

MARY FLORENCE LEI NOBLEZA, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (FIFTH DIVISION), UNIVERSITY OF SANTO TOMAS/REVEREND FATHER HERMINIO DAGOHOY, O.P., FATHER EDGARDO...

Ponente: DIAMANTE, J.

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DIAMANTE, J.:

Not contented with the National Labor Relations Commission (NLRC) Fifth Division's July 31, 2013 Decision[1] and December 26, 2013 Resolution[2] (denying the petitioner's Motion For Reconsideration to the July 31, 2013 NLRC's Decision) in NLRC NCR Case No. 07-11466-12 (NLRC LAC No. 04-001264-13), the petitioner is now before Us via the present Petition for Certiorari[3] under Rule 65 of the 1997 Revised Rules of Civil Procedure.

The petitioner wanted Us to decide on whether the NLRC gravely abused its discretion when it: 1) ruled that private respondent University of Santo Tomas (UST) was able to sufficiently discharge the burden of proving that her resignation was voluntary; 2) rationalized that there was no constructive dismissal because private respondent UST had already accepted her resignation; 3) ruled that private respondent UST validly issued the written reprimand without violation of due process; 4) ruled that private respondent UST was right when it did not grant her Tenured status despite six years and a half (6 1/2) years of probationary employment and hence, not entitled to the benefits granted to tenured faculty under the Collective Bargaining Agreement; and, 5) denied her claims for moral and other damages, attorney's fees, and other monetary benefits due her under the law, plus the solidary liabilities of other private respondents with private respondent UST.[4]

We will lift the antecedents from the NLRC's assailed Decision, thus:

"This case stemmed from the complaint for illegal dismissal (actual), illegal lay-off, non-payment of: service incentive leave; 13[th] month pay; and separation pay, moral and exemplary damages and attorney's fees.

Respondents University of Santo Tomas ("UST") is a private Catholic educational institution in Manila run by the Order of Preachers, with individual respondents Rev. Fr. Herminio Dagohoy, O.P., Rev. Fr. Edgardo Alaurin, O.P. ("Fr. Alaurin") and Prof. Cynthia B. Loza, Ph.D. ("Prof. Loza") as its responsible officers.

Complainant Mary Florence Lei Nobleza ("Nobleza") was hired by respondent UST as Substitute Instructor for the year 2002 to 2003 in the College of Fine Arts and Design ("CFAD"). She was later rehired for the succeeding school years with latest monthly salary of Php41,000.00. Complainant's employment details are as follows:

School Years

Semester

Total Units (Load)

Position

Date of Effectivity

2002-2003

1[st]

4

Substitute Instructor 2 June 2002

2002-2003

2[nd]

6.5

Substitute Instructor 2 November 2002

2003-2004

1st

9.5

Substitute Instructor 2 June 2003

2003-2004

2[nd]

9

Substitute Instructor 2 November 2003

2004-2005

1[st]

4

Probationary Instructor 4 June 2004

2004-2005

2[nd]

4

Probationary Instructor 4 November 2004

2005-2006

1[st]

19.5

Probationary Instructor 4 June 2005

2005-2006

2[nd]

9

Probationary Instructor 4 November 2005

2006-2207

1[st]

15.5

Probationary Instructor 4 June 2006

2006-2007

2[nd]

8.5

Probationary Instructor 4 November 2006

2007-2008

1[st]

22

Probationary Instructor 4 June 2007

2007-2008

2[nd]

16

Probationary Instructor 4 November 2007

2008-2009

1[st]

20

Probationary Instructor 4 June 2008

2008-2009

2[nd]

11

Probationary Instructor 4 November 2008

2009-2010

1[st]

18.5

Probationary Instructor 4 June 2009

2009-2010

2[nd]

11

Probationary Instructor 4 November 2009

2010-2011

1[st]

23

Probationary Instructor 4 June 2010

2010-2011

2[nd]

18

Probationary Instructor 4 November 2010

2011-2012

1[st]

27

Probationary Instructor 4 June 2011

2011-2012

2[nd]

No teaching load

On June 5, 2007 or after three (3) years of being a probationary faculty member, complainant Nobleza wrote a letter to Prof. Jaime Delos Santos, who was then the Dean of the College of Fine Arts and Design. In the said letter, complainant requested for review of her qualifications for the purpose of changing her status from 'non-tenured status' to 'tenured status'. Complainant Nobleza did not receive a reply to her letter.

