



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ST. LUKE'S MEDICAL CENTER,
Petitioner,

G.R. No. 193324

Present:

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus -

**DANIEL QUEBRAL and ST.
LUKE'S MEDICAL CENTER
EMPLOYEES' ASSOCIATION -
ALLIANCE OF FILIPINO
WORKERS (SLMCEA-AFW),**
Respondents.

Promulgated:

JUL 23 2014

x ----- x

DECISION

VILLARAMA, JR., J.:

Before us is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the April 22, 2010 Decision¹ and August 12, 2010² Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 108097. The appellate court affirmed the decision of the Secretary of the Department of Labor and Employment (DOLE) finding respondent Daniel Quebral to have been illegally dismissed by petitioner St. Luke's Medical Center.

The antecedents of the case follow:

Respondent Daniel Quebral (Quebral) started working for petitioner on June 1, 2000 as an Executive Check-up Coordinator. His position was later renamed to Wellness Center Assistant, whose principal duty is to

¹ *Rollo*, pp. 54-64. Penned by Associate Justice Japar B. Dimaampao with Associate Justices Normandie B. Pizarro and Jane Aurora C. Lantion concurring.

² *Id.* at 66-67.

any.

promote the Executive Check-up Program of petitioner to its target customers and generate revenue and census from corporate clients.

As part of its customer service, petitioner provides free and/or discounted parking privileges to its patients. Wellness Center Assistants, such as Quebral, are tasked with claiming pre-approved parking tickets from the hospital's Information and Concierge Section on behalf of the patients. The Parking Regulations and Conditions stated in the Parking Validation Ticket read:

1. This Parking Validation Ticket extends the flat rate of PHP 40.00 per 24 hours for self-driven vehicles and PHP 65.00 per 24 hours for valet service. **This privilege is strictly for confined patients and their representative only.**
2. Each patient is allowed only one (1) Parking Validation Ticket per day.
3. SLMC reserves the right to verify the identity of the Parking Validation Ticket holder.
4. Vehicles must not be parked in a manner that will obstruct passageway of other vehicles, pedestrians, and wheelchairs.
5. SLMC is not responsible for any damage to or loss of the vehicle and/or its accessories and articles left herein.
6. The Parking Validation Ticket is valid only for the CHBC Parking Complex and SLMC Valet Service.
7. All parking attendants have the right to refuse the tickets, which are not properly validated by the issuing party.³ (Emphasis supplied.)

Quebral claims that on January 23, 2007, Arnel U. Ceriola, Department Manager, In-House Security of petitioner, called his attention regarding his unpaid parking fees totaling to ₱1,250. His parking records show that Quebral used the discounted parking privilege reserved for patients and their representatives for his personal use at least 20 times from December 3, 2006 to January 21, 2007. Ceriola asked Quebral as to how he was able to validate his parking tickets when such privilege was not extended to employees. Quebral replied that he just asks from the Concierge staff who provided him with parking tickets. He apologized to Ceriola and told him that he did not know that he was not allowed to avail of such validation benefits. On the same day, he paid his balance to Prestige Parking and returned to Ceriola to again apologize. According to Quebral, Ceriola accepted his apology and even remarked, "*o, nabayaran mo na pala. Ok na yon... walang problema, sige na.*"⁴

On the same date, Ceriola sent the following memo to Victor Quiñones, Department Manager of Wellness Program Office:

³ CA rollo, p. 65.

⁴ Id. at 67.

TO : MR. VICTOR QUIÑONES
Department Manager, Wellness Program Office

FROM : Department Manager, In-house Security

RE : DAN QUEBRAL (unauthorized use of parking validation)

DATE : January 23, 2007

We received a report that one of your staff, Mr. Dan Quebral, parks his car at the CHBC building using validation tickets supposedly for wellness patients. According to him, he is not aware that this is not allowed. He admitted though that sometimes, he tells our concierge and information staff that the tickets are for our wellness patients. As per latest check with Prestige Parking Inc., he should have paid P1,250.00 more as regular rate.

For your information and appropriate action. Thank you.

