

**EUFRACIA MENDOZA, PETITIONER, VS. COURT OF APPEALS,
VENUSTIANO S. ROXAS, ALMARIO ROXAS, FLORENTINO C. SANTOS,
EDGARDO C. SANTOS, MANUEL GRIGINO AND ESTER AGRA,
RESPONDENTS.**

G.R. No. L-45898. December 18, 1987

Ponente: BIDIN, J.

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BIDIN, J.:

This is a petition for review on certiorari of the December 9, 1976 Decision of the Court of Appeals[1] in CA-G.R. No. 04741-SP, "Venustiano S. Roxas, et al. vs. Hon. Nelly L. Romero Valdellon, et al." ordering the dismissal of Civil Case No. 4454-M; and the March 17, 1977 Resolution of the same Court denying petitioner's motion for reconsideration.

The facts of this case, as can be gathered from the Decision of the Court of Appeals, are as follows:

Herein petitioner Eufracia Mendoza had been a classroom teacher in the Holy Angels' Academy, a general secondary school in Pandi, Bulacan, since its establishment in 1951 until the end of school year 1971-72, when she was appointed principal of the academy. At the start of school year 1973-74, she received a letter dated June 18, 1973 from one of the private respondents herein, Venustiano S. Roxas, informing her that the Board of Trustees of the school, composed of the herein private respondents, passed and approved three (3) resolutions on June 17, 1973. The first resolution demanded that petitioner tender her resignation as principal of the school not later than June 20, 1973; the second considered her automatically terminated as principal on June 20, 1973, should she refuse to resign; and the third designated one Alfonso Raquepo as teacher-in-charge to take over the position of petitioner beginning June 20, 1973.

Unable to perform her duties as principal because her office was ordered padlocked by private respondent Venustiano S. Roxas, petitioner filed on June 17, 1973 an administrative complaint (Adm. Case No. D-2365, Eufracia S. Mendoza vs. Venustiano S. Roxas, et al.) with the Bureau of Private Schools questioning her dismissal.

After the parties had presented their sides, the Director of Private Schools rendered a decision dated September 3, 1973, declaring that private respondents had no authority to act for and in behalf of the Board of Trustees, not being members of the Board, and ordered the reinstatement of petitioner to her position as principal. Private respondents appealed to the Secretary of Education and Culture, who, on March 5, 1974, affirmed in toto the decision of the Director of Private Schools.

On March 21, 1974, private respondents elevated the matter to the Office of the President of the Philippines.

While the appeal was pending resolution in the Office of the President, on March 28, 1974, petitioner filed a complaint for damages and injunction against private respondents and Alfonso Raquepo with the Court of First Instance of Bulacan, Branch I, presided by Judge Nelly Romero Valdellon. The case was docketed as Civil Case

No. 4454-M.

On April 5, 1974, Judge Valdellon issued a temporary restraining order which enjoined the private respondents from performing and discharging the acts complained of and set the hearing on the application for preliminary injunction on April 17, 1974.

On April 23, 1974, private respondents filed a Motion to Dismiss the complaint upon the grounds that (1) the complaint states no cause of action; (2) the appeal with the Office of the President in Administrative Case No. D-2365 which involved the same issues and parties had not been resolved; and (3) the filing of the complaint was premature.

On May 8, 1974, Judge Valdellon issued an order holding in abeyance resolution of the motion to dismiss and at the same time required private respondents to show in writing within five (5) days that the remedy of appeal to the Office of the President in the administrative case was specifically provided for by law.

A Motion for Reconsideration of the order holding in abeyance resolution on the motion to dismiss was filed by the private respondents on May 18, 1974.

On May 24, 1974, Judge Valdellon granted the prayer of petitioner for a writ of preliminary injunction, and upon filing a bond for P1,000.00, petitioner re-assumed office as principal on May 29, 1974.

Private respondents sued for certiorari with public respondent Court of Appeals (CA-G.R. No. 03082-R, Roxas, et al. vs. Hon. Valdellon, et al.) questioning the validity of the issuance of the preliminary injunction by Judge Valdellon but the case was dismissed on October 1, 1974.

