

THIRD DIVISION

[G.R. No. 113592, January 15, 1998]

**INDUSTRIAL AND TRANSPORT EQUIPMENT, INC. AND/OR
ANTONIO JARINA, PETITIONERS, VS. NATIONAL LABOR
RELATIONS COMMISSION AND LEOPOLDO MEDRANO,
RESPONDENTS.**

D E C I S I O N

ROMERO, J.:

Petitioner Industrial and Transport Equipment Inc. (INTECO) seeks to set aside the decision of the National Labor Relations Commission dated February 23, 1993, affirming the order of the labor arbiter declaring petitioner guilty of indirect contempt and ordering it to reinstate private respondent to his former position with backwages from July 11, 1991 up to his actual reinstatement, and its resolution denying petitioner's motion for reconsideration.

Respondent Leopoldo Medrano was employed as a mechanic by INTECO from November 1974 up to his dismissal in July 1990. On May 31, 1990, he was granted an indefinite leave of absence, during which period he was able to secure a temporary job at Porac, Pampanga as a mechanic. When he reported for work on June 18, 1990, a supervisor confronted him for having worked in another firm. Consequently, he was asked to resign. On July 2, 1990, respondent was not allowed to enter the company's premises allegedly because his services had already been terminated.

In a complaint for illegal dismissal against INTECO, Labor Arbiter Felipe T. Garduque II rendered a decision dated March 27, 1991, the dispositive portion of which reads thus:

"WHEREFORE, premises considered, respondents INDUSTRIAL AND TRANSPORT EQUIPMENT INCORPORATED and/or ANTONIO JARINA are hereby ordered to reinstate within ten (10) days from receipt hereof herein complainant Leopoldo C. Medrano to his former position without backwages, and to pay him his proportionate 13th month pay for 1990 in the amount of P1,300.00.

Complainant's claim for damages including attorney's fee is hereby denied for lack of merit." (Underscoring supplied)

The decision became final and executory upon failure of petitioner to file an appeal within the reglementary period. Consequently, respondent filed on May 3, 1991, a motion for the issuance of a writ of execution, which was accordingly granted.

On August 1, 1991, the proportionate 13th month pay was fully settled. The aspect of reinstatement, however, remained unsatisfied in view of the alleged refusal of

petitioner to comply with the said order. Accordingly, respondent filed on November 11, 1991, a motion to cite petitioner for indirect contempt and for payment of backwages.

On April 20, 1992, Labor Arbiter Garduque issued an order finding petitioner guilty of indirect contempt with a fine of P100.00, and likewise directed the reinstatement of respondent with backwages from July 11, 1991, up to his actual reinstatement. On appeal, said order was affirmed in toto by the NLRC on February 23, 1993. Hence, this petition.

The petition must be dismissed.

Section 2, Rule X of the New Rules of Procedure of the NLRC provides that the Commission or any labor arbiter may cite any person for indirect contempt upon grounds and in the manner prescribed under Section 3(b), Rule 71 of the 1997 Rules of Civil Procedure.

Section 3(b), Rule 71 provides:

“Section 3 - Indirect contempt to be punished after charge and hearing -

x x x

a) xxx xxx xxx

b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court x x x.”

Contempt is defined as a disobedience to the Court by setting up an opposition to its authority, justice and dignity. It signifies not only a willful disregard or disobedience of the court’s orders but such conduct as tends to bring the authority of the court and the administration of law into disrepute or in some manner to impede the due administration of justice. There is no question that disobedience or resistance to a lawful writ, process, order, judgment or command of a court or injunction granted by a court or judge constitutes indirect contempt punishable under Rule 71 of the Rules of Court.^[1]

Petitioner argues that it could not be held guilty of indirect contempt as it had faithfully complied with the order when it reinstated Medrano to his former position on April 15, 1991. Respondent allegedly abandoned his work after initially reporting on April 15 and 16, 1991.

It must be noted that petitioner received a copy of the labor arbiter’s decision only on April 18, 1991. It is, therefore, clear that Medrano could not have been reinstated prior to said date as claimed by petitioner. The Solicitor General, in his comment, explained clearly the implausibleness of petitioner’s assertion. Thus:

“If Medrano was actually reinstated on April 15 and 16, 1991, it would be absurd for him to simply walk away from his job unmindful of the consequences of his act and considering the sacrifices he had made to retrieve his post. It should be pointed out that as early as May 3, 1991, private respondent filed a Motion for Execution in respect of the Labor Arbiter’s Decision which became final and executory on April 28, 1991.