(sgd.)
ARNEL U. CERIOLA⁵

Quinoñes endorsed Quebral's case to the Employee and Labor Relations Department (ELRD) for investigation. On February 2, 2007, the ELRD through Ms. Roma Paje, Labor Relations Manager, issued the following Notice to Explain and Invitation to Conference to Quebral:

TO : MR. DANIEL S. QUEBRAL
FROM : EMPLOYEE AND LABOR RELATIONS
RE : Notice to Explain and Invitation to Conference
DATE : February 2, 2007

This is with regard to the case endorsement submitted by your Manager[,] Mr. Victor Quinoñes, Jr., wherein you allegedly used the CHBC car parking validation tickets for personal use from December 3, 2006 to January 21, 2007 (as per parking computer record).

x x x x

As such, please explain in writing within 48 hours from receipt of this memo why no disciplinary action should be imposed against you for possible violation of the above rule. Failure on your part to submit your explanation within the requisite period shall mean a waiver on your part of the right to be heard.

Finally, in order to afford you ample opportunity to defend yourself, you are further required to attend Case Conference on February 7, 2007, 9:00 am at the Orthopedic Conference Room 2nd floor Main Building. Failure on your part to submit the required written explanation within the period specified in your Notice to Explain and to attend the scheduled Conference shall mean waiver on your part of the right to be heard. Thus, the management shall be constrained to decide the case based on the documents/evidence at hand.

⁵ Id. at 63.

For immediate compliance.

(sgd.)
ROMA C. PAJE
Labor Relations Manager

Noted by:

(sgd.)
LUVIE A. DE LOS REYES
ELRD, Department Manager⁶

In his reply⁷ dated February 7, 2007, Quebral stated that he did not know that employees and staff were prohibited to get a validation ticket and all that he knew was that, to be able to get a discount on their expensive parking, he needed to get a validation. He further stated that what he usually did was, whenever he would get off late from the hospital, he would ask the information staff if he can get a validation. Without hesitation, they always provided him with it. Because of this, he thought that it was alright to get a validation even if he was an employee of the hospital. He likewise narrated what transpired on January 23, 2007 when Ceriola called his attention about his unpaid parking fees.

Two conferences were held wherein both Quebral and representatives from the St. Luke's Medical Center Employees Association – Alliance of Filipino Workers (SLMCEA-AFW), the exclusive bargaining representative of petitioner's rank-and-file employees, were present. During the February 7, 2007 conference, Quebral reiterated his previous explanations. He also demanded the presentation of the parking tickets for his examination and that he be allowed to confront the witnesses.

On February 9, 2007, the Information and Concierge Associates of petitioner submitted a joint written statement declaring among others that "[w]ith regards to Mr. Dan Quebral getting a validation ticket [from] us, we all know that it is for their patient, that is why we give him the validated ticket. As far as we all know[,] the ticket[s] that we issue [to] him will be used for their ECU patients."⁸

On February 21, 2007, the second conference was held wherein the Information and Concierge Associates were present. They testified that "whenever [Quebral] ask for a parking ticket validation, [he] would simply state that it is for the 'Wellness Program'." They further testified that all employees of petitioner knew that the pre-validated tickets are exclusively for patients' use.⁹

⁶ Id. at 66.

⁷ Id. at 67.

⁸ Id. at 68.

⁹ Id. at 13.

On March 6, 2007 the ELRD rendered a decision¹⁰ terminating Quebral's employment. The pertinent portion reads:

The claim that you "are not aware" of any policy or that the parking validation tickets are for patient's use is but a convenient self serving denial considering your position and tenure in the hospital. It suffices to say that your act of claiming the tickets and saying that it is for "Wellness Program" upon inquiry of the Information and Concierge Associates without indicating your name created a rouse to evince a degree of legitimacy. This demonstrates instead the dishonest intent in availing the parking validation tickets. This considering the fact that the tickets itself indicate that it is for patients use, the testimony of the Information and Concierge Associates, the fact that the tickets were exhausted by multiple-entry use and the fact that as Wellness Program Associate you regularly use the ticket for the convenience of the patients it is impossible to conclude that you are not aware that its sole purpose is to provide customer delight.

The allegation that SLMC did not suffer any loss is an infantile attempt to skirt from liability. Nonetheless, it may be worth mentioning that while no direct monies redound to the Medical Center it doesn't mean that it is not thereby disadvantaged. For by said act the supposed parking space intended for the convenience of the patient is thereby deprived.

An examination of the charges, the rules, your defenses, and facts established led the Management to decide, as we hereby decide, against your favor. We find that the above charges are valid and that you have indeed violated Rule 1 – Act of Dishonesty, Section 18, Other Acts of Dishonesty. In light of the foregoing, your services are hereby TERMINATED effective the closing of business hours of March 10, 2007. This, of course, is without prejudice to the filing of any legal action or claims against you by the Medical Center for any outstanding obligations and accountabilities.¹¹

Quebral, through SLMCEA-AFW, appealed his dismissal in a letter¹² dated March 8, 2007. He pleaded for reconsideration of the penalty of dismissal and that the same be reduced to a three-day suspension in the interest of substantial justice, fairness and compassion.

