

# FIRST DIVISION

[ G.R. No. 226338, June 17, 2020 ]

**ANTHONEL M. MIÑANO, PETITIONER, V. STO. TOMAS GENERAL HOSPITAL AND DR. NEMESIA ROXAS-PLATON, RESPONDENTS.**

## DECISION

**LAZARO-JAVIER, J.:**

### The Case

This petition<sup>[1]</sup> seeks to nullify the following dispositions of the Court of Appeals in CA-G.R. SP No. 133582:

1. Decision<sup>[2]</sup> dated August 28, 2015 finding that petitioner was validly dismissed for abandoning his job; and
2. Resolution<sup>[3]</sup> dated July 22, 2016 denying petitioner's motion for reconsideration.

### The Facts

On May 30, 2011, petitioner Anthonel M. Miñano sued respondents for illegal suspension, illegal dismissal, non-payment of holiday pay, separation pay, damages, and attorney's fees.<sup>[4]</sup>

Petitioner essentially alleged that on April 18, 2008, he was hired as a nurse at Sto. Tomas General Hospital owned by respondent Dr. Nemesia Roxas-Platon. After being a trainee for six (6) months, he was regularized and had since worked for respondents for over three (3) years already.<sup>[5]</sup>

During the holy week of 2011, he went on a three-day leave to attend to some urgent family matters. When he returned to work, however, he received an unwelcome treatment from respondent Dr. Roxas-Platon and was told by a co-employee that Dr. Roxas-Platon wanted him to resign since the hospital did not need him anymore.<sup>[6]</sup>

On May 4, 2011, a regular meeting with the hospital nurses was held but he failed to attend because he was off-duty. He was expected to return to work on May 7, 2011 based on his work schedule. But when he reported for work on said date, he found out he was not listed in the work schedule of duty nurses. Chief Nurse Vilma Dela Cueva told him Dr. Roxas-Platon did not like him anymore. She informed him he could not work until the hospital administration told him so.<sup>[7]</sup>

On May 9, 2011, a hospital staff informed him he was placed under suspension from May 5, 2011 to May 18, 2011. He was neither given any prior written notice, nor a reason for his suspension.<sup>[8]</sup>

On May 19, 2011, after his supposed suspension, he reported for work. But his name was still not on the list of duty nurses. He asked for an explanation and the nursing department told him that Dr. Roxas-Platon did not like him anymore and he was already dismissed from work.<sup>[9]</sup>

On May 25, 2011, Pharmacy Aide Mariz Villanueva belatedly handed him a Memorandum of Suspension dated May 4, 2011 stating his suspension from work on May 5-18, 2011, viz:

You are hereby suspended for two weeks effective May 5 to 18, 2011 for being habitually late in coming to work, for not attending the meeting and sleeping while on duty.<sup>[10]</sup>

Despite the foregoing, he continued to report to the hospital to inquire about his duty schedule. But he was not given any. After several follow-ups, Chief Nurse Dela Cueva finally informed him he was already dismissed from work "*Ayaw na ni doktora sa yo, ayaw ka na nyang magtrabaho, tanggal ka nasa trabaho.*"<sup>[11]</sup> Thus, he filed the present case.

For their part, respondents countered that petitioner was validly suspended from May 5 to 18, 2011 for being habitually late, not attending the staff nurses' meeting, and sleeping while on duty. After his suspension though, petitioner did not report for work anymore. Chief Nurse Dela Cueva gave him work assignments but since he was not present, another nurse got assigned instead.

On June 6, 2011, the hospital sent him a letter requiring him to explain within five (5) days why no disciplinary action should be taken against him. Petitioner, however, failed to comply. A letter dated July 7, 2011 was then sent to petitioner informing him to appear before the hospital's disciplinary committee on July 12, 2011 at 2 o'clock in the afternoon. But petitioner did not show up.

Thus, on July 28, 2011, the hospital terminated petitioner's employment on ground of abandonment.

### **The Ruling of the Labor Arbiter**

By Decision<sup>[12]</sup> dated September 27, 2012, the labor arbiter ruled in favor of petitioner, thus:

WHEREFORE, premises considered, respondents are hereby adjudged to have illegally suspended and illegally dismissed complainant, and are hereby ordered to pay complainant's backwages in the amount of P161,827.40. As reinstatement is already impracticable, they are likewise ordered to pay him his separation pay in the amount of P35,048.00; and his holiday pay for May 1, 2011 in the amount of P337.00. Also, his attorney's fees, equivalent to 10% of the judgment amount which is P19,721.24.

SO ORDERED.<sup>[13]</sup>

According to the labor arbiter, petitioner's suspension and dismissal were both illegal. Petitioner was not afforded an opportunity to explain his side prior to his suspension. Too, he was illegally dismissed sans any authorized or just cause when

the hospital's Chief Nurse told him he was terminated just because the hospital owner Dr. Roxas-Platon did not like him anymore.