On December 17, 1974, the Office of the President rendered a decision sustaining private respondents' appeal and reversing the verdict of the Department of Education and Culture. The motion to reconsider was denied on May 9, 1975.

On May 8, 1975, petitioner filed with the Court of First Instance of Bulacan a special civil action for certiorari with preliminary injunction (Civil Case No. 4644-M) seeking to set aside and declare of no force and effect the December 17, 1974 Decision of the Office of the President. This was assigned to Branch II of the said Court of First Instance.

On June 30, 1975, Judge Valdellon resolved private respondents' motion to dismiss filed on April 15, 1975, as follows:

"Considering that the first cause of action contests the legality of the dismissal of the plaintiff from her position in the Holy Angels' Academy, and that it was done with evident bad faith, this court believes there are still issues triable and pending resolution. Hence, for the reason stated in the order dated May 8, 1974 denying the initial motion to dismiss, the second motion to dismiss is hereby likewise denied."

On October 24, 1975, private respondents filed with respondent Court of Appeals a petition for mandamus and prohibition. The same was docketed therein as CA-G.R. No. 04741-SP.

Respondent Court of Appeals, in a Decision promulgated on December 9, 1976, ordered the dismissal of Civil Case No. 4454-M.

Petitioner moved for a reconsideration, but the same was denied in a Resolution promulgated on March 17, 1977. Hence, the instant petition.

Petitioner raised four (4) Assignment of Errors, to wit:

I

THE COURT OF APPEALS ERRED IN ORDERING THE COURT OF FIRST INSTANCE OF BULACAN TO DISMISS THE COMPLAINT OF THE PETITIONER (CIVIL CASE NO. 4454-M) WHICH IS AN ACTION FOR DAMAGES AND INJUNCTION AGAINST THE PRIVATE RESPONDENTS, WHEREIN THE PETITIONER IS ASKING THE SAID COURT TO DECLARE THE PRIVATE RESPONDENTS AS "NOT MEMBERS OF THE BOARD OF TRUSTEES OF THE HOLY ANGELS' ACADEMY AND HAVE NO AUTHORITY TO ACT FOR AND IN ITS BEHALF"; TO DECLARE AS ILLEGAL AND IN VIOLATION OF DUE PROCESS THE DISMISSAL OF THE COMPLAINANT AS PRINCIPAL OF THE HOLY ANGELS' ACADEMY; AND TO ORDER THE PRIVATE RESPONDENTS "TO PAY OUT OF THEIR PERSONAL FUNDS THE SALARY OF THE COMPLAINANT SHE WAS NOT ABLE TO RECEIVE FROM JUNE 16, 1973 UP TO THE PRESENT WITH INTEREST AT LEGAL RATE" PLUS ATTORNEY'S FEES, MORAL AND EXEMPLARY AND/OR CORRECTIVE DAMAGES, WHICH WAS FILED ON MARCH 28, 1974 AGAINST THE PRIVATE RESPONDENTS ONLY, AS A RESULT OF ARBITRARY AND ILLEGAL DISMISSAL OF THE PETITIONER AS PRINCIPAL OF THE HOLY ANGELS' ACADEMY.

II

THE COURT OF APPEALS ERRED IN DENYING THE MOTION FOR RECONSIDERATION FILED BY THE PETITIONER OF ITS DECISION PROMULGATED ON DECEMBER 9, 1976.

III

THE COURT OF APPEALS ERRED IN HOLDING THAT THE DECISION OF THE OFFICE OF THE PRESIDENT RENDERED ON DECEMBER 17, 1974 CONSTITUTES LEGAL GROUND FOR THE DISMISSAL OF THE ABOVE ACTION OF THE PETITIONER FOR DAMAGES AND INJUNCTION, IN SPITE OF THE FACT THAT THE SAID DECISION IS STILL PENDING JUDICIAL REVIEW IN CIVIL CASE NO. 4644-M OF THE COURT OF FIRST INSTANCE OF BULACAN, WHICH IS ANOTHER CASE FILED PURPOSELY AND EXCLUSIVELY BY THE PETITIONER QUESTIONING THE LEGALITY AND VALIDITY OF THE SAID DECISION OF THE OFFICE OF THE PRESIDENT AND WHERE THE PRINCIPAL PARTIES ARE HON. RONALDO B. ZAMORA, ASSISTANT EXECUTIVE SECRETARY, AND HON. ROBERTO V. REYES, DEPUTY EXECUTIVE SECRETARY OF THE OFFICE OF THE PRESIDENT.