In a letter¹³ dated March 9, 2007, Fe Corazon B. Ramos-Muit, Vice-President, Human Resources Division of petitioner, replied to Quebral's appeal and stated therein that she directed the Department Head of the ELRD to take action on his appeal including "re-discussions with the Division Head of Customer Affairs for any possibility of commutation" and directed that his dismissal be temporarily held in abeyance pending final determination of the matter.

In a letter¹⁴ dated May 18, 2007 addressed to Norberto A. Sajorda, President of SLMCEA-AFW, petitioner relayed its decision to uphold its

¹⁰ Id. at 69-70.

¹¹ Id.

¹² Id. at 102-103.

¹³ Id. at 104.

¹⁴ Id. at 74.

earlier decision dismissing Quebral effective May 22, 2007 after finding no compelling reason to reverse the same.

SLMCEA-AFW, through Sajorda, sent two letters¹⁵ addressed to Jose F.G. Ledesma, petitioner's President and Chief Executive Officer, appealing Quebral's dismissal. Thus, as part of the auxiliary review, the management looked into the finer details of Quebral's performance for the past 12 months preceding his dismissal and noted the following violations he committed:

- April 12, 2006
Written Reprimand for erroneous insertion of results of patient J. Leroy that resulted to threat of the patient not to recommend SLMC to other managers for ECU. A Violation of Rule VII Sec. 20 (Other Acts of Gross Inefficiency and Incompetence) of SLMC Code of Discipline.
- August 2006
Counsel was given instead of *3 Days Suspension* for erroneous insertion of results of patients of Dr. A. Sibulo. A Violation of Rule VII Sec. 20 (Other Acts of Gross Inefficiency and Incompetence) of SLMC Code of Discipline.
- September 12, 2006
3 Days Suspension was given instead of *7 Days Suspension* for erroneous insertion of results of patients C. Sablan and N. Sablan. A Violation of Rule VII Sec. 20 (Other Acts of Gross Inefficiency and Incompetence) of SLMC Code of Discipline.
- September 13, 2006
Counseling given instead of giving *penalizing based on Unit Policy*. Associate failed to complete assigned task per Standard Operating Procedure regarding confirming patients for admission for the following day. A possible violation of Rule VII Section 7 (Failure to comply with control procedures).¹⁶

In petitioner's reply¹⁷ to Sajorda's letters, it was stated that the above incidents are already indicators that the Management has already extended its utmost consideration to Quebral not only on one occasion but in several incidents and thus, Quebral's dismissal is final and irrevocable.

SLMCEA-AFW then filed with the National Conciliation and Mediation Board (NCMB) on June 7, 2007 a Notice of Preventive Mediation. Two conciliation conferences were held but both sides maintained their respective positions.

On March 16, 2009, the Secretary of Labor and Employment, after voluntary arbitration, rendered a decision.¹⁸ The *fallo* reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

¹⁵ Id. at 75-77.

¹⁶ Id. at 78.

¹⁷ Id.

¹⁸ Id. at 43-57.

1. The dismissal of Complainant from employment is hereby declared as illegal;

2. The act of the Complainant, while not warranting dismissal, deserves a less punitive penalty which is declared to be suspension without pay for three (3) months. This suspension starts from the day he was dismissed from his employment on 22 May 2007 and ends three (3) months thereafter. As such it is already deemed served; and

3. The Company is hereby ordered to immediately reinstate the Complainant to his former position without loss of seniority rights and other privileges, and to pay his backwages, inclusive of allowances and other benefits to which he would have been entitled had he not been dismissed, computed from 23 August 2007 up to the time of his actual reinstatement.

x x x¹⁹

The Secretary of Labor ruled that while there is no dispute that Quebral was guilty of violating company rules on parking validation tickets, the extreme penalty of dismissal was too harsh. Though the penalty for the committed infraction is subject to management discretion, the Secretary of Labor held that it is settled that in determining the penalty imposed on erring employees, due consideration must be given to the employee's length of service and the number of violations he committed during his employ. It was ruled that petitioner should have considered as mitigating circumstances Quebral's seven-year stint, his exemplary performance as an employee as shown by his Certificate of Recognition and Plaques of Appreciation for Excellence in External Customer Service-Frontline Support in 2001, 2002, and 2003, as well as the fact that he has not been shown to have committed any infraction during his tenure. Moreover, the Secretary of Labor found that the subject infraction of Quebral was not considered serious and the implementation on the rules on parking validation tickets was lenient. Also, petitioner did not sustain any loss due to the commission of the offense and in fact in some way benefited from it as it assisted Quebral in the discharge of his functions.

