

SECOND DIVISION

[G.R. No. 128957, November 16, 1999]

**ANTONIO PARE, PETITIONER, VS. NATIONAL LABOR RELATIONS
COMMISSION AND ASIA RATTAN MANUFACTURING CO., INC.,
RESPONDENTS.**

D E C I S I O N

BELLOSILLO, J.:

This *Petition for Certiorari* assails the 31 October 1996 *Decision* of the National Labor Relations Commission dismissing the *Complaint* for illegal dismissal plus payment of service incentive leave pay, damages and attorney's fees filed by Antonio Pare against ASIA RATTAN MANUFACTURING CO., INC., as well as the 22 January 1997 *Resolution* denying reconsideration of the *Decision*.

ASIA RATTAN MANUFACTURING CO., INC., hired Antonio Pare in February 1987 as rattan framer. On 9 November 1992 Pare reported for work as usual but was simply refused entry into the company premises; instead, he was made to answer a certain letter of respondent company failing in which his services would be terminated. In his reply dated 25 November 1992 petitioner explained that he was absent on 29 October, 3, 6, 7 and 9 November 1992 because he took care of his wife who suffered a nervous breakdown. Petitioner's explanation was apparently accepted by Bienvenido Rivera, Industrial Relations Manager of respondent company, as he ordered his reinstatement but Amelito Quiazon, petitioner's immediate supervisor, refused to reinstate him; hence, this complaint for illegal dismissal.

ASIA RATTAN MANUFACTURING CO., INC., for its part, alleged that petitioner was not illegally dismissed but, on the contrary, it was petitioner who abandoned his work. On 26 November 1992 petitioner was instructed to report for work but he failed to do so. On 1 December 1992 ASIA RATTAN MANUFACTURING CO., INC., considered petitioner to have abandoned his job and on 28 January 1993 formally terminated his services.

The Labor Arbiter found the dismissal illegal holding that private respondent ASIA RATTAN MANUFACTURING CO., INC., was not able to prove abandonment on the part of petitioner. Thus, the firm was ordered to pay petitioner P4,494.00 representing his service incentive leave, P87,339.07 as back wages and P16,172.05 as separation pay.^[1]

On appeal the NLRC reversed the Labor Arbiter and ruled that petitioner's unauthorized absences for several months were tantamount to abandonment, which was a valid ground for dismissal, the term "AWOL" being equivalent to abandonment.^[2] His motion for reconsideration having been denied,^[3] petitioner now comes to us through this *Petition for Certiorari*.