carreon, an HRD clerk, reminded me to submit the required OT slip, I decided to apply for overtime