Section 1, Article XV of the Faculty Collective Bargaining Agreement ("CBA") defines a 'Tenured Faculty Member', as follows:

'a. Teaching Faculty member given a tenure track appointment upon hiring, who has rendered six (6) consecutive semesters of satisfactory service on a full-time basis, carrying fifteen-unit load (15) or more.

xxx'

Meanwhile, as to teaching assignments, Section 3, Article VI of the CBA provides that:

'Priority in Teaching Assignment. - No probationary faculty member shall be assigned to teach a course until all the tenured faculty members who are actually teaching the said course and who have previously taught it within the last three (3) years immediately preceding, with satisfactory service, shall have been given their twenty-four (24)-unit load entitlement.'

On November 14, 2007, Prof. Delos Santos issued a memo on 'DRESS CODE ' for the faculty members in the

CFAD.

On September 22, 2009, complainant Nobleza wrote a letter to respondent Prof. Loza, who succeeded Prof. Delos Santos as Dean of the CFAD, reiterating her request for the change of her status from 'non-tenured' to 'tenured' faculty member. Still, Nobleza did not receive a reply to her letter.

In several instances, complainant Nobleza's attention was called by Fr. Alaurin, the Regent of the CFAD for inappropriate clothing such as wearing a skirt with a 3-inch slit, a t-shirt with low neckline, leggings paired with polo shirt, and short skirt above the knee. Every time she was confronted by Fr. Alaurin, Nobleza would just apologize to him and commit to no longer wear such supposed inappropriate clothes.

On July 22, 2011, complainant received a letter from Prof. Loza narrating the incident on July 21, 2011 when her attention was called by Fr. Alaurin due to her inappropriate clothing. In the letter, Prof. Loza reminded Nobleza to comply with the Dress Code which was strictly being implemented in the CFAD. Prof. Loza also warned her that should she wear inappropriate clothing again, she would be barred from the Beato Angelico premises.

On July 23, 2011, complainant Nobleza tendered her unsigned resignation letter, with the following words:

'This is to signify my resignation from my duty as a faculty of Industrial Design within 30 days to date. It has been a pleasure serving your college to the best of my efforts and abilities.'

On July 25, 2011, Prof. Loza sent complainant Nobleza a letter requesting her to confirm her intention of resigning in her July 23, 2011 resignation letter since the same was unsigned. Prof. Loza also requested Nobleza to come to the Dean's office for a meeting with her and Fr. Alaurin.

During complainant Nobleza's meeting with Prof. Loza and Fr. Alaurin on July 28, 2011, Nobleza confirmed her resignation. She was chided for being childish and immature, and for resigning after she was given a written reprimand. Right after the meeting, Nobleza gave another letter of resignation dated July 28, 2011 that was duly signed by her. The resignation letter reads:

'This is to signify my intent to relieve (sic) from my duty as a faculty of Industrial Design, and to take an early retirement in accordance to (sic) the faculty benefits which I may be extended to aid me in my financial needs ahead. Series of events has prompted me to discern my status as a faculty in this college. In my careful discernment, I have decided to pursue options other than teaching.

It has been a pleasure serving your college to the best of my efforts and abilities. I look forward to a better college for the sake of my beloved students whose futures are in our hands. Rest assured I will fulfill my duties in the grading so as not to cause my students some irregularities.'

However, complainant Nobleza retrieved her July 28, 2011 resignation letter on even date after allegedly getting the advice of the UST Faculty Union.

On August 1, 2011, Prof. Loza wrote Nobleza a letter asking the latter to clarify her intention.

In her August 4, 2012 letter to Prof. Loza, complainant Nobleza informed Prof. Loza that she is revoking her resignation. She apologized for her actions, expressed her willingness to abide by the Dress Code, and signified her readiness to teach for the 2nd semester of academic year 2011-2012.

Complainant Nobleza was not given any teaching load for the 2nd semester of academic year 2011-2012, since respondents had already accepted her resignation before it was withdrawn by her.

On November 24, 2011, Prof. Loza received a letter from the UST Faculty Union informing her that complainant Nobleza had filed a grievance due to the failure of the respondents to give Nobleza a teaching load for the 2nd

semester of academic year 2011-2012. It was pointed out under Article VI, Section 3, 2[nd] paragraph of the CBA, probationary employees are entitled to 15 units load per semester, and that under Section 8(E), 2[nd] paragraph of the same Article, Nobleza had priority in teaching assignments among probationary employees on the ground of seniority.

