

FIRST DIVISION

[G.R. No. 122046, January 16, 1998]

**METRO TRANSIT ORGANIZATION, INC., PETITIONER, VS.
NATIONAL LABOR RELATIONS COMMISSION AND RAMON M.
GARCIA, RESPONDENTS.**

D E C I S I O N

BELLOSILLO, J.:

This is a petition for certiorari with prayer for the issuance of a temporary restraining order and/or preliminary injunction seeking the reversal of the decision of the National Labor Relations Commission (NLRC) dated 3 July 1995^[1] and its resolution dated 25 August 1995 denying petitioner's motion for reconsideration. The assailed decision affirmed the ruling of the Labor Arbiter which held petitioner liable for illegal dismissal.^[2]

Private respondent Ramon M. Garcia started working with petitioner Metro Transit Organization (METRO) as a station teller in November 1984. On 22 April 1992 he called up the office of METRO and asked his immediate supervisor Carlos Limuaco if he could go on leave of absence as he was proceeding to Cebu to look for his wife and children who suddenly left home without his knowledge. After a few weeks of fruitless search he returned to Manila.

When he reported to the office on 15 May 1992 Garcia was not allowed to resume work but was directed by his section head, Felix Leyson, to proceed to the legal department of METRO where he would undergo investigation. There he was asked by one Noel Pili about his absence from work. After he explained to Pili his predicament, Pili cut short the inquiry and informed him right away that it would be better for him to resign rather than be terminated for his absences. Still in a state of extreme agitation and weighed down by a serious family problem, Garcia at once prepared a resignation letter. Then he left again for the province to look for his family. But like his first attempt his effort came to naught. Soon after, or on 4 June 1992, the Personnel Committee of METRO approved his resignation.

Meanwhile, Garcia sought advice from the president of his labor union and asked that the union intervene in his case by bringing the matter of his forced resignation before their grievance machinery for arbitration. METRO paid no heed to the problem and rejected Garcia's plea that he be not considered resigned from his employment. Thus on 15 December 1992 Garcia filed a complaint for illegal dismissal.

At the hearings, petitioner maintained that private respondent absented himself on 22 April 1992 without official leave and then later on freely and willingly relinquished his employment because he was establishing his own business. This position was rebuffed by the Labor Arbiter who on 28 November 1994 found for private

respondent and ordered petitioner to "immediately reinstate complainant Ramon M. Garcia to his former position as station teller without loss of seniority rights and to pay him back wages in the total sum of P180,219.00 plus attorney's fees of P18,219.00."^[3]

On appeal, the NLRC affirmed the decision of the Labor Arbiter and thereafter denied petitioner's motion for reconsideration.

The petition before us is unavailing. Petitioner has failed to establish satisfactorily that public respondent NLRC acted rashly and capriciously to justify the issuance against it of the extraordinary coercive measure of certiorari. While petitioner rails against the NLRC for ignoring the fact that the resignation of Ramon Garcia was nothing less than voluntary, we find that there is more to the case than meets the eye.

We are not persuaded that Garcia had already made up his mind to resign, as petitioner would have us believe, even before he was told by an immediate superior to report to the legal department for investigation. If this was so, he would have already prepared a formal letter of resignation to hand over to management as soon as he reported for work. Notably, it was only after Garcia met with Investigating Officer Noel Pili to explain the reason for his absence that he wrote a resignation letter as prompted by Pili. The resignation was clearly an offshoot of that fateful meeting.

An examination of the circumstances surrounding the submission of the letter indicates that the resignation was made without proper discernment so that it could not have been intelligently and voluntarily done. During his encounter with Pili, respondent Garcia asked, " *x x x ano ba ang gagawin ko kasi aalis uli ako, kailangan kong ayusin ang problema ko x x x sabi n'ya mag-resign ka na lang para hindi ka na ma-terminate*"^[4] Verily, what Pili did as petitioner's representative was to advise Garcia, who at that time was thoroughly confused and bothered no end by a serious family problem, that he had better resign or face the prospect of an unceremonious termination from service for abandonment of work. At that precise moment, the employee could not be said to have fully understood what he was doing, i.e., writing his resignation letter, nor could have foreseen the consequences thereof, for it is established that as soon as he came out of the investigation office he prepared his resignation letter right then and there at a table nearby with no time for reflection. It is noteworthy that shortly thereafter he consulted his union president for help regarding his forced resignation. This does not indicate by any means a resignation that was knowingly and voluntarily done. On the contrary, it shows that his writing and handing in the resignation letter to petitioner were a knee-jerk reaction triggered by that singular moment when he was left with no alternative but to accede, having been literally forced into it by being presented with the more unpleasant fate of being terminated.

In validating the Labor Arbiter's conclusion that private respondent was indeed illegally dismissed, the NLRC similarly saw beyond the resignation letter and considered it for what it was, and found that -

(a) private respondent informed his supervisor Carlos Limuaco about his intended absence in order to look for his family. Petitioner never refuted this fact in its Position Paper. It was only in its reply to private