

THIRD DIVISION

[G.R. No. 168421, June 08, 2007]

JENNIFER FABELLO PASAMBA, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, HON. VICTORIANO R. CALCAY, RAUL T. AQUINO, ANGELITA A. GACUTAN, AND LABOR ARBITER ERNESTO S. DINOPOL, ST. LUKE'S MEDICAL CENTER INC., JOSE FORTUNATO G. LEDESMA, VICTORIA D. VILLANUEVA, CAROLINE R. VALDEPENAS AND JOVIE ANNE MONSALUD, RESPONDENTS.

DECISION

CHICO-NAZARIO, J.:

This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, assailing the Decision,^[1] dated 18 April 2005, rendered by the Court of Appeals, affirming the Resolution,^[2] promulgated by the National Labor Relations Commission (NLRC) on 15 May 2003. The Court of Appeals, in its assailed Decision, sustained as valid the petitioner's dismissal from her employment with St. Luke's Medical Center (SLMC).

Petitioner Jennifer Fabello Pasamba was employed as a staff nurse by SLMC on 3 July 2001 on a probationary status for a maximum of six months. On 15 October 2001, Dr. Pacita J. M. Lopez, Assistant Chairman of the Department of Pediatrics, filed a Complaint with Lydia Cabigao, the Vice President for Nursing, against the petitioner for uttering slanderous remarks against her.^[3] In her complaint, Dr. Lopez attached a letter, dated 10 October 2001, written by Hazel S. Cabales, the mother of a patient, relaying an incident wherein petitioner allegedly made the following remarks against Dr. Lopez^[4]:

"Bakit si Dra. Lopez pa ang napili mong "pedia" eh ang tanda-tanda na n'un? x x x Alam mo ba, kahit wala namang diperensya yung baby, ipinapa-isolate nya? Minsan nga, meron bagong baby siyang pasyente na ipinasok dito, sabi ko, bah, himala! Walang ikinabit sa kanya. Tapos, kinabukasan . . . kinabitan din pala!"

On 16 October 2001, SLMC issued a Memorandum requiring petitioner to reply in writing to Dr. Lopez's complaint.^[5]

In a Letter,^[6] dated 18 October 2001, petitioner, thru counsel, denied making the statement, which Cabales attributed to her. Petitioner also claimed that Cabales had merely concocted the story after petitioner barred Cabales from staying in the Intermediate Maternity Care Unit (IMCU), since visitors were not allowed to do so.

SLMC also conducted a hearing on 19 October 2001, wherein the petitioner was given an opportunity to be heard and confront Cabales, who was then present. During the hearing, petitioner stated that she had nothing more to add to her letter,

dated 18 October 2001.

Another Memorandum^[7] was sent to the petitioner by SLMC on 25 October 2001, directing her to explain why disciplinary action should not be taken against her for violating Rule IV, Article 2 of the SLMC Code of Discipline:

- a) Libelous utterances or publications which tend to cause dishonor, discredit, contempt to the hospital, to its employees, customers and officers; or
- b) Slanderous utterances to cause embarrassment to the hospital, to its employees, customers and officers.

In Reply to the 25 October 2001 memorandum, petitioner sent a Letter^[8] dated 29 October 2001 to SLMC, wherein she adopted the explanation she gave in her letter dated 18 October 2001, and demanded a reinvestigation.

On 7 November 2001, SLMC notified petitioner, thru a Letter^[9] that she was found guilty of uttering slanderous and derogatory remarks against Dr. Lopez. As a consequence, her employment with the hospital was terminated.

On 21 December 2001, petitioner filed a Complaint for illegal dismissal before the Labor Arbiter. In her Position Paper,^[10] petitioner attached the statements of Veronica A. Ramos and Mary Jean Parcon, both dated 21 November 2001. In her Statement,^[11] Ramos recounted an incident wherein she advised the husband of Hazel Cabales not to stay in the vicinity of IMCU outside visiting hours. Parcon, on the other hand averred in her Statement^[12] that in a conversation which she overheard on 7 September 2001 between Cabales and petitioner, Dr. Lopez was never mentioned.

Petitioner also attached a Statement^[13] made by Evengeline Aguilan Cambri commending petitioner for her professional attitude and alleging that she never heard petitioner disparage Dr. Lopez. Further attached were the statements made by Nayma Magallanes and Charito Cruz, former patients whose newborn children were also placed under the petitioner's care, to the effect that they were highly satisfied with the services of the petitioner.^[14]

SLMC, on its part, presented the Employment Contract, as evidence of the petitioner's probationary status.^[15] It also alleged that petitioner was informed of the standards by which probationary employees are evaluated and the rules which all employees are required to comply with during a seminar held for this purpose. To prove this, it presented the attached copies of the Attendance Sheet, the evaluation form which the petitioner filled out and a Certification, dated 3 January 2002, showing that she attended the seminar and received a copy of the SLMC Code of Discipline.^[16]

The Labor Arbiter dismissed the complaint and upheld the validity of the petitioner's termination after finding that petitioner uttered the slanderous remarks against Dr. Lopez. The various statements made in behalf of the petitioner to the effect that the affiants never heard the petitioner utter the slanderous words were considered by

the Labor Arbiter as inconclusive in proving that petitioner never actually uttered these words. Cabales, on the other hand, did not have any motive to fabricate the statements she attributed to the petitioner, whom Cabales positively identified and confronted during the company hearing. Thus, petitioner's dismissal was based on sufficient grounds. The Labor Arbiter ordered in its Decision, dated 24 April 2002, that^[17]:

WHEREFORE, this case is hereby DISMISSED for lack of merit. For the same reason, so are respondents' counterclaims.

