

SECOND DIVISION

[G.R. No. 143023, November 29, 2005]

**EASTERN OVERSEAS EMPLOYMENT CENTER, INC., PETITIONER,
VS. CECILIA BEA, RESPONDENT.**

D E C I S I O N

AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the January 5, 2000 Decision^[1] of the Court of Appeals (CA) in CA-G.R. SP No. 51312 which affirmed the Resolutions of the National Labor Relations Commission (NLRC) dated November 28, 1997 and January 22, 1998 in POEA ADJ (L) CN. 93-05-827/CA NO. 009966-95; and the CA Resolution^[2] of April 24, 2000, denying petitioner's motion for reconsideration.

The factual and procedural antecedents of the case, as narrated by the CA in its assailed Decision, are as follows:

On February 11, 1992, private respondent Bea was hired as Senior Head Staff Nurse by Elbualy Group/Sultan Qaboos University Hospital (SQUH), the principal employer through its placement agency in the Philippines, petitioner Eastern Overseas Employment Center, Inc. (Eastern). Her contractual employment was for two (2) years, the same to end on February 11, 1994 with a basic monthly salary of US\$1,456.00. Private respondent Bea's placement with SQUH was subject to a three-(3) month probationary period during said contractual employment.

Private respondent Bea's probationary status ended on May 1992 but she still continued being in the employ of SQUH. She, like all other employees of the hospital, was also periodically subjected to performance evaluation.

After an alleged poor evaluation of private respondent Bea's performance as a nurse, she was transferred to the Neo-Natal Unit on December 26, 1992 and her performance was supposedly under observation until January 23, 1993.

On February 24, 1993, the Director of Nursing Services notified private respondent Bea that her contract would be terminated on May 24, 1993. Because of this, she wrote a letter dated March 7, 1993 addressed to H.E. Yahyah Mahfoudh Al-Mantheir, Vice Chancellor of SQUH, requesting for a reconsideration of the decision to terminate her.

In the Memorandum dated June 8, 1993, the Acting Director of Nursing Services explained how the decision to terminate private respondent Bea

was arrived at. It stated the following:

TO	:	Personnel Officer
Through	:	Nasser Al Lamki Acting Hospital Director
From	:	Helen Macilwaine Acting Director of Nursing Services
Subject	:	Termination of Cecilia Bea. I.D. No. 2644
Date	:	8 th June 1993

The above named was terminated from this hospital on the recommendation of the Department of Nursing Services after three very poor evaluations. After her second poor evaluation, she was given intensive management assistance through a specialized training plan from 26th December 1992 to 23rd January 1993, but she did not improve. She was unable to function as a Senior Head Staff Nurse on the Neonatal Unit and therefore a recommendation was made on February 17, 1993 that she should be terminated since she could not fulfill her contractual obligations within Nursing Services.

(Sgd.) Helen Macilwaine
Acting Director of Nursing Services

(Annex 'D' of Petition)

Consequently, private respondent Bea's contractual employment was terminated and she was repatriated to the Philippines on April 21, 1993.

Private respondent Bea thereafter filed a case of illegal dismissal against instant petitioner before the POEA Adjudication Office on December 7, 1993, docketed as POEA Case No. 93-05-827.

In the Decision dated August 8, 1995, the POEA Administrator held that private respondent Bea herein was illegally dismissed...

. . .

Unsatisfied with this Decision, petitioner Eastern appealed to the NLRC. The NLRC affirmed the Decision of the POEA Administrator, ...

. . .^[3]

Eastern Overseas Employment Center, Inc. (Eastern) filed a motion for reconsideration of the NLRC Resolution but the same was denied.

Aggrieved, Eastern appealed to this Court via a petition for *certiorari* under Rule 65 of the Rules of Court. After the Office of the Solicitor General filed its Comment to the petition, this Court referred the case to the CA pursuant to the ruling in *St. Martin's Funeral Homes vs. National Labor Relations Commission, et al.*^[4] On

January 5, 2000, the CA promulgated herein assailed Decision. On April 24, 2000, the CA denied petitioner's motion for reconsideration.

Hence, the herein petition based on the sole ground that the CA committed grave abuse of discretion in denying the petition filed with it.^[5] Petitioner claims that the CA gravely abused its discretion when it blindly adhered to the patently erroneous findings and conclusions of the NLRC that Bea was illegally dismissed.

We are not persuaded.

The question of whether or not Bea was illegally dismissed from her employment is a question of fact. The Philippine Overseas Employment Administration (POEA) Adjudication Office ruled that Bea was indeed illegally dismissed. The settled rule is that the factual findings of quasi-judicial agencies like the POEA, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect, but, at times, even finality if such findings are supported by substantial evidence.^[6] This is especially so in the present case where the findings of the POEA were affirmed by both the NLRC and the CA.

Moreover, in a petition for review on *certiorari*, the scope of the Supreme Court's judicial review of decisions of the CA is generally confined only to errors of law; questions of fact are not entertained.^[7] This doctrine applies with greater force in labor cases inasmuch as factual questions are mainly for the labor tribunals to resolve.^[8] In the present case, the POEA Adjudication Office and the NLRC have already determined the factual issues. Their findings, which are supported by substantial evidence, were affirmed by the CA. Thus, they are entitled to great respect and are rendered conclusive upon this Court, absent a clear showing of palpable error or arbitrary disregard of evidence.^[9]

We find no cogent reason to disturb the findings and conclusions of the POEA Adjudication Office as affirmed by the NLRC and the CA.

Petitioner argues that it has complied with the twin requirements imposed by law for an employee's dismissal to be considered valid, to wit: (1) the dismissal must be for a valid or authorized cause; and (2) the employee must be afforded due process.

As to the question of whether Bea was afforded due process, petitioner contends that Bea's work performance was evaluated three times and that she was even given intensive management assistance through a specialized training plan but she still did not improve. Petitioner further contends that after Bea was informed of her termination in February 1993, she was given a chance to ask for a reconsideration of her case; that after re-evaluation, her employer found no merit in her request for reconsideration; that only then was her termination implemented in April 1993.

Procedural due process in labor law requires the employer to give the employee two notices.^[10] The first is the notice which apprises the employee of the particular acts or omissions for which his dismissal is being sought along with the opportunity for the employee to air his side, while the second is the subsequent notice of the employer's decision to dismiss him.^[11] More particularly, Book VI, Rule I, Section 2(d) of the Omnibus Rules Implementing the Labor Code provides for the standards