On December 16, 2011, Prof. Loza replied to the letter by informing the UST Faculty Union that Nobleza already resigned; thus, she was no longer given teaching load for the 2[nd] semester of academic year 2011-2012.

On July 30, 2012, complainant Nobleza sued respondents for illegal dismissal and money claims, alleging: that what is at issue is not whether her resignation was accepted by respondents but rather whether or not her resignation was forced upon her by the unfair and prejudicial treatment she received from respondents; that her resignation was tantamount to constructive dismissal; that the harassment of respondents was the offshoot of clarificatory questions she asked during the forum on the implementation of the Dress Code; that the oppressive July 22, 2011 memo issued by Prof. Loza prompted her to resign; that she was discriminated against, since it was not true that she was clothed inappropriately, as shown by her teaching attire; that she was not given due process to dispute the accusation that she was clothed inappropriately; that for being constructively dismissed, she should be paid separation pay with backwages; that she was given high marks ranging from 'satisfactory' to 'very satisfactory' ratings in the Competence Evaluation Results for 2009-2010, 2010-2011 and 1[st] semester of 2011-2012; that respondents deliberately withheld from her the grant of 'Tenured Faculty' status, despite the fact that she had qualified for tenure after passing probationary period of 3 years with high ratings; that having been deprived of tenureship as a faculty of UST from 2007 up to her illegal termination, respondents should be ordered to pay her economic benefits due her under the 2006-2011 CBA, including legal interest; that acting with malice and in bad faith, Prof. Loza and Fr. Alaurin should be declared solidarily liable with UST for her money claims.

On the other hand, respondents alleged: that complainant Nobleza validly resigned from her employment and was never constructively dismissed; that due process was more than satisfied when the July 22, 2011 memorandum on inappropriate clothing that was issued to Nobleza, indicated as follows: (1) it is undisputed that for a number of times, Fr. Alaurin called Nobleza's attention to follow the Dress Code but the latter continued to disregard the same, (2) it was only after Nobleza disregarded the verbal warnings on compliance with the Dress Code when Fr. Alaurin was compelled to elevate the issue to Prof. Loza, and (3) Nobleza was not prevented from answering the subject memorandum dated July 22, 2011; that the claim of Nobleza that the alleged harassment she suffered was the offshoot of the clarificatory questions she asked during the forum on the Dress Code is unsubstantiated and a mere speculation to be able to claim separation pay despite her valid resignation; that Nobleza was neither pressured to resign nor advised to stop teaching, rather it was Nobleza who tendered her resignation after receiving the July 22, 2011 written reprimand on 'inappropriate clothing'; that the words of appreciation in Nobleza's resignation letter could not reasonably come from an employee who has been allegedly forced to resign; that Nobleza stated the reason for her resignation as 'to pursue options other than teaching'; that being so, Nobleza is estopped from denying the reason she stated in her resignation letter; that Nobleza never qualified for the status of 'Tenured Faculty' since she has not rendered six (6) consecutive semesters of satisfactory service on a full-time basis, carrying 15-unit load or more, as required by Article XV, Section 1 of the CBA; and that the complaint should be dismissed for lack of merit.

The Labor Arbiter found Nobleza to have validly resigned from her employment. The Labor Arbiter ratiocinated that as respondents have already accepted her resignation, Nobleza could not just unilaterally withdraw the same without respondents' approval. It was declared that Nobleza's resignation was not tantamount to constructive dismissal since the same was not obtained by force, intimidation or machination. It was voluntarily and conscientiously undertaken by her. The claim of being harassed or pressured over an issue pertaining to

non-observance of the Dress Code was discredited in the absence of proof that Nobleza was singled out and discriminated against by the respondents in the implementation of the Dress Code. The claim for economic benefits under the CBA was rejected since Nobleza has not acquired the status of a 'Tenured Faculty' as defined in the CBA. Thus, the Labor Arbiter dismissed the complaint for lack of merit."[5]