Petitioner elevated the case to the CA via petition for review but the petition was denied in the assailed decision and resolution. The CA agreed with the Secretary of Labor that Quebral has been a dependable and reliable employee and thus, the penalty of dismissal is just too harsh for the offense he committed. The CA also held that petitioner cannot use his past offenses as justification for his dismissal since it is not similar to the subject offense. The appellate court likewise noted that the issuance of discounted parking tickets to employees is a tolerated practice as in the case of Dr. Yosohiro Oba, the International Patient Care Director of petitioner. The CA ruled that to single out Quebral for violating a policy that is not strictly enforced is unjust and discriminatory.

¹⁹ Id. at 56-57.

Hence the instant petition based on the following grounds as summarized in petitioner's memorandum:²⁰

- I. THE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT RULED THAT RESPONDENT'S DISMISSAL WAS ILLEGAL.
 - A. THERE IS MORE THAN SUFFICIENT CAUSE FOR THE DISMISSAL OF PRIVATE RESPONDENT. THE RULE THAT THE RIGHT OF PETITIONER TO TERMINATE PRIVATE RESPONDENT'S SERVICES SHOULD BE TEMPERED WITH COMPASSION AND UNDERSTANDING CANNOT BE APPLIED CONSIDERING THE IMPUNITY WITH WHICH PRIVATE RESPONDENT HAS VIOLATED PETITIONER'S RULES AND REGULATIONS.
 - B. PETITIONER HAD TEMPERED ITS RIGHT TO DISCIPLINE PRIVATE RESPONDENT FOR HIS PREVIOUS VIOLATIONS, AND IT IS ALREADY OPPRESSION TO REQUIRE PETITIONER TO ONCE AGAIN EXTEND COMPASSION AND UNDERSTANDING TO SOMEONE WHO HAS NOT SHOWN LOYALTY AND FIDELITY TO THE INSTITUTION HE REPRESENTS.
 - C. PETITIONER HAS THE RIGHT TO RETAIN EMPLOYEES WHO HAVE THE FITNESS, CANDOR AND LOYALTY IN THE PERFORMANCE OF THEIR ASSIGNED TASKS; PETITIONER SHOULD NOT BE PLACED IN THE SITUATION OF ALWAYS LOOKING AFTER ITS BACK IN ORDER TO ENSURE THAT NONE OF ITS EMPLOYEES ARE STABBING IT, SO TO SPEAK.
 - D. PETITIONER IS A MEDICAL INSTITUTION INVOLVED IN AN ENDEAVOR IMBUED WITH PUBLIC INTEREST; IT RISES AND FALLS ON PUBLIC PERCEPTION AND TRUST. IT HAS TO, IN TURN, BE ABLE TO TRUST ITS EMPLOYEES IN ORDER TO RENDER THE SERVICE FOR WHICH IT WAS ESTABLISHED.
- II. RESPONDENT QUEBRAL IS NOT ENTITLED TO REINSTATEMENT AND BACKWAGES.

Considering that the commission of the subject infraction by Quebral is undisputed, the primordial issue to be resolved in the instant case is whether the penalty of dismissal is commensurate to his offense.

Petitioner argues that the penalty cannot be reduced to suspension as prayed for by the respondent union since the instant case does not involve just one or two acts of dishonesty but 25. If it were the former, petitioner contends that Quebral might have just been mistaken. However, considering that it is 25 times, petitioner submits that it is already ignominy.

²⁰ *Rollo*, pp. 306-336.

Petitioner also contends that Quebral's defense that he was not aware that the parking validation tickets are for patient's use is a blatant lie as the parking validation ticket clearly states that it is strictly for confined patients and their representatives only. Quebral, who has been an employee since June 2000, cannot claim that he is not aware of the policy. Petitioner argues that knowingly violating a policy is bad enough, but not knowing your employer's policies despite being employed for seven years, more or less, is even worse. To further bolster said argument, petitioner cites the joint statement submitted by the Information and Concierge Associates that when Quebral gets a validation ticket from them, they all know that it will be for the ECU patients. Petitioner submits that it is beyond cavil that Quebral is guilty of dishonesty which is a valid ground for termination as provided in Article 282 of the Labor Code, as amended.

