

SECOND DIVISION

[G.R. No. 124723, July 31, 1998]

**MARCELINO S. SUAREZ AND ARNOLD C. NEBRES, PETITIONERS,
VS. NATIONAL LABOR RELATIONS COMMISSION AND MANILA
ELECTRIC COMPANY, RESPONDENTS.**

D E C I S I O N

MARTINEZ, J.:

The crux of this controversy is whether a labor dispute can be resolved solely on the basis of position papers submitted by the parties without the benefit of trial.

This petition for certiorari filed under Rule 65 of the Rules of Court assails the two(2) Resolutions issued by the National Labor Relations Commission (NLRC) in NLRC NCR Case No. 00-11-07235-93, entitled "Marcelino S. Suarez and Arnold C. Nebres vs. Manila Electric Company." The first challenged Resolution,^[1] dated June 15, 1995, affirmed en toto the decision of Labor Arbiter Dominador M. Cruz who declared the dismissal of herein petitioners as valid and justified. The second impugned Resolution,^[2] dated November 7, 1995, denied the motion for reconsideration of the same.

Petitioners were employed as draftsmen of respondent Manila Electric Company (MERALCO). Petitioner Nebres started working with MERALCO on February 27, 1984; while petitioner Suarez began on August 6, 1984. Prior to their dismissal on September 4, 1991, Nebres and Suarez were receiving a monthly salary of P8,216.00 and P7,825.00, respectively.

The facts of this case, as found by the Labor Arbiter and adopted by the NLRC, are as follows:

"x x x that on March 20, 1991 in the morning while (Nebres and Suarez) were working in their respective areas of work, they were suddenly and forcibly brought by the guards of respondent company to John F. Cotton (Hospital) against their will for drug attest (sic); that their table drawers, bodies and pants were searched by the guards for 'marijuana'; that a drug test was likewise conducted by the Philippine National Police Laboratory but the person who had given the test was not authorized; that they requested a 'drug test' of their urine at the laboratory of Camp Crame and they were accompanied by union officers but the results of the test appeared to be negative for marijuana; that the charge filed by Meralco against them for violation of RA 6425 was recommended for dismissal by the Provincial Prosecution Office of Pasig, Metro Manila.

"Respondent Meralco in its position paper and rejoinder presented

counter statement of facts as follows: sometime on March 20, 1991 at about 10:25 a.m., the Security Services Department personnel of the respondent company received an information from an anonymous caller that Nebres and Suarez assigned at Line Design Division (6th Floor, Lopez Building) were seen 'smoking something', which the anonymous caller mentioned as 'shabu'; to verify the information, a team of security services personnel were (sic) dispatched, headed by Jose Daso, Ruben Valderon, Gemma Trinidad and German Sarmiento; upon entering the Line Design Division Office at around 10:45 where the complainants were assigned, they found the two to be abnormal in physical appearance and behavior. The security personnel then invited complainants with the consent of the latter's supervisors to proceed to respondent's John F. Cotton Hospital (JFCH); the invitation of the complainants were in pursuance to or compliance with the Company's policy on drug abuse that employees suspected to be under the influence of drugs shall be referred to JFCH for clinical evaluation and diagnosis, and evaluatory testing; the complainants accompanied by their immediate supervisors and the security personnel were referred to Dra. Lourdes L. Ignacio (Chairperson of the Drug Abuse Committee of the company) and the latter informed the former about the need to conduct a urinalysis; and the complainants freely and voluntarily signed the 'Consent for Hospital Care'; the complainant willingly gave their urine samples and, after the drug essay test was conducted, both were found positive for cannabinoids or 'marijuana'. In line with the drug policy of the company, the complainants were referred to the Philippine National Police Crime Laboratory Service (PNPCLS) Campo(sic) Crame, Quezon City, for further medical laboratory examinations. They were accompanied by Meralco Employees Union Association (MEWA) officers. They were seen and treated by P/Capt. Emmanuel Aranas, a Medico-Legal Officer who required complainants to submit urine sample, which they did, for laboratory examination, the result of which the complainants were found positive of marijuana; Gemma Trinidad, Jose Daso, Ruben Calderon, gave sworn statements attesting to the events that transpired. Based on the foregoing factual considerations, the complainants were formally sent a notice of investigations with administrative charge of violating the provisions of the Company Code on Employees Discipline and the Drug Abuse Policy of the Company. Report was rendered relative to the administrative charges against complainant and thereafter, they were sent notices of dismissal."^[3]

After the parties submitted their position papers and other documents, the Labor Arbiter rendered his decision dated December 21, 1994, the dispositive portion of which reads:

"In view of the foregoing considerations, judgment is hereby rendered, finding complainants' dismissal to be VALID AND JUSTIFIABLE, and consequently, DISMISSING the instant case for lack of merit.

SO ORDERED."^[4]

Aggrieved by the adverse judgment of the Labor Arbiter, the complainants appealed to the respondent NLRC.

On June 15, 1995, herein respondent NLRC affirmed en toto the Labor Arbiter's decision and dismissed their appeal for lack of merit. Petitioners' motion for reconsideration was also denied in a resolution dated November 7, 1995.

Hence, this petition.

Petitioners impute grave abuse of discretion on the part of the respondent NLRC in affirming the decision of the Labor Arbiter sustaining the dismissal of the petitioners and which decided a highly contentious case based merely on position papers. In support of this contention, they argue that the Labor Arbiter failed to test the veracity of the testimonies and evidences of the opposing parties in the crucible of trial; that no evidence or traces thereof were ever adduced by respondent MERALCO indicating that they have used and/or smoked marijuana and that no one came forward to positively show or pinpoint that they committed the same; that the only pieces of evidence being used against them were the biased and self-serving laboratory results of Meralco's own hospital and the laboratory test made by an unauthorized official whose findings may have been influenced by the private respondent.

Collaterally, they also claim that this incident has something to do with their being active union members. Petitioner Suarez is an Assistant Chief Steward at the central office and petitioner Nebres is very much involved in many union activities and had plans to run in the next union election.^[5] Moreover, they complain of having been denied their right to privacy, liberty and to be secure in their papers and effects when the private respondent's guards effected a search on their tables, drawers, bodies and pants.

This petition must fail.

These allegations essentially involve a re-evaluation of facts. Time and again, we have ruled that factual matters are not proper subjects for certiorari.^[6] To warrant a review of the facts by this Court, the administrative body which heard the case must be shown to have resolved the same in a capricious, whimsical and arbitrary manner or have acted in excess of its jurisdiction.

Petitioners' contention that the respondent NLRC abused its discretion when it allowed this case to be decided based on position papers and without the benefit of a trial, is untenable. This Court has held in *Manila Doctors Hospital vs. NLRC, et al.*^[7] that the Labor Code allows the Labor Arbiter and the NLRC to decide the case on the basis of the position papers and other documents submitted by the parties without resorting to the technical rules of evidence observed in the regular courts of justice. Specifically, Article 221 of the Labor Code provides:

ART. 221. Technical rules not binding and prior resort to amicable settlement. -- In any proceeding before the Commission or any of the Labor Arbiters, the rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Code that