IV

THE COURT OF APPEALS ERRED IN HOLDING THAT THE PETITIONER'S CAUSE OF ACTION IN THE DAMAGE SUIT IN CIVIL CASE NO. 4454-M IS BASED ON THE DECISION OF THE SECRETARY OF EDUCATION AND CULTURE AND, DESPITE THE CLEAR ALLEGATION IN THE COMPLAINT THAT HER CAUSE OF ACTIONS PREDICATED ON THE ARBITRARY AND ILLEGAL REMOVAL MADE BY THE PRIVATE RESPONDENTS.

The sole issue in this case is whether or not the decision of the Office of the President in Administrative Case No. D-2365 reversing the decision of the Secretary of Education and Culture is a valid ground for the dismissal of an action for damages (Civil Case No. 4454-M) filed by the petitioner against herein respondents in the Court of First Instance of Bulacan.

Private respondents argued that inasmuch as the Court of Appeals found as a fact that petitioner's action for damages (Civil Case No. 4454-M) was "primarily anchored on the decisions of the Director of Private Schools and the Secretary of Education and Culture which have been reversed and supplanted by that of the Office of the

President"; and, as it is well settled that the jurisdiction of this Court in cases brought to it from the Court of Appeals is limited to reviewing and revising the errors of law imputed to the latter, as its finding of fact is conclusive, petitioner cannot assail in the instant case the finding of the Court of Appeals as to the factual basis for bringing the action for damages (Rollo, pp. 75-76).

While it is an established principle that the factual findings of the Court of Appeals are final and may not be reviewed on appeal to this Court, there are, however, certain exceptions to the rule which this Court has recognized and accepted, among which are: when the judgment is based on a misapprehension of facts and when the findings of the Appellate Court are contrary to those of the trial court (Manlapaz vs. Court of Appeals, 147 SCRA 238 [1987]; Sacay vs. Sandiganbayan, 142 SCRA 609 [1986]; Guita vs. C.A., 139 SCRA 576 [1985]). It was held that where findings of Court of Appeals and trial court are contrary to each other, the Supreme Court may scrutinize the evidence on record (Cruz vs. C. A., 129 SCRA 222 [1984]).

The decision of the Court of Appeals ordering the Court of First Instance of Bulacan to dismiss herein petitioner's complaint for damages and injunction is based on the finding and conclusion of the Office of the President that private respondents can validly terminate petitioner's contract of employment. The pertinent portion of the decision of the Court of Appeals reads:

"The decision of the Secretary of Education and Culture, affirming that of the Director of Private Schools which declared that Atty. Venustiano Roxas, et al. did not possess any legal authority to dismiss respondent, was reversed by the Office of the President because the 'acts of administration by the appellants (petitioners herein), in their capacity as members of the Board may, in the absence of the necessary certificate of the Securities and Exchange Commission allowing the conversion, be considered as valid. Perforce, the termination of the Appellee's contract is valid."

It will be noted, however, that petitioner, in her complaint for damages and injunction (Rollo, p. 131) alleges two causes of action, namely: 1) that private respondents are not members of the Board of Trustees of the Holy Angels' Academy as shown by the certification of the Securities and Exchange Commission and as such have no valid and legal authority to terminate the services of the complainant as principal in said school; and (2) that petitioner was summarily dismissed from her employment without being informed of the charges against her and without investigation and hearing at which she could have a chance to be heard nor any prior clearance and approval of the National Labor Commission.

Such causes of action were clearly stated in the complaint and it is readily apparent that the Office of the President did not pass upon the issue of lack of due process in the termination of petitioner's employment but only on the authority of the private respondents to act as members of the Board of Trustees even without the certification of the Securities and Exchange Commission. While said Board may have the authority to terminate the employment of petitioner, the dismissal may still be arbitrary and illegal and, therefore, deserving of payment of damages under the second cause of action. Thus, it has already been settled by this Court that a trial judge cannot dismiss a complaint which contains two causes of action where one of them clearly states a sufficient cause of action against the defendant (Mendoza vs. Bautista, 121 SCRA 760 [1983]).

