

SECOND DIVISION

[G.R. No. 190303, July 09, 2014]

**COLEGIO DE SAN JUAN DE LETRAN-CALAMBA, PETITIONER, VS.
ENGR. DEBORAH P. TARDEO, RESPONDENT.**

R E S O L U T I O N

PEREZ, J.:

This is a Petition for Review on *Certiorari* filed pursuant to Rule 45 of the Revised Rules of Court, assailing the 13 July 2009 Decision^[1] rendered by the Special Second Division of the Court of Appeals in CA-G.R. SP No. 107077. In its assailed decision, the appellate court affirmed the 5 January 2009 Decision^[2] of the Office of the Voluntary Arbitrator of the Department of Labor and Employment, San Pablo City, Laguna, finding petitioner Colegio De San Juan De Letran-Calamba (petitioner) liable for backwages for illegally suspending Engr. Deborah P. Tardeo (respondent) from employment.

In a Resolution^[3] dated 12 November 2009, the Court of Appeals refused to reconsider its earlier decision.

The Facts

Petitioner is an educational institution created and existing under Philippine laws with principal office at Brgy. Bucal, Calamba City, Laguna. Respondent, on the other hand, was employed as a full-time faculty member of the petitioner since 1985. In August 2006, respondent was elected as Union President of Letran-Calamba Faculty and Employees Association (LECFEA) and served in such capacity until she was suspended from work in 2008.

Respondent's suspension arose from her request for Faculty Development Program and Fund Assistance submitted for consideration of petitioner. In a Letter^[4] dated 25 March 2008, addressed to Vice-President for Academic Affairs Dr. Rhodora Odejar, respondent manifested her intention to participate in the 30th National Physics Seminar Workshop Convention in Siquijor State College. In connection therewith, she requested for fund assistance in the amount of P17,000.00, broken down as follows:

Congress/Seminar Fee	P 1,200.00
Transportation	10,000.00
Allowance	1,200.00
Accommodation	4,000.00
Workshop Kit	600.00

	P 17,000.00 ^[5]

Attached to her request was a two-page invitation allegedly downloaded from Philippine Physics Society's (PPS) website which detailed the supposed expenses in the upcoming convention. The foregoing request was recommended for approval by the Dean for College of Engineering, Engr. Delfin Jacob (Jacob) and the Human Resource Director, Prof. Dulce Corazon T. Barraquio.

During pre-audit, the Vice-President for Finance and concurrently Letran's Controller Rodolfo Ondevilla (Ondevilla) noted that the supporting document appended to respondent's request was altered. While the documents appeared to have been taken from the PPS website, significant portions thereof were missing which led him to conclude that the said parts were deliberately omitted by respondent.^[6] The missing portion reads:

The registration fee is P1,200.00. This covers seminar kit, certificates, snacks, membership fee, Philippine Physics Journal, one dinner, and an educational trip. x x x Food costs P50.00 upwards per meal.^[7]

It was gathered from the missing portions that respondent requested for the amount of P600.00 for the workshop kit when the same was already covered by the registration fee as it appears in the PPS website.^[8]

Consequently, Ondevilla disapproved respondent's request for fund assistance on the ground that her fund request was significantly higher compared to the amount requested by another faculty member who also wanted to participate in the same convention. While respondent requested for the disbursement of the amount of P17,000.00, a certain Delorino only asked for P11,000.00. It was noted that after the convention, Delorino's actual expense was only P10,754.00.^[9]

Convinced that the misrepresentation committed by respondent constitutes a grave offense, Jacob convened the Committee of Discipline to investigate the matter pursuant to the mandate of the Faculty Handbook of 2006.

In a Letter^[10] dated 28 May 2008, respondent was informed that she is under investigation for dishonesty and serious misconduct and was given the opportunity to defend herself.

During the hearing, respondent raised as a defense her good faith in omitting some parts of the PPS invitation and asserted that she found no reason to attach the said portions since those are not applicable to her.

After investigation, the Committee of Discipline found that respondent is guilty of dishonesty and serious misconduct and meted out the penalty of suspension for one semester starting 19 August 2008 up to 20 December 2008. The Committee of Discipline found that respondent's guilt was established by her own admission that she deleted certain portions from the invitation before attaching it to her fund request, and by the apparent disparity between the amount requested by the respondent from that of another faculty member who also applied for fund assistance for the same purpose.^[11]

Feeling aggrieved, respondent assailed the adverse decision of the Committee of Discipline to the Office of the Voluntary Arbitrator arguing that she was denied of her right to due process when she was not allowed to confront Ondevilla in person during the hearing. In her Complaint for Illegal Suspension, respondent argued that she was unlawfully deprived of her salary and her economic and social benefits under the Collective Bargaining Agreement (CBA) when petitioner hastily suspended her from employment. Respondent finally claimed that petitioner was guilty of unfair labor practice when, after her suspension from her job, she was prevented from entering the school premises to perform her task as President of LECFEA.

In a Decision^[12] dated 5 January 2009, the Office of the Voluntary Arbitrator declared the suspension of respondent from employment illegal after finding that there was no direct evidence to prove that respondent maliciously altered the invitation attached to her fund request.

Unsatisfied, petitioner elevated the adverse ruling of the Office of the Voluntary Arbitrator to the Court of Appeals by filing a Petition for Review.^[13]

On 31 July 2009, the Court of Appeals rendered a Decision^[14] affirming the ruling of the Office of the Voluntary Arbitrator and declared respondent's suspension from employment unlawful. According to the appellate court, there was no substantial evidence to prove that respondent was guilty of serious misconduct or even of simple misconduct when she omitted a portion of the PPS invitation. In validating the findings of the Office of the Voluntary Arbitrator, the Court of Appeals ruled that the serious misconduct of which respondent is accused of has not been sufficiently, definitively and convincingly shown, and thus declared that to suspend an employee on mere suspicions and innuendos, without substantial proof of his alleged misconduct would result in unfairness and injustice.

The Court of Appeals refused to reconsider its earlier Decision in a Resolution^[15] dated 12 November 2009.

Unrelenting, petitioner filed the instant Petition for Review on *Certiorari*^[16] before the Court assailing the Court of Appeals' Decision and Resolution by raising the following issues:

The Issues

[I].

WHETHER OR NOT [RESPONDENT] COMMITTED DISHONESTY AND SERIOUS MISCONDUCT IN KNOWINGLY SUBMITTING A MATERIALLY ALTERED DOCUMENT TO SUPPORT HER FUNDING REQUEST;

[II].

WHETHER OR NOT [PETITIONER] RESPECTED AND OBSERVED RESPONDENT'S RIGHT TO DUE PROCESS BEFORE DECIDING TO