Petitioner also submits that each act of Quebral's converting for his own use its property intended for the use of its patients constituted fraud on his part and is a clear violation of petitioner's Code of Discipline.

Petitioner also contends that the CA's conclusion that Quebral has been in its employ for seven long years and has been a dependable and reliable employee is erroneous and not based on the records of the case. It argues that in the year preceding Quebral's dismissal, he was guilty of several infractions and in a couple of instances, petitioner commuted the penalties for these infractions. Thus, petitioner submits that the CA cannot oblige it to once again be compassionate to Quebral after the latter has been given reprieve in previous violations.

Petitioner likewise argues that the CA's statement that it is using Quebral's previous infractions to fortify its decision to dismiss him is a mislaid conclusion. It contends that Quebral's 25 counts of dishonesty, standing alone, are more than sufficient just causes for his dismissal and it need not rely on his previous infractions as "added justifications." What it wants to emphasize in citing prior violations is the fact that it has previously extended compassion and understanding to Quebral by commuting penalties and hence, the CA cannot charge petitioner for being too harsh this time. Also, petitioner submits that the CA cannot totally disregard Quebral's previous infractions since the totality of infractions or number of violations committed during the period of employment shall be considered in determining the penalty to be imposed upon the erring employee.

As to CA's conclusion that the issuance of discounted parking tickets to employees has been a tolerated practice and that to single out Quebral by strictly enforcing it against him is unjust and discriminatory, petitioner avers that the same is off tangent. It points out that the issuance of validated parking tickets to Mr. Yoshiro Oba, the International Patient Director, was with the consent and approval of petitioner which cannot be said of Quebral. Petitioner also argues that except for the courtesy extended to Mr. Oba,

Quebral did not present evidence to show that other employees were being issued validated tickets.

Petitioner insists that it exercised good faith in its management prerogative as there is no dispute that Quebral committed 25 counts of dishonesty, to the damage and prejudice of petitioner. It also points out that the law recognizes the right of the employer to expect from its workers not only good performance, adequate work and diligence, but also good conduct and loyalty and it must not be compelled to continue to employ such persons whose continuance in the service will be patently inimical to his interests.

Quebral and SLMCEA-AFW (respondents hereinafter), for their part, submit that the findings of both the CA and the Secretary of Labor are supported by substantial evidence on record and conclusive and binding on the instant case contrary to petitioner's claim.

Respondents likewise insist that the supreme penalty of dismissal meted on Quebral is too harsh or highly disproportionate to the lumped up and one-time charge of misuse of the parking validation tickets and that the "totality of infractions" doctrine is not applicable. They further argue that had petitioner charged Quebral with 25 separate and distinct incidents of misuse of the parking validation tickets, it should have sent him 25 notices/memoranda to explain. Respondents likewise contend that the issuance of validation tickets even to non-patients appears to be a tolerated practice, as in the case of Mr. Oba. Thus, they maintain that Quebral cannot be seriously faulted for using these tickets and consequently meted the extreme penalty of dismissal. They submit that there is no showing that the offense had prejudiced the operations of petitioner as there are no records of damage sustained by the latter.

The petition is meritorious. This Court finds that the penalty of dismissal meted on Quebral is commensurate to the offense he committed.

Quebral cannot feign ignorance of the policy limiting to patients the privilege of the use of validated parking tickets. First, it is written on the parking ticket itself. Having used said parking tickets many times, it was incumbent upon him to read the terms and conditions stated thereon. And second, even assuming he was not able to read said policy, this Court agrees with petitioner that this only serves as a testament of his inefficiency in his job as he is not aware of his employer's policies despite being employed for 7 years. Moreover, as Wellness Center Assistant whose task is to extend all needed assistance to the ECU patients, it is expected that he is aware of all matters relating to patient rights and privileges.

