

## **THIRD DIVISION**

**[ G.R. No. 128395, December 29, 1998 ]**

**STOLT-NIELSEN MARINE SERVICES, INC., PETITIONER VS.  
NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER  
MANUEL R. CADAY AND RENATO SIOJO, RESPONDENT.**

### **D E C I S I O N**

**ROMERO, J.:**

Before us is a special civil action for certiorari filed by the petitioner seeking to annul the decision of the labor arbiter and the resolution of the National Labor Relations Commission (NLRC) (Third Division, Quezon City) finding that petitioner illegally dismissed private respondent Renato Siojo from his employment. The labor arbiter ordered petitioner to pay Siojo the unexpired portion of his contract equivalent to three months' salaries and attorney's fees. On appeal, the NLRC affirmed the decision of the labor arbiter and later dismissed petitioner's motion for reconsideration.

The relevant facts are as follows:

Sometime in January 1994, private respondent Renato Siojo was hired as a Second Officer of Stolt Falcon, a vessel of petitioner Stolt-Nielsen Marine Services, Inc., for a period of nine months with a basic salary of US\$1,024.00. He boarded the vessel on February 22, 1994, and immediately commenced to discharge his duties and responsibilities as Second Officer. After working for just two months, however, he was sent home and it was only upon his arrival in Manila that he learned of the reason for his termination.

For its part, petitioner claimed that after a month on board the Stolt Falcon, Siojo started committing acts of gross insubordination towards his superiors by refusing to communicate with them with regard to navigation, safety, and cargo. He also allegedly failed to acknowledge or relay to the relieving personnel/officer any bridge order and wilfully refused to take part in cargo operations. Furthermore, on at least three occasions, he refused to wear his safety hat during mooring and unmooring, in violation of the company's safety procedures.

It was also alleged that Siojo refused to follow instructions given by the Chief Officer regarding cargo operations and did not read the Cargo Safety Data Sheets, such that, on one occasion, he blew the lines against a closed shore connection valve resulting in the spillage of 100 liters of cargo into the deck air compressor tank.

Thus, on March 28, 1994, Siojo was summoned to explain his attitude to the master of the vessel. He, however, allegedly became very agitated and rude, stating that he should not be made to sign any statement. Convinced that Siojo's acts of insubordination and hostile attitude were prejudicial to the safety and operations of

the vessel, and finding that he failed to perform his duty as deck officer as confirmed by his unsatisfactory ratings, his superiors recommended his discharge.

On the other hand, Siojo insisted that all the acts imputed to him were fabricated by petitioner in order to avoid its liability for his illegal dismissal. In support of his allegations, Siojo submitted photocopies of the ship's logbook for the period March 25 to April 11, 1994, showing that there was no report of any offense or violation of company rules he had supposedly committed. He pointed out that the logbook had no entries of the infractions he allegedly committed on March 27 and 28, 1994, respectively.

On June 21, 1996, Labor Arbiter Manuel Caday ruled that Siojo was dismissed without just cause and without being accorded due process. The dispositive portion of the decision reads:

"WHEREFORE, premises considered, judgment is hereby rendered declaring the dismissal of the complainant illegal and ordering respondent Stolt Nielsen Marine Services, Inc. to pay the corresponding salaries for the unexpired portion of his contract but not exceeding the equivalent of three (3) months salaries or in the amount of \$3,072.00 which under the current peso dollar exchange rate is equivalent to P80,486.40.

For having been compelled to hire services of counsel to prosecute his valid and just claims, the respondent is further ordered to pay the complainant (sic), the equivalent of 10% of the recoverable award in this case.

All other claims are hereby dismissed for lack of merit.

SO ORDERED."<sup>[1]</sup>

Aggrieved by the labor arbiter's decision, petitioner appealed to the NLRC. The latter denied the appeal for lack of merit and affirmed the decision of the labor arbiter. The NLRC likewise denied petitioner's motion for reconsideration.

Hence, this petition for certiorari.

Petitioner claims that the labor arbiter and the NLRC committed grave abuse of discretion in not considering its evidence and in finding that Siojo was illegally dismissed.

On the labor arbiter's and NLRC's appreciation of the facts, it is worth reiterating the well-entrenched rule that when the conclusions of the labor arbiter are sufficiently corroborated by the evidence on record, the same should be respected by appellate tribunals since he is in a better position to assess and evaluate the credibility of the contending parties.<sup>[2]</sup> Moreover, it should be noted that factual issues are not a proper subject for certiorari, as the power of the Supreme Court to review labor cases is limited to the issue of jurisdiction and grave abuse of discretion.<sup>[3]</sup>

In the case at bar, the findings of the labor arbiter Siojo was dismissed without just cause and without being accorded due process is supported by the facts and evidence on record. In support of his denial of the infractions he allegedly