When appealed, the NLRC affirmed[6] the Labor Arbiter's (LA) findings. It declared that the evidence on record showed that the private respondents were able to discharge the burden of proving that the petitioner was not constructively dismissed but resigned voluntarily. It added that she was not deprived of due process when the written reprimand (re: "Inappropriately Clothed") was thereafter served upon her after she was verbally informed previously in three different instances about her Dress Code's violation. It clarified that she had chances to defend herself during the said three confrontations but only chose to apologize and promised to refrain from committing the same again. The NLRC likewise stated that, contrary to the petitioner's claim (that she already attained the status of a "Tenured Faculty" member), her employment record showed that she never had a 15-unit load or more for six (6) consecutive semesters as required under Article XV, Section 1 of the CBA, hence, her status could not be elevated to "Tenured Faculty". And finally disposed the matter in this wise, to wit:

"WHEREFORE, premises considered the Appeal of complainant Mary Florence Lei Nobleza is DENIED for lack of merit. The Decision of Labor Arbiter Jose Antonio C. Ferrer dated January 31, 2013 is AFFIRMED.

SO ORDERED."[7]

Since the petitioner's Motion for Reconsideration was denied[8] by the NLRC, she is now before Us for refuge.

The present Petition failed to persuade Us.

We find baseless the petitioner's defense that she did not voluntarily resign but was constructively dismissed by the private respondents. Time and again, in termination cases, the burden of proof rests upon the employer to show that the dismissal is for a just and valid cause and failure to do so would necessarily mean that the dismissal was illegal.[9] In *Mobile Protective & Detective Agency, et al. v. Ompad*,[10] the High Court ruled that should an employer interpose the defense of resignation, as in the case at bench, it is still incumbent upon it to prove that the employee voluntarily resigned.

Resignation is the voluntary act of an employee who is in a situation where one believes that personal reasons cannot be sacrificed in favor of the exigency of the service, and one has no other choice but to disassociate oneself from employment. It is a formal pronouncement or relinquishment of an office, with the intention of relinquishing the office accompanied by the act of relinquishment. As the intent to relinquish must concur with the overt act of relinquishment, the acts of the employee before and after the alleged resignation must be considered in determining whether in fact, he or she intended to sever from his or her employment.[11] To determine whether the employee indeed intended to relinquish such employment, the act of the employee before and after the alleged resignation must be considered.[12]

In the case at bench, We find no reason to deviate from the findings of the NLRC on the matter. We are not unaware that the petitioner filed her resignation letter dated July 23, 2011[13] and properly received by the private respondent UST College of Fine Arts and Design (CFAD) on even date. While the same was not signed, however, she verbally confirmed her intention to resign during the July 28, 2011 meeting with private respondent CFAD Dean Professor Cynthia B. Loza (Prof. Loza) and Reverend Father Edgardo Alaurin, O.P. (Fr. Alaurin). It did not escape Our attention too that after the said meeting, she filed another letter of resignation. However, she subsequently retrieved her second resignation after allegedly getting the advice of the UST Faculty Union. In her August 4, 2012 letter to Prof. Loza, the petitioner informed Prof. Loza that she is revoking her resignation. She apologized for her actions, expressed her willingness to abide by the Dress Code, and signified her readiness to

teach for the 2nd semester of academic year 2011-2012.

The foregoing series of events and circumstances would substantially establish that she executed both her July 23, 2011 and July 28, 2011 letters of resignation (which were properly received and accepted by Prof. Loza) with clear mind and discernment. After all, she is not a mere unschooled daily wage earner, who would not have known the significance and consequences of her actions. She is a highly educated employee and well experienced professor of CFAD. To the Court's mind, the petitioner indeed voluntarily disassociated herself from her employment. If it were really true that she was harassed and pressured by Prof. Loza and Fr. Alaurin to execute the second resignation letter during the July 28, 2011 meeting, she would not have stated therein that she wanted to avail the early retirement measure of private respondent UST. Moreover, the Supreme Court pointed out that expressions of gratitude (which the petitioner stated both in her first and second resignation letters) cannot possibly come from an employee who is just forced to resign as they belie allegations of coercion.[14] Besides, she had all the chances to defer submission of the said second resignation letter after the said meeting, but chose to hand it over to the private respondents just the same. Indeed, she was willing to sever ties with her employer.

