

FIRST DIVISION

[G.R. No. 188271, August 16, 2010]

**JESUS E. DYCOCO, JR., PETITIONER, VS. EQUITABLE PCI BANK
(NOW BANCO DE ORO), RENE BUENAVENTURA AND SILES
SAMALEA, RESPONDENTS.**

R E S O L U T I O N

CORONA, C.J.:

Petitioner Jesus E. Dycoco, Jr. seeks reconsideration of the August 26, 2009 resolution denying his petition^[1] wherein he assailed the February 16, 2009 decision and May 12, 2009 resolution of the Court of Appeals (CA) in CA-G.R. SP No. 105126.

The CA affirmed the decision and resolution of the National Labor Relations Commission (NLRC) in *Jesus Dycoco, Jr. v. Equitable PCI Bank / Rene Buenaventura, et al.*, docketed as LAC No. 01-000390-08. The NLRC, on the other hand, reversed and set aside the July 24, 2007 decision of the labor arbiter of the Regional Arbitration Branch No. V, Legazpi City, in RAB-V Case No. 09-00407-06 which held that petitioner was illegally dismissed by respondents Equitable PCI Bank (now Banco de Oro), Rene Buenaventura and Siles Samalea.

In reversing the labor arbiter, the NLRC ruled that petitioner's dismissal was for just cause. He was guilty of serious misconduct, willful disobedience and gross negligence for not performing his duty to complete the documentary requirements in the opening of accounts pursuant to the bank's internal procedures. This directly resulted in the unauthorized abstraction of bank funds.

The pertinent facts are as follows.

In February 1997, petitioner was hired by respondent bank as Assistant Manager and/or OIC Branch Head of its Legazpi City Branch, Region V (Legazpi branch). In 2000, petitioner became Branch Head and in September 2003, respondent bank underwent an internal reorganization. Pursuant thereto, petitioner became the Personal Banking Manager (PBM) of the Legazpi branch.

In June 2005, several clients of the Legazpi branch filed complaints for alleged unauthorized abstractions of various trust funds, treasury placements and deposits. Respondent bank promptly commenced an investigation. Consequently, "show cause" letters were issued to the officers of the Legazpi branch, including Branch Center Head Glenna Orogo, former Service Officer respondent Siles Samalea, Service Officer Irene Tabuzo, Operations Officers Imelda Espiritu and Maria Fe Gianan, Investment Clerk Carlo Quirong and the petitioner as the PBM.

The November 14, 2005 "show cause" letter^[2] addressed to petitioner stated the

results of the investigation, as follows:

A. . On the Abstraction of Trust Placement of Client, Ma. Carolina V. Villegas

- a. On 01.30.04, when you approved the opening of PLI account for P7.5M of Ms. Villegas:
 - i. You did not require Ms. Villegas to accomplish/submit the account opening requirements such as Revocable Trust Agreement, Investment Guidelines and Trust Compensation Agreement.
 - ii. You did not require Ms. Villegas to sign on the LOI-Contribution for P7.5M (as initial contribution) to acknowledge the validity and correctness of contribution made, despite your notation "signature to follow" on the cited LOI.
- b. You did not enroll in your Sales Portal the PLI account of Ms. Ma. Carolina V. Villegas opened with an initial placement of P7.5M on 01.30.04 upon your approval.
- c. You did not secure the required account opening documents (i.e. Revocable Trust Agreements, Investment Guidelines, Trust Compensation Agreement) on the PLI account opened on 01.30.04 by Ms. Villegas, despite e-mail follow ups by Ms. Ma. Nelisa M. Trajano/AO-Personal Trust and Agencies Division on 5.13.04 and 02.23.05.
- d. Based on statements of branch personnel, you prevented the BCH and her branch personnel from going to the residence of Carlo B. Quirong to make inquiry/investigation about the Villegas case.

B. On the Abstraction of Trust Placement of Clients, Fr. Roberto Crisol or Benita Crisol (PLI No. 117-78825-2)

- a. On 10.29.03, you did not require Fr. Roberto Crisol or Benita Crisol to sign on the LOI-Contribution for P285K to acknowledge the validity and correctness of contribution made, despite your notation "signature to follow" on the cited LOI.

C. On the Abstraction of Trust Placement of Clients, Fr. Roberto Crisol or Anna Lea Borromeo (PLI No. 117-78828-7)

- a. On 10.29.06, you did not require Fr. Roberto Crisol or Anna Lea Borromeo to sign on the LOI-Contribution for P235K to acknowledge the validity and correctness of contribution

made, despite your notation "signature to follow" on the cited LOI.

D. On the Abstraction of Trust Placement of Clients, Fr. Roberto Crisol or Ma. Celio Sabareza (PLI No. 117-78829-5)

a. On 7.31.03, you co-approved the payment of spurious withdrawal for P100K from the PLI account of Fr. Roberto Crisol or Maria Celio Sabareza:

i. Despite the signatures of Fr. Roberto Crisol on the LOI-Withdrawal for P100K were forged.

ii. Although you did not verify the signatures of Fr. Roberto Crisol on the spurious LOI-Withdrawal for P100K against the specimen signatures on file. Instead, you allowed Carlo B. Quirong do the signature verification.

iii. Without requiring the PLI processor (Ailene C. Perfecto) to prepare Manager's Check under the name of Fr. Roberto Crisol or Ma. Celio Sabareza (Trustor/client) or credit memo (CM) for client's account as mode of payment of said PLI withdrawal as required by policy. Instead, you approved the validation of cited withdrawal as "miscellaneous payout".

iv. Allowing Carlo B. Quirong/CSA to pay via "miscellaneous payout" the LOI-Withdrawal for P100K instead of the teller.

E. You did not enroll in your Sales Portal the five PLI accounts of Fr. Roberto Crisol et al. outstanding with the branch as of 01.31.04.

F. On the Abstraction of Trust Placements of Sps. Cesario Israel/Josephine Bandong

a. You did not immediately notify or report the fraudulent act of Carlo B. Quirong, Sales Assistant to his superior officer, BCH upon your knowledge of the incident on 06.15.05. The BCH could have immediately placed under preventive suspension Carlo B. Quirong effective 06.15.05, thereby preventing the complaint of Mayor Dick Galicia, client on the alleged withdrawal for P810K by Carlo B. Quirong on 06.16.05.

b. You did not report the Cesario Israel/Josephine Bandong (Abstraction of CTF placement for P2,371,620.43 on 12.09.03 by Carlo Quirong) incident to Internal Audit Division (IAD) within two working days from the date of your knowledge of the incident on 06.15.05.

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