348 Phil. 785

FIRST DIVISION

[G.R. No. 120556, January 26, 1998]

HDA. DAPDAP I AND/OR LUMBIA AGRICULTURAL AND DEVELOPMENT CORPORATION, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND NATIONAL FEDERATION OF SUGAR WORKERS FOOD AND GENERAL TRADES (NFSW-FGT)/PEDRO BARRIENTOS JR., RESPONDENTS.

D E C I S I O N

BELLOSILLO, J.:

This is a special civil action for certiorari assailing the decision dated 9 December 1994 of the National Labor Relations Commission[1] which affirmed the decision of the Labor Arbiter finding petitioner Lumbia Agricultural and Development Corporation liable to respondent Pedro Barrientos Jr. for illegal dismissal.

On 19 March 1992 nine (9) workers[2] of Hda. Dapdap I, a sugar farm in Victorias, Negros Occidental, filed a complaint for illegal dismissal against its owner Magdalena Fermin with the NLRC Regional Arbitration Branch in Bacolod City[3] alleging that they had been working in the farm since 1977 but were unjustly terminated, without notice and without any valid ground, on 27 January 1992. The only reason for their dismissal was their refusal to return the 6-hectare lot given to them for cultivation under an "Amicable Settlement" dated 30 September 1986 in connection with an illegal dismissal case previously filed against the management of Hda. Dapdap I by its workers.[4] In addition, complainants charged Magdalena Fermin with unfair labor practice for trying to bust the National Federation of Sugar Workers Food and General Trades (NFSW-FGT) Union which forged the 1986 "Amicable Settlement."

On 7 September 1992 eight (8) of the original complainants withdrew from the complaint and returned to work on the ground that their misunderstanding with management was already settled.[5] Pedro Barrientos Jr. was left as the sole complainant who amended the complaint on 30 March 1993 by impleading Lumbia Agricultural and Development Corporation (LADCOR), the real owner of Hda. Dapdap I, as co-respondent with its President Magdalena Fermin.[6]

LADCOR denied that complainant was terminated on 27 January 1992; on the contrary, it alleged that complainant voluntarily abandoned his work after 1 March 1992 to transfer to the adjacent farm of a certain Mr. Ramos. In addition, LADCOR alleged that it had a personality separate and distinct from its president, Magdalena Fermin, hence the latter could not be held personally liable for the alleged illegal dismissal.

Labor Arbiter Merlin D. Deloria ruled in favor of complainant.[7] While LADCOR was absolved from the charge of unfair labor practice it was held liable for illegal

dismissal on the ground that its claim of voluntary abandonment by complainant of his work was not credible in view of the immediate institution of the case for illegal dismissal. Citing Chong Guan Trading v. National Labor Relations Commission,[8] the Labor Arbiter observed that it was quite illogical that complainant would abandon his work and then immediately file an action seeking his reinstatement. However, in lieu of reinstatement which was considered no longer feasible in view of the strained relations between the parties, LADCOR was ordered to pay complainant separation pay equivalent to "one-month salary for every year of service computed from 1986 in addition to back wages and attorney's fees."[9]

LADCOR appealed to the National Labor Relations Commission (NLRC).

The NLRC affirmed the Labor Arbiter's decision in toto.[10] The defense that complainant voluntarily abandoned his work was similarly rejected on the additional grounds that no notice of dismissal was sent by LADCOR to complainant as required by Sec. 2, Rule 14, Book V, of the Rules Implementing the Labor Code,[11] and no concurrence of the intention to abandon on the part of complainant and overt acts from which it could be inferred that he was no longer interested in working for LADCOR. Hence, this petition by LADCOR.

Petitioner contends that private respondent was not terminated but voluntarily abandoned his work after 1 March 1992 to work in the adjacent farm of Mr. Ramos. On the other hand, private respondent maintains that he was summarily terminated with the eight (8) original complainants on 27 January 1992 when they refused to return the lot given them for cultivation in 1986 under an "Amicable Settlement" executed to resolve the first case for illegal dismissal which respondent together with two (2) others[12] had previously filed against petitioner.

We find no merit in the petition. First of all, we emphasize that this Court is not a trier of facts.[13] Whether private respondent voluntarily abandoned his work after 1 March 1992 as petitioner contends or was illegally dismissed on 27 January 1992 as private respondent claims is an issue of credibility best left to the determination of the Labor Arbiter. It entails the arduous process of determining who among the parties is telling the truth and since they are not present to help the Court resolve this issue of credibility, great respect and even finality is accorded the conclusions of the Labor Arbiter and the NLRC in accordance with the well-settled rule that findings of fact of labor arbiters affirmed by the NLRC are binding on the Supreme Court.[14] Judicial review in such cases is limited only to issues of jurisdiction or grave abuse of discretion amounting to lack of jurisdiction.[15]

No such grave abuse of discretion was committed by the NLRC as it correctly applied the consistent ruling in labor cases that a charge of abandonment is totally inconsistent with the immediate filing of a complaint for illegal dismissal.[16] It is indeed inconceivable that an employee like herein respondent who has been working at Hda. Dapdap I since 1977 and cultivating a substantial portion of a 6-hectare lot therein for himself would just abandon his work in 1992 for no apparent reason. As quoted by the Court in Judric Canning Corporation v. Inciong,[17] "To get a job is difficult; to run from it is foolhardy." Nor could intent to abandon be presumed from private respondent's subsequent employment with another employer as petitioner alleges. The fact that the start of such employment, i.e., after 1 March 1992 as