Further, We cannot just disregard the said two resignation letters on the allegation that the same were executed/submitted under pressure and against her will. We would like to stress that in administrative proceedings, the quantum of proof required is substantial evidence, which is more than a mere scintilla of evidence, but such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[15] This Court finds that the circumstances surrounding the petitioner's resignation should be given due weight in determining whether she had intended to resign. In the case at bench, such intent is very evident. We acquiesce to the NLRC's encompassing and perceptive findings, that: "xxx In the second resignation letter, Nobleza: (1) informed respondents that after careful discernment, she has decided to pursue options other than teaching; (2) expressed her pleasure in serving respondents; and (3) assured respondents that she would wind up her duties so as not to cause inconvenience to her students." [16]

The High Court, in *St. Michael Academy, et al. v. NLRC, et al.*, [17] ruled that mere allegations of threat or force do not constitute substantial evidence to support a finding of forced resignation. It enumerated the requisites for intimidation to vitiate consent as follows:

"(1) that the intimidation caused the consent to be given; (2) that the threatened act be unjust or unlawful; (3) that the threat be real or serious, there being evident disproportion between the evil and the resistance which all men can offer, leading to the choice of doing the act which is forced on the person to do as the lesser evil; and (4) that it produces a well-grounded fear from the fact that the person from whom it comes has the necessary means or ability to inflict the threatened injury to his person or property. xxx"

None of the above requisites was established by the petitioner. Other than her allegation that Dean Loza and Father Alaurin ganged up against her and berated her during the July 28, 2011 meeting [18]--there were no other proofs presented to support a finding of forced resignation to stand against the private respondents' denial and proof against dismissal. Neither can We consider the Written Reprimand (served upon her) against offensive attire, as a form of intimidation against her. Thusly, We find no compelling reason to disturb the findings and conclusions of the NLRC that the petitioner voluntarily resigned and was not dismissed by the private respondents. In fine, the fifth issue raised with respect to petitioner's claims for moral and other damages, attorney's fees, and other monetary benefits is now moot, hence, cannot be granted. [19]

Parenthetically, the acceptance by the private respondents of the petitioner's resignation rendered the same effective. [20] Upon such acceptance, it may not be unilaterally withdrawn without the consent of private respondents. [21] When the employee later signified the intention of continuing his or her work, it was already up to the employer to accept the withdrawal of his or her resignation. The mere fact that the withdrawal was not

accepted does not constitute illegal dismissal, the acceptance of the withdrawal of the resignation being the employer's sole prerogative. As held in *Intertrud Maritime, Inc. v. NLRC*:^[22]

"Once an employee resigns and his resignation is accepted, he no longer has any right to the job. If the employee later changes his mind, he must ask for approval of the withdrawal of his resignation from his employer, as if he were re-applying for the job. It will then be up to the employer to determine whether or not his service would be continued. If the employer accepts said withdrawal, the employee retains his job. If the employer does not xxx the employee cannot claim illegal dismissal for the employer has the right to determine who his employees will be. To say that an employee who has resigned is illegally dismissed, is to encroach upon the right of employers to hire persons who will be of service to them."

As further clarified by the High Court in *Philippine Today, Inc., et al. v. NLRC, et al.*:^[23]

"Obviously, this is a recognition of the contractual nature of employment which requires mutuality of consent between the parties. An employment contract is consensual and voluntary. Hence, if the employee 'finds himself in a situation where he believes that personal reasons cannot be sacrificed in favor of the exigency of the service, then he has no other choice but to disassociate himself from his employment.' If accepted by the employer, the consequent effect of resignation is severance of the contract of employment.

A resigned employee who desires to take his job back has to re-apply therefor, and he shall have the status of a stranger who cannot unilaterally demand an appointment. He cannot arrogate unto himself the same position which he earlier decided to leave. To allow him to do so would be to deprive the employer of his basic right to choose whom to employ. Such is tantamount to undue oppression of the employer. It has been held that an employer is free to regulate, according to his own discretion and judgment, all aspects of employment including hiring. The law, in protecting the rights of the laborer, impels neither the oppression nor self-destruction of the employer."

Verily, the resignation of petitioner which was accepted by Prof. Loza can no longer be withdrawn without the consent of the latter. We find it unjust to the employer if an employee backtracks on her resignation upon her own whims and caprices and without the concurrence of the former. Undoubtedly, what took place here was an act attributable to the employee and not by the employer's application of means vitiating the consent to resign. It would be utterly unfair to accuse the private respondents for illegal dismissal and to impose upon them the burden of accepting back the petitioner who unequivocally manifested her intent and willingness to end her connections with her employer.