Petitioner filed an appeal before the NLRC, which merely affirmed, in a Resolution dated 15 May 2003, the decision rendered by the Labor Arbiter on 24 April 2002.^[18] Thereafter, petitioner filed a Motion for Reconsideration, which was denied by the NLRC in another Resolution on 12 August 2003.^[19]

On appeal, the Court of Appeals affirmed the NLRC Resolution, dated 15 May 2003. It ruled that the SLMC dismissed the petitioner for failure to meet the reasonable standards for regularization when it violated the company rule against slanderous utterances, standards which were conveyed to the petitioner when she was hired. In the decretal portion of its Decision, the Court of Appeals ruled that^[20]:

WHEREFORE, premises considered, petition for certiorari is hereby DISMISSED. ACCORDINGLY, the Decision dated May 15, 2003 of the NLRC affirming the Decision of the Labor Arbiter dated April 24, 2002 dismissing the complaint for illegal dismissal for lack of merit, and the Order dated August 12, 2003 denying petitioner's motion for reconsideration, are hereby AFFIRMED.

Hence, the present petition, in which the following issues were raised^[21]:

I

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN LAW AND SUBVERTED ESTABLISHED JURISPRUDENCE IN NOT FINDING THAT THERE WAS NO CAUSE FOR DISMISSAL WHICH BY LAW IN ORDER TO BE VALID GROUND FOR DISMISSAL MUST BE RELATED TO HER JOB AS A STAFF NURSE.

II

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN LAW AND SUBVERTED PREVAILING JURISPRUDENCE, WHEN IT UPHELD THE DISMISSAL, CONSIDERING THAT THE GROUND FOR DISMISSAL THAT OF SLANDEROUS UTTERANCES ("*TSISMIS*"), IS NOT RELATED TO PETITIONER'S JOB AS A STAFF NURSE, HENCE NOT A JUST CAUSE FOR DISMISSAL.

III

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN LAW AND SUBVERTED THE DOCTRINE LAID DOWN BY THE SUPREME COURT IN BLTB VS. CIR (sic) CASE, WHEN IT UPHELD THE DISMISSAL,

NOTWITHSTANDING THE COMPANY RULES PRESCRIBING ONLY A 30 DAYS SUSPENSION FOR ALLEGED OFFENSE OF SLANDEROUS UTTERANCES IMPUTED TO PETITIONER.

The petition is without merit.

The factual findings of administrative agencies are generally held to be binding and even final as long as they are supported by substantial evidence in the record of the case.^[22] This is especially true in this case where the Labor Arbiter, the NLRC and the Court of Appeals are in full agreement as to the facts. No rule is more settled than that this Court is not a trier of facts. Absent any showing that the administrative body acted without jurisdiction or in excess of its jurisdiction, the findings of facts shall not be disturbed.^[23]

There is no reason to overturn the factual findings of the Labor Arbiter, the NLRC and the Court of Appeals in this case, all of which have unanimously declared that petitioner was guilty of uttering the slanderous remarks against Dr. Lopez. The evidence on record supports this finding.

Cabales, a disinterested person, had attested to the fact that the petitioner made statements about Dr. Lopez that were clearly defamatory. Cabales even appeared during the hearing held on 19 October 2001, so that petitioner could confront her. Although petitioner was given the opportunity to question Cabales, she failed to do so. Moreover, despite petitioner's allegations to the contrary, Cabales does not appear to have any motive to fabricate her accusation against the petitioner.

Petitioner's self-serving allegation that Cabales held a grudge against the petitioner is unconvincing. It is unlikely that Cabales reported the incident to Dr. Lopez simply because petitioner prohibited Cabales from lingering within restricted premises. Petitioner, herself, sought to prove that other nurses had prohibited Cabales and her husband from doing the same. Yet, there is no showing that Cabales had vengefully filed any complaint against the other nurses that allegedly warned her off the restricted premises.

Furthermore, the positive statements of Cabales cannot be defeated by the suspiciously evasive and indirect allegations of the petitioner's witnesses that defamatory statements against Dr. Lopez were not made within their hearing. Such statements, even if true, would not discount the fact that these statements were truly made, although unheard by the witnesses.

Likewise, the statements submitted by the petitioner, made on her behalf by former patients, commending her performance as a nurse, do not put into question the incident related by Cabales, wherein petitioner uttered words which were harmful to the reputation of Dr. Lopez. Evidently, petitioner failed to present any evidence that would sufficiently overturn the unanimous findings of the Labor Arbiter, the NLRC and the Court of Appeals that, indeed, she made slanderous statements against Dr. Lopez, which she addressed to a former SLMC patient, whose newborn child was at that time confined in SLMC.

Petitioner alleges that uttering slanderous statements is not related to her work as a nurse, and therefore cannot effect her dismissal. To support this contention, petitioner cites the case of *Philippine Aeolus Automotive United Corporation v.*