### **The Ruling of the NLRC**

On appeal, the NLRC affirmed under Decision<sup>[14]</sup> dated July 31, 2013. It sustained the labor arbiter's finding that petitioner was illegally suspended. For respondents already adjudged him guilty, albeit he was not yet informed of his infractions and before the conduct of an investigation. Thus, the NLRC added that petitioner should also be paid his salary from May 5-18, 2011 in the amount of P4,718.00.

As regards petitioner's dismissal, the NLRC found that respondents failed to prove abandonment as a valid ground. On the contrary, petitioner's immediate filing of the illegal dismissal complaint below negated respondents' claim that he abandoned his work. Too, the supposed administrative investigation conducted by respondents was a mere afterthought because petitioner's dismissal was already a "foregone conclusion".<sup>[15]</sup>

Respondents' motion for reconsideration was denied under Resolution<sup>[16]</sup> dated November 29, 2013.

Respondents then elevated the case to the Court of Appeals via a petition for *certiorari*. Although they did not dispute the finding that petitioner was illegally suspended, they argued that the NLRC gravely abused its discretion when it found petitioner to have been illegally dismissed.

### **The Ruling of the Court of Appeals**

By Decision<sup>[17]</sup> dated August 28, 2015, the Court of Appeals reversed, viz:

**WHEREFORE, premises considered,** the instant petition is **GRANTED**. Finding grave abuse of discretion on the part of the public respondent, the Decision dated July 31, 2013 and the Resolution dated November 29, 2013 are hereby **SET ASIDE**. Respondent's complaint for illegal dismissal is **DISMISSED**. However, the award of P4,718.00 during the period of his suspension is hereby maintained.

**SO ORDERED.**<sup>[18]</sup>

According to the Court of Appeals, petitioner's complaint dated May 30, 2011 was premature. He failed to prove he was dismissed from employment on May 19, 2011 when Chief Nurse Dela Cueva told him "*Ayaw na ni doktora sa yo, ayaw ka na nyang magtrabaho, tanggal ka na sa trabaho.*"<sup>[19]</sup> On the contrary, it was petitioner who abandoned his job when he failed to report back to work after his suspension. Too, respondents' letter dated June 6, 2011 requiring petitioner to explain why he failed to return to work after his suspension showed that no dismissal happened on May 19, 2011. As such, the Court of Appeals ruled that petitioner was validly dismissed on July 28, 2011 on ground of abandonment.

Petitioner moved for reconsideration but it was denied under Resolution<sup>[20]</sup> dated July 22, 2016

### **The Present Petition**

Petitioner now faults the Court of Appeals for brushing aside the factual findings and legal conclusion of the NLRC which sustained the labor arbiter's ruling that he was illegally dismissed by herein respondents. In support hereof, petitioner reiterates: (1) he never abandoned his job and continued to report for work even after his illegal suspension; (2) respondents, however, no longer gave him a duty schedule after illegally suspending him; (3) the hospital's Chief Nurse herself told him he was dismissed from employment and respondent Dr. Roxas-Platon did not like him anymore.

In their Comment,<sup>[21]</sup> respondents replead their submissions below against petitioner's plea for affirmative relief.

### **Issue**

Was petitioner illegally dismissed?

### **Ruling**

The Court, not being a trier of facts, is not duty bound to review all over again the records of the case and make its own factual determination. For factual findings of administrative or quasi-judicial bodies, including labor tribunals, are accorded much respect as they are specialized to rule on matters falling within their jurisdiction especially when supported by substantial evidence. The rule, however, is not ironclad and a departure therefrom may be warranted where the findings of fact of the Court of Appeals are contrary to the findings and conclusions of the quasi-judicial agency, as in this case.<sup>[22]</sup>

After a judicious review of the records, the Court is constrained to reverse the Court of Appeals' factual findings and legal conclusion.

### ***Petitioner was illegally dismissed***

In reversing the findings of the labor tribunals, the Court of Appeals held that at the time petitioner filed his complaint on May 30, 2011, there was no illegal dismissal to speak of yet. It accepted respondents' assertion that an administrative investigation was still to be conducted as shown in its letter dated June 6, 2011 requiring petitioner to explain his failure to report for work after his suspension. Thus, it was petitioner who wrongly presumed he was dismissed and prematurely filed the complaint.

We do not agree.

Petitioner had all the reason to believe that he had been dismissed from employment due to the events that transpired prior to and after his illegal suspension, viz: (1) when he reported for work after the holy week of 2011, respondent Dr. Roxas-Platon and the hospital staff already treated him indifferently; (2) he was excluded from the meeting of hospital nurses held on May 4, 2011 - the same day he was off-duty; (3) when he reported for work on May 7, 2011 based on his schedule, he found out he was no longer included in the work schedule of duty nurses; (4) Chief Nurse Dela Cueva then told him Dr. Roxas-Platon did not like him anymore and he could not work until the hospital administration told him so; (5) on May 9, 2011, he was informed that he was suspended from May 5, 2011 to May 18, 2011 without any prior investigation or notice; (6) when he reported back to work