With the view We take, the defense of the petitioner that she was constructively dismissed (since she was no longer given teaching load for the 2nd semester of academic year 2011-2012) allegedly for violation of the "Dress Code" in various instances, lacks merit and put to naught. Time and again, constructive dismissal is "an involuntary resignation resorted to when continued employment is rendered impossible, unreasonable or unlikely; when there is a demotion in rank and/or a diminution in pay; or when a clear discrimination, insensibility or disdain by an employer becomes unbearable to the employee."^[24] Contrary to the claim of the petitioner, she was not given a teaching load for the said academic year considering that she effectively resigned from her employment and her stay with the University had ended. Certainly, teaching load is far-fetched. There being no constructive dismissal, there is no legal basis for the payment of backwages, salary differentials, damages, and attorney's fees.^[25]

In the same manner that We find baseless the petitioner's contention that she was denied due process when the "Written Reprimand" was served upon her. The essence of due process is simply an opportunity to be heard, or as applied to administrative proceedings, a fair and reasonable opportunity to explain one's side. It is not the denial of the right to be heard but denial of the opportunity to be heard that constitutes violation of due process of

law.[26] Evidence shows that she was properly notified of the charges against her when in several instances between 2007 to 2011 the petitioner's attention was called by Fr. Alaurin for non-observance of the "Dress Code" Policy of the University. The required hearing or conference was deemed substantially complied with as well every time she was confronted about such issue and the petitioner verbally apologizes and promises not to do it again. To the Court's mind, We consider substantial compliance with the due process requirement the: a) series of confrontations which took place wherein she had the opportunity to be heard; and, b) petitioner's commitment to abide by the "Dress Code" policy was her chance to respond to the charges and defend herself.

We find it necessary to mention that We recognize the right of employers to discipline its employees for violations of company rules after affording the latter due process. For indeed, regulation of manpower by the company clearly falls within the ambit of management prerogative. The High Court had defined a valid exercise of management prerogative as one which covers: hiring work assignment, working methods, time, place and manner of work, tools to be used, processes to be followed, supervision of workers, working regulations, transfer of employees, work supervision, lay-off of workers, and the discipline, dismissal and recall of workers. Except as provided for, or limited by, special laws, an employer is free to regulate, according to his own discretion and judgment, all aspects of employment.[27]

For almost the same reason articulated above, an employer has the prerogative to prescribe reasonable rules and regulations necessary for the proper conduct of its business, to provide certain disciplinary measures in order to implement said rules and to assure that the same would be complied with.[28] An employer enjoys a wide latitude of discretion in the promulgation of policies, rules and regulations on work-related activities of the employees.[29]

It is axiomatic that appropriate disciplinary sanction is within the purview of management imposition.[30] Thus, in the implementation of its rules and policies, the employer has the choice to do so strictly or not, since this is inherent in its right to control and manage its business effectively. Consequently, management has the prerogative to impose sanctions lighter than those specifically prescribed by its rules, or to condone completely the violations of its erring employees. Of course, this prerogative must be exercised free of grave abuse of discretion, bearing in mind the requirements of justice and fair play. Indeed, the Supreme Court had previously stated:[31]

"Management also has its own rights, which, as such, are entitled to respect and enforcement in the interest of simple fair play. Out of its concern for those with [fewer] privileges in life, the Supreme Court has inclined more often than not toward the worker and upheld his cause in his conflicts with the employer. Such favoritism, however, has not blinded the Court to rule that justice is in every case for the deserving, to be dispensed in the light of the established facts and applicable law and doctrine."

The law protects both the welfare of employees and the prerogatives of management. Courts will not interfere with prerogatives of management on the discipline of employees, as long as they do not violate labor laws, collective bargaining agreements if any, and general principles of fairness and justice.[32] Certainly, as a learning institution, the UST cannot be expected to take lightly violations of its Dress Code rule among its employees, more importantly among its faculty members. To do so would send the wrong impression to the studentry and the rest of its teaching staff that irresponsibility is widely tolerated in the academe.