In fact, it is for this reason that in denying both motions to dismiss filed by private respondents, the trial court considered two causes of action: the illegality of the dismissal and evident bad faith in the execution thereof and expressed the belief that there are still issues triable and pending resolution (Order dated May 8, 1974; Order dated June 30, 1975; Rollo, pp. 44-46).

It is axiomatic that the conclusions of fact of a trial judge are entitled to great weight (People vs. Atanacio, 128 SCRA 22 [1984]) and should not be disturbed on appeal unless for strong and cogent reasons because the trial

court is in a better position to examine real evidence, as well as to observe the demeanor of the witnesses while testifying in the case (*Chase v. Buencamino, Sr.*, 136 SCRA 365 [1985]; *People v. Pimentel*, 147 SCRA 25 [1987]; *Baliwag Transit, Inc. v. C.A.*, 147 SCRA 82 [1987]). In the case at bar, the records show that the findings of fact and the conclusions of the trial court are supported by substantial evidence and there appears to be no cogent reason to disturb the same.

It was also pointed out by the Court of Appeals that should the action for damages be given due course, conflicting judgment of two branches of the trial court may result.

This issue has been laid to rest by this Court in the case of *Raymundo v. Felipe* (42 SCRA 515, 629 [1971]), where the remedy appears to be not dismissal of one case, but the consolidation of two (2) cases in one branch. Thus, the Court ruled:

"Although consolidation of several cases involving the same parties and subject-matter is a matter addressed to the discretion of the trial court, joint hearing becomes a matter of duty if two or more cases are tried before the same judge, or even if filed with different branches of the same court of first instance, provided one of such cases has not been partially tried. (citing, *PAL, et al. v. Teodoro, et al.*, G.R. No. L-6698, Aug. 30, 1955, 97 Phil. 461)."

Civil Case No. 4454-M (for damages) has not yet been tried, and to dismiss the same without giving opportunity to petitioner to submit evidence to substantiate her allegations would be denying her, her day in court. On the other hand, the consolidation of the two cases will achieve the purpose or rationale of a joint hearing authorized by Rule 31 of the Rules of Court, namely, to avoid duplication of suits, guard against oppression or abuse, prevent delay, clear congested dockets, simplify the work of the trial court and save unnecessary costs and expenses, thus attaining justice with maximum speed and with the least expense and vexation to the litigants (*Raymundo v. Felipe*, supra, citing: *Palanca v. Querubing*, G.R. No. L-29510-31, Nov. 29, 1969, 30 SCRA 739, 745).

Finally, private respondents admit that the Court of Appeals in its resolution dated May 17, 1977 expressly recognized the right of the petitioner to contest the validity of the decision of the Office of the President in Civil Case No. 4644-M, yet seek the dismissal of the action for damages in Civil Case No. 4454-M, as a collateral attack on the validity of said decision (Rollo, pp. 84-86).

Not only are the arguments of private respondents inconsistent but as correctly maintained by the petitioner, such dismissal would be violative of her right to due process because it would entail dismissal of her action for damages without any proof having been submitted by her. The Office of the President did not pass upon the issue of damages (Rollo, p. 131) presumably in recognition of the principle that such is not for presidential determination but is within the jurisdiction of the courts; in this case, it was left to the Court of First Instance, now to the Regional Trial Courts.

WHEREFORE, the appealed decision of the respondent Court of Appeals dated December 9, 1976 is hereby Reversed and Set Aside, and Civil Cases Nos. 4454-M and 4644-M are ordered consolidated and assigned to the appropriate branch of the Regional Trial Court of Bulacan for further proceedings and/or trial on the merits.

SO ORDERED.

Fernan (Chairman), Gutierrez, Jr., Feliciano, and Cortes, JJ., concur.

[1] Former Second Division, penned by Associate Justice Mariano Serrano and concurred by Justices Ramon C. Gaviola, Jr. and Delfin Fl. Batacan.

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