

The Court finds the action of the COA not only erroneous but also in contravention of the **doctrine of pacta sunt servanda** and, most importantly, contrary to the intention of the parties in entering into the supplemental agreements.

To reiterate, the applicable law in interpreting and construing the agreements should be the canons of international law, particularly the doctrine of pacta sunt servanda. Yet, in affirming the NDs, the COA proposed that the Government negate its accession to the executive agreements without any valid justification. Obviously, this approach should not be adopted. In *Agustin v. Edu*,⁴⁷ we stressed that "[i]t is not for this country to repudiate a commitment to which it had pledged its word. The concept of *pacta sunt servanda* stands in the way of such an attitude, which is, moreover, at war with the principle of international morality."

WHEREFORE, the Court **GRANTS** the petition for *certiorari*; and **REVERSES** and **SETS ASIDE** Decision by the Commission on Audit. **SO ORDERED.**

**ANDREWS MANPOWER CONSULTING, INC., Petitioner vs. FLAVIO J.
BUHAWE, JR., Respondent**

DECISION

[G.R. No. 249633, December 4, 2019]

Facts

This case involved a complaint for illegal dismissal filed by Flavio Buhawe (respondent) against Andrews Manpower Consulting, Inc. (petitioner), a pipe fabricator and his principal employer Gulf Piping Co. W.L.L ("Gulf Piping") based in United Arab Emirates ("UAE"). In affirming the ruling that the respondent was illegally dismissed, the SC stated the while the Philippines adopts the generally accepted principles of international law as part of its domestic law, the principles of international law and comity have no application in this case because the petitioner was failed to prove that the respondent actually violated any labor law of the UAE. The alleged safety violations and disrespectful encounter with an engineer were never established by the petitioner.

RULING

The respondent was illegally dismissed.

It is important to emphasize that, contrary to the insinuations of the petitioner, the Philippines has a profound regard for international law as illustrated by the provisions of **Article II, Section 2 of the 1987 Constitution where the Philippines expressly adopted the generally accepted principles of international law as part of its domestic law**, to wit:

Section 2. The Philippine renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nation.

As international law is founded largely upon the principles of reciprocity, comity, independence, and equality of States, which were adopted as part of the law of our land under Article II, Section 2 of the 1987 Constitution, the Philippines also has a keen respect for international comity. However, the principles of international law and comity have no application in this case because, to begin with, the petitioner was never able to prove that the respondent actually violated any labor law of the UAE. The alleged safety violations and disrespectful encounter with an engineer were never established by the petitioner. Instead, the factual findings of both the LA and NLRC, as affirmed by the CA, consistently showed that the allegations against the respondent are mere unsubstantiated conjectures. They all found the testimonies and evidence presented by the respondent more credible than that of the petitioner.

WHEREFORE, the Petition is **DENIED**. The decision declaring that the respondent was illegally dismissed is **AFFIRMED. SO ORDERED**.