Also, the CA's conclusion that he has been a dependable and reliable employee and thus deserving of petitioner's compassion is without basis. The auxiliary review of Quebral's employment record by petitioner's management which was requested by respondent union revealed violations

of company rules he committed for the preceding twelve months prior to his dismissal. And for said violations, petitioner extended consideration to Quebral by lowering the penalty imposed on him. Had Quebral valued the considerations extended to him by his employer in the past, he would have been more careful in his actions. Moreover, this Court recognizes the prerogative of an employer to prescribe rules and regulations in its business operations and its right to exact compliance with them by its employees. As held in *Family Planning Organization of the Philippines, Inc. v. NLRC*²¹:

It is the employer's prerogative to prescribe reasonable rules and regulations necessary or proper for the conduct of its business or concern, to provide certain disciplinary measures to implement said rules and to assure that the same be complied with. At the same time, it is one of the fundamental duties of the employee to yield obedience to all reasonable rules, orders, and instructions of the employer, and willful or intentional disobedience thereof, as a general rule, justifies rescission of the contract of service and the peremptory dismissal of the employee.

Furthermore, it goes without saying that the record of an employee is a relevant consideration in determining the penalty that should be meted out on him.²² As correctly argued by petitioner, fitness for continued employment cannot be compartmentalized into tight little cubicles of aspects of character, conduct and ability separate and independent of each other. Thus, we cannot oblige petitioner to disregard altogether Quebral's previous violations when determining the penalty to be imposed on him for his latest offense as if it was the first time he violated company rules. Moreover, Quebral has no vested right to petitioner's compassion. Just because petitioner was compassionate to him numerous times in the past when he violated company rules does not give him the right to demand the same compassion this time on the ground of social justice. As this Court ruled, social justice and equity are not magical formulas to erase the unjust acts committed by the employee against his employer.²³

We also agree with petitioner that Quebral's use of the validated parking tickets cannot be compared to the case of Dr. Oba. The issuance of validated parking tickets to the latter was with the consent and approval of petitioner, which are both wanting in Quebral's case. Also, respondents failed to prove that the violation of the policy on validation of tickets is tolerated by petitioner as they failed to present any evidence that other employees were being issued validated tickets.

This Court, likewise, does not subscribe to respondent's argument that since there is no showing that the offense had prejudiced the operations of petitioner as there are no records of damage sustained by the latter he does not deserve to be dismissed from employment. A company has the right to

²¹ G.R. No. 75907, March 23, 1992, 207 SCRA 415, 421.

²² *Cosmos Bottling Corporation v. NLRC*, 346 Phil. 127, 134-135 (1997).

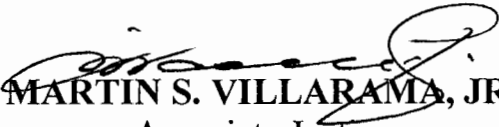
²³ *Reno Foods, Inc. v. Nagkakaisang Lakas ng Manggagawa (NLM)-Katipunan*, G.R. No. 164016, March 15, 2010, 615 SCRA 240, 242.

dismiss its employees as a measure of self-protection.²⁴ It need not wait for it to suffer actual damage or loss before it can rightfully dismiss an employee who it has already found to have been dishonest. The fact that petitioner did not suffer losses from the dishonesty of the respondent does not excuse the latter from any culpability.²⁵ Whether he has already settled the amount he was supposed to pay for parking if not for the validated parking tickets is of no consequence.²⁶ The fact remains that he was dishonest in the performance of his duties which is a valid ground for termination of employment.

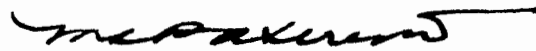
WHEREFORE, in light of the foregoing, the petition is hereby **GRANTED**. The April 22, 2010 Decision and August 12, 2010 Resolution of the Court of Appeals in CA-G.R. SP No. 108097 are **REVERSED and SET ASIDE**. The dismissal of respondent Danilo Quebral is hereby declared **VALID**.


No pronouncement as to costs.

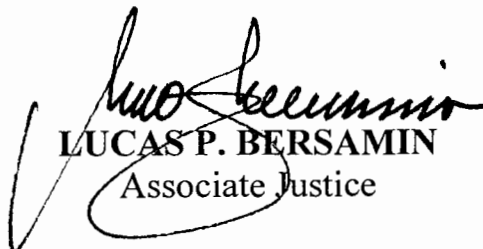
SO ORDERED.


MARTIN S. VILLARAMA, JR.
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


BIENVENIDO L. REYES
Associate Justice

²⁴ *MGG Marine Services, Inc. v. NLRC*, 328 Phil. 1046, 1067 (1996).

²⁵ *Villanueva v. NLRC*, 354 Phil. 1056, 1062 (1998).

²⁶ *See Gonzales v. NLRC*, 407 Phil. 486, 502 (2001).

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice

