

THIRD DIVISION

[G.R. No. 249134, November 25, 2020]

**PHILIPPINE RABBIT BUS LINES, INC., PETITIONER, VS. EDWIN
A. BUMAGAT, RESPONDENT.**

R E S O L U T I O N

INTING, J.:

This Petition for Review on *Certiorari*^[1] assails the Decision^[2] dated December 28, 2018 and the Resolution^[3] dated August 14, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 133319 finding Edwin A. Bumagat (respondent) to have been illegally dismissed by Philippine Rabbit Bus Lines, Inc. (petitioner).

The Antecedents

Petitioner hired respondent in March 1991 as a bus driver for the routes Manila-Laoag and Baguio-Manila. On July 31, 1997, the bus that was being driven by respondent was bumped by a speeding truck along the National Highway in Pozorrubio, Pangasinan. As a result, respondent sustained serious physical injuries for which he underwent several surgeries within a span of more than two years and ended up consuming all of his six months of accumulated sick leave credits.^[4]

On March 17, 2000, respondent wrote Natividad Nisce, the then President of petitioner, requesting to be accepted back to work as a bus driver.^[5] The letter, however, was not acted upon. Thus, on June 9, 2000, respondent filed a Request for Assistance before the Department of Labor and Employment (DOLE) against petitioner for reinstatement and/or payment of separation pay. Later on, respondent withdrew his request because petitioner promised him a job at the Laoag City Terminal.^[6]

Unfortunately, petitioner failed to fulfill its promise to reinstate respondent at the Laoag City Terminal. This prompted respondent to file another Request for Assistance with the DOLE. When no amicable settlement was reached, respondent filed a Complaint^[7] for illegal dismissal and money claims against petitioner. The Labor Arbiter (LA) initially dismissed the complaint on the ground of prescription.^[8] On appeal, the National Labor Relations Commission (NLRC) found that respondent's cause of action had not yet prescribed and remanded the case to the LA for further proceedings.^[9]

Ruling of the LA

On August 9, 2006, the LA dismissed respondent's complaint for lack of merit.^[10] The LA noted that at the time respondent requested petitioner to be accepted back to work, he had already consumed all his leaves as he was out of work for more than two years due to the injuries he sustained during the vehicular accident. Thus,

the LA concluded that respondent had not in any manner, been factually dismissed from his employment by petitioner. Besides, when respondent requested to be admitted back as a bus driver, there was already a medical recommendation from one Dr. Francisco S. Lukban, M.D. (Dr. Lukban) that he be given permanent disability benefits.^[11]

Respondent then appealed to the NLRC.

Ruling of the NLRC

In the Resolution^[12] dated May 22, 2013, the NLRC affirmed the LA's Decision *in toto*. According to the NLRC, it was not petitioner's fault that it could not accept respondent back to work as the latter had been absent for a long time. The NLRC also pointed out that it was impractical for petitioner to keep respondent's job open for him for almost three years.^[13]

Respondent moved for reconsideration of the ruling. The NLRC denied the motion in the Resolution^[14] dated September 30, 2013. Aggrieved, respondent filed a Petition for *Certiorari*^[15] before the CA assailing the NLRC Decision and Resolution.

Ruling of the CA

In the Decision^[16] dated December 28, 2018, the CA reversed and set aside the NLRC ruling. It ruled that: *first*, respondent was constructively dismissed from his employment due to petitioner's failure to provide the former a new work assignment when he reported to work and asked to be accepted back as a bus driver;^[17] and *second*, respondent did not abandon his work.^[18]

The CA thus disposed of the case as follows:

WHEREFORE, the petition is GRANTED. The assailed Decision dated May 22, 2013 and Resolution dated September 30, 2013 of public respondent National Labor Relations Commission are SET ASIDE.

Private respondent Philippine Rabbit Bus Lines is ORDERED to reinstate petitioner Edwin A. Bumagat and to pay him full backwages, inclusive of allowances, and his other benefits or their monetary equivalent, as well as attorney's fees in the amount of 10% of the total monetary claims. On top of the monetary awards, private respondent Philippine Rabbit Bus Lines is ORDERED to pay petitioner legal interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until full satisfaction.

SO ORDERED.^[19]

Petitioner filed a Motion for Reconsideration.^[20] The CA denied the Motion in the Resolution^[21] dated August 14, 2019.

Hence, this petition.

The Issue

The principal issue for the Court's Resolution is whether petitioner had illegally dismissed respondent from his employment.

The Court's Ruling

The petition lacks merit.

Settled is the rule that "factual findings of quasi-judicial agencies such as the NLRC are generally accorded not only respect, but at times even finality, because of the special knowledge and expertise gained by these agencies from handling matters falling under their specialized jurisdictions."^[22] The Court, after all, is not a trier of facts and does not ordinarily embark on the evaluation of evidence adduced during trial.^[23] However, this rule is *not* absolute. One such exception to this rule covers instances when the findings of fact of the quasi-judicial agency concerned conflict or contradict those of the CA.^[24] "When there is variance in the factual findings, it is incumbent upon this Court to reexamine the facts once again."^[25]

After a careful review of the records of the case, the Court resolves to affirm with modifications the findings of the CA. The Court cannot sustain the defense that petitioner could not accept respondent back to work by reason of his medical condition and because he had been found medically unfit to work as a bus driver per Dr. Lukban's Certification.^[26]

"The cardinal rule in termination cases is that the employer bears the burden of proof to show that the dismissal is for just cause, failing in which it would mean that the dismissal is not justified."^[27] This rule applies adversely against petitioner since it has failed to discharge that burden by the requisite quantum of evidence.

"The Labor Code mandates that before an employer may legally dismiss an employee from the service, the requirement of substantial and procedural due process must be complied with. Under the requirement of substantial due process, the grounds for termination of employment must be based on just or authorized causes."^[28] The *just causes for the termination of employment* under Article 297 [282] of the Labor Code are the following:

- (a) Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work;
- (b) Gross and habitual neglect by the employee of his duties;
- (c) Fraud or willful breach by the employee of the trust reposed in him by his employer or duly authorized representative;
- (d) Commission of a crime or offense by the employee against the person of his employer or any immediate member of his family or his duly authorized representative; and
- (e) Other causes analogous to the foregoing.

A perusal of the records shows that respondent had been terminated from work by petitioner due primarily to the serious physical injuries he sustained during the vehicular accident on July 31, 1997 which, in turn, resulted in his prolonged absence from work. This is clearly evinced by petitioner's deliberate failure to act on respondent's request to return to work through his letter dated March 17, 2000. However, it bears stressing that these circumstances do not fall under the above-