

THIRD DIVISION

[G.R. No. 115012, July 16, 1998]

**JULIAN H. ZAPANTA, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION, MATSON INTERNATIONAL
CORPORATION AND/OR CRISPINO M. MATIAS, RESPONDENTS.**

DECISION

ROMERO, J.:

The petition for certiorari in this case seeks to annul and set aside the Resolution^[1] of the National Labor Relations Commission in NLRC Case No. L-001048 affirming the labor arbiter's decision^[2] that dismissed petitioner's complaint for illegal dismissal.

Petitioner Julian H. Zapanta was hired by private respondent Matson International Corp. (MATSON) on July 5, 1988 as liaison officer with a daily salary of P170.00. MATSON was a family enterprise headed by private respondent Crispino Matias engaged in "providing services as a general contractor, steel fabricator, designer and supplier of construction materials, primarily steel" with Imelda Avenue, Cainta, Rizal as its principal place of business.^[3]

Initially, petitioner and MATSON had a cordial relationship. Petitioner claims that this came to an end when MATSON's employees organized the Matson Alyansang Sangguniang Obrero (MASO), a duly registered labor union. Petitioner was frequently seen talking with some union members outside the plant, which, according to him, caused the management to view him with hostility. The management then resurrected a previous "laundering case" against petitioner where he allegedly failed to return purchase money to MATSON's cashier.

Supposedly, as a consequence of the deteriorating relationship between petitioner and MATSON, the former was divested of his functions as a liaison officer. He was banned from seeking contracts and handling important documents for his employer but was instead relegated to the task of coordinating with and assisting three other employees, but he was no longer allowed to handle even petty cash. He was assigned to do office work, but on account of the growing mistrust of management, he was eventually denied any paper work such that he was left idle daily.

Matters were aggravated when petitioner heard Mrs. Matias, wife of private respondent Crispino Matias, utter unpleasant words obviously directed at him: "May mga taong sumusuweldo na hindi pinagpapawisan." Sometime in July or August 1992, petitioner asked private respondent Matias about his employment status and the latter told him to stop reporting for work. Believing that he was constructively dismissed from employment, petitioner filed in the NLRC Regional Arbitration Branch No. IV in Quezon City a complaint "for illegal dismissal with prayer for payment of separation pay, and non-payment of proportionate 13th month pay for 1992, 10-

days vacation leave and sick leave pay for every year of service, and 5-days incentive leave pay for every year of service.”^[4]

In his position paper, petitioner alleged that he was “dismissed simply because he was suspected of having help(ed) the union members in their right to self-organization.” He averred that he was dismissed without due process of law, as he was not even notified by MATSON of the reason for his dismissal. Hence, he prayed for a ruling on his illegal dismissal, reinstatement without loss of seniority rights, moral damages of P30,000.00, exemplary damages and attorney’s fees.^[5]

On the other hand, private respondent stated that as a company engaged in steel fabrication, it hired petitioner to buy out-of-stock materials and construction equipment. Designated as “special materials purchaser,” petitioner was given ample discretion for the prices of the needed materials but he had to report to work at 8:00 a.m. to account for expenditures and to remit left-over cash at the end of each working day. He was initially employed as a company agent on a part-time basis of two days a week. His work schedule was subsequently increased to six days per week, as he would finish an average of two to three assignments a day.

Private respondent maintained that after reporting on time during his first few days with the enterprise, petitioner started arriving between the hours of 9:00 and 10:30 in the morning. Consequently, the management issued several memoranda regarding staff compliance with the rule on punctuality in reporting to work but petitioner failed to comply therewith. Moreover, when the management decided to check the prices of company materials with suppliers, it discovered that petitioner padded their true value. On one occasion, petitioner was asked to look for a second-hand high-pressure cylindrical tank in good condition. He found one for P15,000.00 but when it was finally delivered, the company discovered that it was worthless and was simply junk.

Private respondent added that in most instances, although petitioner had provided the estimate of the amount required for needed materials, he would request a bigger amount of cash calculated to produce a surplus. The unused petty cash would remain in petitioner’s possession for a couple of weeks with petitioner unheeding persistent demands to return them at the end of every transaction. He would subsequently request that the petty cash in his custody be deducted from his salaries on installment basis and in whatever amount he desired. Contrary to company policy, petitioner similarly had the habit of incurring large amounts of cash advances.^[6]

Rather than charge petitioner with “laundering” money, private respondent instead shifted the responsibility of buying out-of-stock items to other employees. As stated earlier, petitioner was relegated to the task of coordinating and assisting three other employees but he was no longer allowed to handle petty cash. Apparently sensing private respondent’s growing distrust in him, petitioner began to slacken his work. On July 30, 1992, he signified his intention to resign when he requested MATSON’s secretary to type his resignation letter.^[7] MATSON thereupon withdrew his liaison functions from petitioner and assigned him instead to do office work. Petitioner subsequently applied for and took a leave of absence. It was then that he filed a complaint for illegal dismissal against private respondents.