

MARCIANA SANTOS, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, JUSTICES VICENTE M. SANTIAGO, JR., MARIANO SERRANO & JOSE B. JIMENEZ; THE HONORABLE RONALDO B. ZAMORA, AS PRESID...*G.R. No. L-47750. February 29, 1980*

Ponente: FERNANDO, C.J.

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It is the protection afforded by the security of tenure provision[1] that is relied upon by petitioner Marciana Santos whose dismissal by private respondent San Miguel Corporation was sustained by respondent Secretary of Labor Blas F. Ople and thereafter by the then Presidential Assistant, respondent Ronaldo B. Zamora. On the facts to be hereafter set forth, the illegality of such dismissal and, therefore, the repugnance to the above mandate of the Constitution were not disputed by the public respondents. Nonetheless, they could not then see their way to ordering her reinstatement in view of their interpretation of this provision of the Labor Code: "All money claims accruing prior to the effectivity of this Code shall be filed with the appropriate entities established under this Code within one (1) year from the date of such effectivity, and shall be processed or determined in accordance with implementing rules and regulations of the Code; otherwise they shall be forever barred." [2] That would be on November 1, 1975. Petitioner was dismissed in June of 1973. When the public respondents were asked to comment, they did so through Solicitor General Estelito P. Mendoza. [3] Such comment considered as the answer viewed the matter differently. It categorically affirmed that such paragraph should be limited to money claims, all other cases of injury to rights of a workingman being governed by the Civil Code. [4] Accordingly, it was set forth that plaintiff, in this case, petitioner, had a period of four years within which to file her complaint for the injury to her rights. Since she sought reinstatement in 1976, her right was still subsisting. Moreover, it was pointed out that the defense of prescription was not raised. Even more decisive in the disposition of this certiorari proceeding is this submission by Solicitor General Mendoza: "Finally, in advocating the position taken above, undersigned counsel have conferred with the legal officer of respondent Office of the President who manifested his full concurrence on the matter." [5] So does the Court. Petitioner must prevail. She is entitled to reinstatement.

The undisputed facts disclose that on April 27, 1976, a complaint for illegal dismissal was filed with the Department of Labor by petitioner and other co-workers against private respondent. The dismissal was justified on the ground that complainants were hired for a period of six months after which their services could be legally terminated. It was the ruling of the Hearing Officer that the security of tenure clause was applicable and that the company should reinstate them all. Private respondent appealed to the Secretary of Labor. An additional defense was interposed as to the claim of petitioner, namely, prescription, as she had only one year to file her claim. Her failure to do so was in its view fatal. Her dismissal, as mentioned earlier, dated back to June 1973. Respondent Secretary of Labor dismissed the claim of Marciana Santos for having been filed out of time. With respect to the other complainants, the Company was required to reinstate them. Hence the appeal by private respondent and petitioner to the Office of the President, which sustained respondent Secretary of Labor. Then came this certiorari

proceeding.[6]

1. As noted at the outset, reinstatement lies. The Solicitor General is to be commended for his stand. He saw to it that what otherwise could be a restrictive provision in the Labor Code as far as the security of tenure guarantee is concerned, is accorded a construction that gives assurance that the protection to labor mandate of the Constitution is not in any way emasculated. To hold otherwise, as was the thinking of public respondents when the matter was brought up before them, would be a backward step. That would be a posture inconsistent with the aims and objectives of the social and economic rights so zealously safeguarded by the present Charter. What cannot be denied is that the contention of private respondent, unfortunately sustained by respondent public officials, amounted to a departure from the previously settled course of adjudication starting from *Philippine Air Lines, Inc. v. Philippine Airlines Employees Association*[7] to *Pepito v. Secretary of Labor and Eastern Textile Mills, Inc.*[8]

2. The institution of this certiorari proceeding has had a beneficent effect. The Office of the President after further inquiry into the matter had a change of mind. To repeat what was pointed out in the Comment of the Solicitor General: "Finally, in advocating the position taken above, undersigned counsel have conferred with the legal officer of respondent Office of the President who manifested his full concurrence on the matter." In the light of the foregoing, not to mention the hospitable scope that should be accorded to the security of tenure provision, there would be no justification therefore for a ruling other than to grant the plea for reinstatement.

WHEREFORE, the order of respondent as the then Secretary of Labor Blas F. Ople of November 12, 1976 denying the plea for reinstatement of petitioner Marciana Santos as affirmed by the then Presidential Assistant for Legal Affairs, now Assemblyman Ronaldo B. Zamora, is hereby set aside. Petitioner Marciana Santos is ordered reinstated, the dismissal by respondent San Miguel Corporation being declared null and void. This decision is immediately executory.

Barredo, Antonio, Aquino, Concepcion, Jr., and De Castro, JJ., concur.

Abad Santos, J., on leave.

[1] According to the second sentence of Article II, Section 9 of the Constitution: "The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work."

[2] Article 281. According to the Solicitor General, it is now Article 292 in the third Official Edition of the Labor Code.

[3] He was assisted by Assistant Solicitor General Reynato S. Puno and Solicitor Jesus V. Diaz.

[4] According to Article 1146 of the Civil Code insofar as pertinent reads: "The following actions must be instituted within four years: (1) Upon an injury to the rights of the plaintiff; * * *."

[5] Comment, 6.

[6] Counsel for petitioner mistakenly assumed that the matter should be elevated to the Court of Appeals. This Court took a lenient view of such failing. This Court, in a resolution of February 13, 1978, noting that petitioner, not a lawyer, filed the case on her own behalf, resolved to refer "her to the Citizens Legal Assistance Office, Department of Justice, Manila, for legal assistance, it appearing that she has been allegedly dismissed from her employment with the San Miguel Corporation and, therefore, is apparently deserving of legal assistance." Thereafter she was represented by Attorney Al A. Castro of the Citizens Legal Assistance Office.

[7] L-24626, June 28, 1974, 57 SCRA 489.

[8] L-49418, February 29, 1980. The other cases follow: Almira v. B.F. Goodrich Philippines, L-34974, July 25, 1974, 58 SCRA 120; Central Textile Mills v. National Labor Relations Commission, L-50150, May 3, 1979, 90 SCRA 9; Genconsu Free Workers Union v. Inciong, L-48687, July 2, 1979, 91 SCRA 311 and Meracap v. International Ceramics Mfg. Co., Inc., L-48235-36, July 30, 1979.

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