We also find devoid of merit the petitioner's contention that she was qualified to attain a tenured status after serving three (3) years or six (6) semesters at the university. At this point, this Court agrees with and adopts the findings of the NLRC, thus:

"Article XV, Section 1 of the CBA defined a 'Tenured Faculty Member' as a 'Teaching Faculty member, given a tenure track appointment upon hiring, who has rendered six (6) consecutive semesters of satisfactory service on a full-time basis, carrying fifteen-unit load (15) or more. xxx'

A perusal of the employment of Nobleza showed that she never had a 15-unit load or more for 6 consecutive semesters. Thus, her status could not be elevated to 'Tenured Faculty'." [33]

We find no reason to depart from the foregoing elaboration made by the NLRC. We find that the foregoing discussion is more appropriate and in accord with those extant on Record, hence, lend concurrence to it. The same never suggested that it committed grave abuse of discretion amounting to lack or excess of jurisdiction in coming up with its pronouncement. In passing, We would like to reiterate the time-honored doctrine that factual findings of administrative bodies should be accorded not only respect but even finality as they are supported by substantial evidence even if not overwhelming or preponderant [34] or that administrative agencies which have acquired expertise because their jurisdiction is confined to specific matters. [35] Considering the factual and legal precedents in the case at bench, the present Petition must be denied.

WHEREFORE, the present Petition is hereby DENIED. The Court AFFIRMS in toto the assailed July 31, 2013 Decision and December 26, 2013 Resolution of the National Labor Relations Commission Fifth Division in NLRC NCR Case No. 07-11466-12 (NLRC LAC No. 04-001264-13). No costs.

SO ORDERED.

Librea-Leagogo, (Chairperson), and, Sadang, JJ., concur.

[1] Rollo, pages 221-235

[2] Rollo, pages 246-250

[3] Id. at 4-45

[4] Petition, pages 17-18; Rollo, pages 21-22

[5] NLRC's Decision, pages 2-9; Rollo, pages 222-229

[6] Rollo, pages 221-235

[7] NLRC's Decision, page 14; Rollo, page 234

[8] Rollo, pages 246-250

[9] Philippine Long Distance Telephone Company, Inc. v. Tiamson, G.R. Nos. 164684-85, November 11, 2005

[10] G.R. No. 159195, May 9, 2005

[11] Fortuny Garments v. Castro, G.R. No. 150668, December 15, 2005

[12] Id.

[13] Rollo, page 115

[14] St. Michael Academy, et al. v. NLRC, et al., G.R. No. 119512, July 13, 1998

[15] Philippine Long Distance Telephone Company, Inc. v. Imperial, G.R. No. 149379, June 15, 2006

[16] NLRC's Decision, page 11; Rollo, page 231

[17] Supra

[18] Petition, page 22; Rollo, page 26

- [19] Manila Water Company, Inc. v. Peña, G.R. No. 158255, July 8, 2004
- [20] Shie Jie Corporation/Seastar Ex-Im Corp. v. National Federation of Labor, G.R. No. 153148, July 15, 2005
- [21] Digitel Telecommunications Philippines, Inc. v. Soriano, G.R. No. 166039, June 26, 2006
- [22] G.R. No. 81087, June 19, 1991
- [23] G.R. No. 112965, January 30, 1997
- [24] Escobin v. NLRC, et al., G.R. No. 118159, April 15, 1998
- [25] Suge v. Triumph International (Phils.), Inc., G.R. No. 164804, January 30, 2009
- [26] Eastern Overseas Employment Center, Inc. v. Bea, G.R. No. 143023, November 29, 2005
- [27] San Miguel Brewery Sales Force Union v. Ople, G.R. No. 53515, February 8, 1989
- [28] Gustilo v. Wyeth Philippines, Inc., et al., G.R. No. 149629, October 4, 2004
- [29] Coca Cola Bottlers, Phils., Inc. v. Kapisanan ng Malayang Manggagawa sa Coca Cola-FFW, G.R. No. 148205, February 28, 2005
- [30] Lopez v. National Labor Relations Commission, G.R. No. 167385, December 13, 2005
- [31] Samar II Electric Cooperative, Inc. v. NLRC, G.R. No. 116692, March 21, 1997, citing Mercury Drug Corp. v. NLRC, et al., G.R. No. 75662, September 15, 1989
- [32] Mendoza v. Rural Bank of Lucban, G.R. No. 155421, July 7, 2004
- [33] NLRC's Decision, page 13; Rollo, page 233
- [34] Casa Filipina Realty Corp. v. Office of the President, G.R. No. 99346, February 7, 1995
- [35] COCOFED v. Trajano, G.R. No. 98277, February 15, 1995

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