

SECOND DIVISION

[G.R. No. 132805, February 02, 1999]

PHILIPPINE AIRLINES, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER ROMULUS PROTACIO AND DR. HERMINIO A. FABROS, RESPONDENTS.

D E C I S I O N

PUNO, J.:

Petitioner Philippine Airlines, Inc. assails the decision of the National Labor Relations Commission dismissing its appeal from the decision of Labor Arbiter Romulus S. Protacio which declared the suspension of private respondent Dr. Herminio A. Fabros illegal and ordered petitioner to pay private respondent the amount equivalent to all the benefits he should have received during his period of suspension plus P500,000.00 moral damages.

The facts are as follow:

Private respondent was employed as flight surgeon at petitioner company. He was assigned at the PAL Medical Clinic at Nichols and was on duty from 4:00 in the afternoon until 12:00 midnight.

On February 17, 1994, at around 7:00 in the evening, private respondent left the clinic to have his dinner at his residence, which was about five-minute drive away. A few minutes later, the clinic received an emergency call from the PAL Cargo Services. One of its employees, Mr. Manuel Acosta, had suffered a heart attack. The nurse on duty, Mr. Merlino Eusebio, called private respondent at home to inform him of the emergency. The patient arrived at the clinic at 7:50 in the evening and Mr. Eusebio immediately rushed him to the hospital. When private respondent reached the clinic at around 7:51 in the evening, Mr. Eusebio had already left with the patient. Mr. Acosta died the following day.

Upon learning about the incident, PAL Medical Director Dr. Godofredo B. Banzon ordered the Chief Flight Surgeon to conduct an investigation. The Chief Flight Surgeon, in turn, required private respondent to explain why no disciplinary sanction should be taken against him.

In his explanation, private respondent asserted that he was entitled to a thirty-minute meal break; that he immediately left his residence upon being informed by Mr. Eusebio about the emergency and he arrived at the clinic a few minutes later; that Mr. Eusebio panicked and brought the patient to the hospital without waiting for him.

Finding private respondent's explanation unacceptable, the management charged private respondent with abandonment of post while on duty. He was given ten days

to submit a written answer to the administrative charge.

In his answer, private respondent reiterated the assertions in his previous explanation. He further denied that he abandoned his post on February 17, 1994. He said that he only left the clinic to have his dinner at home. In fact, he returned to the clinic at 7:51 in the evening upon being informed of the emergency.

After evaluating the charge as well as the answer of private respondent, petitioner company decided to suspend private respondent for three months effective December 16, 1994.

Private respondent filed a complaint for illegal suspension against petitioner.

On July 16, 1996, Labor Arbiter Romulus A. Protasio rendered a decision^[1] declaring the suspension of private respondent illegal. It also ordered petitioner to pay private respondent the amount equivalent to all the benefits he should have received during his period of suspension plus P500,000.00 moral damages. The dispositive portion of the decision reads:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered declaring the suspension of complainant as illegal, and ordering the respondents the restitution to the complainant of all employment benefits equivalent to his period of suspension, and the payment to the complainant of P500,000.00 by way of moral damages.^[2]

Petitioner appealed to the NLRC. The NLRC, however, dismissed the appeal after finding that the decision of the Labor Arbiter is supported by the facts on record and the law on the matter.^[3] The NLRC likewise denied petitioner's motion for reconsideration.^[4]

Hence, this petition raising the following arguments:

1. The public respondents acted without or in excess of their jurisdiction and with grave abuse of discretion in nullifying the 3-month suspension of private respondent despite the fact that the private respondent has committed an offense that warranted the imposition of disciplinary action.
2. The public respondents acted without or in excess of their jurisdiction and with grave abuse of discretion in holding the petitioner liable for moral damages:
 - (a) Despite the fact that no formal hearing whatsoever was conducted for complainant to substantiate his claim;
 - (b) Despite the absence of proof that the petitioner acted in bad faith in imposing the 3-month suspension; and
 - (c) Despite the fact that the Labor Arbiter's award of moral damages is highly irregular, considering that it was more than what the private respondent prayed for.^[5]