

### University of the East v. Pepanio

\*\*702 Phil. 191 (2013)\*\*

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### Title

University of the East v. Analiza F. Pepanio and Mariti D. Bueno

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### Facts

1. **Employment Guidelines:**

- **1992:** Department of Education, Culture and Sports (DECS) stipulated in the Revised Manual of Regulations for Private Schools, that college faculty must have a master's degree to qualify for regular status.

2. **Collective Bargaining Agreement (CBA):**

- **1994:** UE and the UE Faculty Association executed a CBA effective until 1999. It stated faculty without a master's degree would only receive semester-to-semester contracts.

3. **Joint Order:**

- **1996:** Several government agencies reiterated this policy in DECS-CHED-TESDA-DOLE Joint Order 1.

4. **Respondents' Employment:**

- **1997:** Mariti D. Bueno hired on a semester-to-semester basis.

- **2000:** Analiza F. Pepanio hired on a similar basis.

5. **Educational Pursuits:**

- Bueno took some postgraduate subjects but did not complete the course.

- Pepanio earned 27 units in her graduate studies but did not continue within five years; thus, credits were no longer valid.

6. **Changing CBAs:**

- **2001:** New CBA allowed UE to extend probationary appointments to those without postgraduate degrees, requiring them to obtain the degrees within the probationary period.

7. **Expiration Notices:**

- **2003:** Dean Javier issued expiration notices for probationary faculty lacking

postgraduate qualifications. Pepanio and Bueno were affected but did not continue or did not report to work after the expiration notices.

8. **\*\*Demands for Permanent Status:\*\***

- Both demanded regular employee status based on tenure and full-load service.

9. **\*\*Labor Arbiter Decision:\*\***

- \*2005:\* LA declared them regular employees, adjudging their dismissal illegal based on their employment under previous CBAs.

10. **\*\*Appeal to NLRC:\*\***

- UE appealed; the appeal was challenged for timeliness but later accepted.

11. **\*\*NLRC Ruling:\*\***

- \*2006:\* Reversed LA's decision, citing non-compliance with postgraduate requirements.

12. **\*\*Court of Appeals (CA):\*\***

- \*2010:\* Reinstated LA's decision due to technicality in filing period.

13. **\*\*Supreme Court (SC):\*\***

- Considered timely appeal due to proof of service issues. Eventually dismissed the complaints against UE.

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**### Issues**

1. **\*\*Timeliness of Appeal:\*\***

- Whether UE filed the appeal to the NLRC within the 10-day period.

2. **\*\*Verification and Certification Requirements:\*\***

- Whether UE failed to enclose a necessary certification from its Board of Trustees for non-forum shopping.

3. **\*\*Alleged Illegal Dismissal:\*\***

- Whether UE's non-renewal constituted illegal dismissal of Bueno and Pepanio.

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**### Court's Decision**

**\*\*1. Timeliness of Appeal:\*\***

- The SC found no conclusive proof that Atty. Mison received the registry notice from the post office on March 22, 2005. It considered the registry return receipt of April 4, 2005, as the actual date of receipt. Thus, UE's appeal filed on April 14, 2005, was timely.

**\*\*2. Verification and Certification:\*\***

- Dean Javier was determined to be in a position to verify the truthfulness and correctness of the petition's allegations. Thus, the absence of a specific authorization was not fatal to the petition.

**\*\*3. Illegal Dismissal:\*\***

- SC found that the 1994 CBA and 1992 regulations necessitated a master's degree for regularization. The considerations in subsequent CBAs aligned with these requirements. Bueno and Pepanio did not fulfill them, thus, their non-renewal due to lacking qualifications was not illegal.

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**### Doctrine**

- **\*\*Administrative and statutory regulations:\*\*** A school CBA must be read in conjunction with these governing faculty qualifications. The CBA cannot override qualifications required by law.

- **\*\*Service proof in appeals:\*\*** Registry return receipts are critical in determining appeal periods. Actual receipt or proof of registry notice initiates the appeal period.

- **\*\*Authority in verification:\*\*** Individuals in positions of authority within their institutions may verify petitions without explicit authorization when the truthfulness of the facts is within their direct knowledge.

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**### Class Notes**

- **\*\*Employment Standards & Academic Requirements:\*\*** Minimum qualifications like master's degrees are essential for attaining regular status in academic positions.

- **\*\*Document Service Procedures:\*\*** Registry return receipts and first notices are vital in computing appeal periods in administrative/legal proceedings.

- **\*\*Probationary Appointments:\*\*** These are contingent upon compliance with stated qualifications within specified periods.

- **\*\*Corporate Petitions:\*\*** High-ranking officials may verify and certify petitions in their official capacity if directly aware of the facts.

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### ### Historical Background

This case arose during ongoing developments in Philippine higher education administration and labor law, where regulations progressively aligned teaching qualifications with educational quality objectives. The shift towards stringent requirements like mandatory postgraduate degrees reflects a broader national policy goal of uplifting educational standards, influencing collective bargaining agreements and institutional policies within academic institutions.