

## EIGHTH DIVISION

[ CA-G.R. SP NO. 122014, February 11, 2015 ]

**MIGUEL F. ALDEA, PETITIONER, VS. THE DEPARTMENT OF LABOR AND EMPLOYMENT AND NORA A. ALDEA, RESPONDENTS.**

### DECISION

**ANTONIO-VALENZUELA, J.:**

This is the Petition<sup>[1]</sup> via Rule 65 of the Rules of Court filed by Miguel F. Aldea ("petitioner Miguel"), imputing grave abuse of discretion on the part of the Department of Labor and Employment ("DOLE") for issuing the Order dated 16 September 2010,<sup>[2]</sup> which dismissed petitioner Miguel's petition for review; and the Order dated 31 August 2011,<sup>[3]</sup> which denied petitioner Miguel's Motion for Reconsideration.<sup>[4]</sup>

### THE FACTS

Petitioner Miguel, an overseas contract worker, was employed as a security guard in a cruise ship. Petitioner Miguel is married to Nora Antonio Aldea ("respondent Nora") per the Marriage Contract dated 13 September 1990.<sup>[5]</sup>

Respondent Nora filed the Complaint (For Disciplinary Action)<sup>[6]</sup> against petitioner Miguel before the Philippine Overseas Employment Administration (POEA) Adjudication Office. Respondent Nora charged petitioner Miguel of committing a pre-employment offense – *Submission/furnishing or using false information or documents or any form of misrepresentation for the purpose of job application or employment*. The Complaint attached petitioner Miguel's POEA Information Sheet which listed a certain Agnes Cabuhat Aldea as petitioner Miguel's spouse, and not respondent Nora.

Petitioner Miguel executed a notarized document, entitled *Sagot*<sup>[7]</sup> wherein petitioner Miguel admitted that he submitted false documents and listed false beneficiaries in the Information Sheet. Petitioner Miguel narrated that he and respondent Nora separated twice on account of respondent Nora's gambling addiction, and abandonment of marital duties to petitioner Miguel, and parental duties to their children.

On 23 February 2010, the POEA Adjudication Office issued the Order<sup>[8]</sup> which found petitioner Miguel liable for the charges filed against him. The dispositive portion of the Order stated:

*WHEREFORE, premises considered, We find respondent Miguel Fernandez Aldea liable for violation of Section 1 (A1), Rule II, Part VI of the Rules and Regulations Governing the Recruitment and Employment of*

*Seafarers and is hereby suspended from participating in the overseas employment program for a period of One (1) year effective upon his receipt of this Order.*

*Accordingly, let the respondent's name be included in the Administration's list of persons disqualified to participate in the overseas employment program for the entire period of his suspension.*

*SO ORDERED.*

The Order of the POEA Adjudication Office ruled: petitioner Miguel's admission that he declared another woman as his spouse in his Information Sheet was sufficient evidence of his violation of Section 1 (A1), Rule II, Part VI of the Rules and Regulations Governing the Recruitment and Employment of Seafarers; petitioner Miguel's marriage to respondent Nora was neither annulled nor declared void, thus petitioner Miguel's act of changing the name of his spouse in the Information Sheet was unjustified.

Petitioner Miguel filed the Memorandum on Appeal for the Respondent<sup>[9]</sup> before the DOLE.

On 16 September 2010, the DOLE dismissed petitioner Miguel's appeal.<sup>[10]</sup>

The Order dated 16 September 2010 of the DOLE ruled: the POEA Adjudication Office afforded petitioner Miguel due process because petitioner Miguel filed his answer (*Sagot*) to the complaint; petitioner Miguel could not allege that his answer was filed without the assistance of counsel, because the right to counsel was not indispensable in administrative proceedings wherein the technicalities of law and procedure in the courts of law are not strictly applicable; the conduct of a formal investigation was not necessary because the documents submitted in evidence were sufficient to find petitioner Miguel administratively liable; petitioner Miguel's violation of Section 1 (A1), Rule II, Part VI of the Rules and Regulations Governing the Recruitment and Employment of Seafarers was in the nature of *malum prohibitum* where defenses of good faith and lack of malicious intent are unavailing.

Petitioner Miguel filed the Motion for Reconsideration.<sup>[11]</sup>

The DOLE issued the Order dated 31 August 2011 denying petitioner Miguel's motion for reconsideration for lack of merit.<sup>[12]</sup>

Thus, this Petition, petitioner Miguel making the following assignment of errors:

### **ASSIGNMENT OF ERRORS**

**I. THE DEPARTMENT OF LABOR AN (SIC) EMPLOYMENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN AFFIRMING THE FINDINGS OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION WHEN SAID FINDINGS WAS BASED SOLELY ON THE SO-CALLED ADMISSIONS MADE BY THE PETITIONER ON HIS OWN HANDWRITTEN ANSWER TO THE COMPLAINT.**

## **II. THE DEPARTMENT OF LABOR AND EMPLOYMENT COMMITTED GRAVE ABUSE OF DISCRETION IN HOLDING THAT THE MANNER UPON WHICH THE ASSAILED ORDER OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION WAS BASED**

IS IN ACCORD WITH THE PROCEDURAL DUE PROCESS.

The issues are: 1) whether the DOLE committed grave abuse of discretion in finding petitioner Miguel administratively liable; and 2) whether the POEA Adjudication Office afforded petitioner Miguel procedural due process.

### THE PETITIONER'S ARGUMENTS

Anent the first issue, petitioner Miguel answers in the affirmative. The DOLE committed grave abuse of discretion in finding petitioner Miguel administratively liable.

The Petition<sup>[13]</sup> thrusts: the DOLE erred in treating petitioner Miguel's admission in his answer (*Sagot*) as judicial admission of guilt to the offense charged; petitioner Miguel's admission in his answer was made through mistake, and should not be taken against him; the pieces of evidence (*i.e.*, marriage contract of petitioner Miguel and respondent Nora, and the certification from the National Statistics Office that petitioner Miguel allegedly entered into two different marriages) submitted by respondent Nora were not substantial evidence to support the findings of POEA Adjudication Office and the DOLE.

Regarding the second issue, petitioner Miguel answers in the negative. The POEA Adjudication Office did not afford petitioner Miguel procedural due process.

The Petition thrusts: the POEA Adjudication Office did not afford petitioner Miguel procedural due process because both petitioner Miguel and respondent Nora did not attend the scheduled hearings before the POEA Adjudication Office; after petitioner Miguel filed his answer, the POEA Adjudication Office did not conduct further hearings, and did not order the parties to submit pleadings or additional evidence.

Respondent Nora did not file comment to the Petition.

### **THE COURT'S RULING**

We dismiss the Petition.

Anent the first issue, we rule in the negative. The DOLE did not commit grave abuse of discretion in finding petitioner Miguel administratively liable.

Applicable is Section 1(A.1), Rule II, Part VI of the 2003 POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers which read:

#### **"RULE II DISCIPLINARY ACTION AGAINST SEAFARERS**

*Section 1. Grounds for Disciplinary Action and their Penalties.  
Commission by a seafarer of any of the offenses enumerated below or of*