

Nacague vs. Sulpicio Lines, Inc., G.R. No. 172589; 8 August 2010

Facts: Jeffrey Nacague (Nacague) was “hepe de viaje” or the representative of Sulpicio Lines, Inc. (Sulpicio) on board one of its vessels (the ship). A housekeeper on the ship reported to Sulpicio that Nacague and the chief mate made a threat on his life after he found drug paraphernalia on board the ship. Sulpicio sent Nacague a notice of investigation informing him of the charges against him – use of illegal drugs and threatening a co-employee. When the ship docked in the port of Manila, crew members, including Nacague, were subjected to a random drug test at the S.M. Lazo Medical Clinic (S.M. Lazo Clinic). Nacague tested positive for methamphetamine hydrochloride or shabu and was subsequently subjected to a formal investigation. Nacague denied using illegal drugs and on the fifth day following the random drug test, underwent a voluntary drug test at the Chong Hua Hospital in Cebu City, which yielded a negative result. Nacague submitted this result to Sulpicio, but Sulpicio later terminated his services. Nacague filed a complaint for illegal suspension, illegal dismissal and reinstatement with backwages. The Labor Arbiter declared that Nacague was illegally dismissed and awarded him separation pay in lieu of reinstatement due to his strained relations with Sulpicio. The Labor Arbiter gave more weight to the drug test result from Chong Hua Hospital because it was accredited by the Dangerous Drugs Board, unlike S.M. Lazo Clinic. On Sulpicio’s appeal, the National Labor Relations Commission (NLRC) reversed the Labor Arbiter’s decision, holding that there was a presumption that S.M. Lazo Clinic was an accredited drug testing center and it was incumbent on Nacague to show otherwise. Nacague filed a petition for certiorari with the Court of Appeals which sustained the termination of his employment. Nacague brought the case to the Supreme Court for review.

Issue: Whether or not there was just cause to terminate Nacague’s employment.

Held: Sulpicio failed to clearly show that Nacague was guilty of using illegal drugs. The lack of accreditation of S.M. Lazo Clinic made its drug test results doubtful.

Section 36 of Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) provides that drug tests shall be performed only by any government forensic laboratories or **any of the drug testing laboratories accredited and monitored by the Department of Health**, to safeguard the quality of test results. The same provision also requires that drug testing should consist of both the screening test and the confirmatory test. In this case, Sulpicio failed to prove that S.M. Lazo Clinic was an accredited drug testing center. Sulpicio did not even deny Nacague’s allegation that S.M. Lazo Clinic was not accredited. Also, only a screening test was conducted to determine if Nacague was guilty of using illegal drugs. Sulpicio Lines did not confirm the positive result of the screening test with a confirmatory test. Sulpicio Lines failed to clearly show that it had a valid and legal cause for terminating Nacague’s employment. When the alleged valid cause for the termination of employment is not clearly proven, as in this case, the law considers the matter a case of illegal dismissal.

As the Labor Arbiter found, Nacague’s reinstatement was no longer feasible due to the strained relations between Nacague and Sulpicio and he should instead be granted separation pay.

The Labor Arbiter’s decision was reinstated.