

IN THE MATTER OF THE PETITION TO REMOVE ATTY. JOSE A. GRAPILON AS PRESIDENT, INTEGRATED BAR OF THE PHILIPPINES. ROSALINDA VILLARUEL, ASUNCION ILAGAN, ROSALINDA VILLARUEL, ROBERT...

A.C. No. 4826. April 30, 1999

Ponente: VITUG, J.

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VITUG, J.:

For the Court's consideration is a motion for partial reconsideration of the resolution of 27 January 1999, filed by respondents Integrated Bar of the Philippines and the IBP Board of Governors, praying thus:

"a. Dismissing petitioners' complaints against respondent IBP Board and declaring the Honorable Court as without original jurisdiction to pass upon the termination dispute between petitioners and respondent IBP Board; or in the alternate;

"b. Upholding the dismissal of petitioners as valid; and

"c. Recalling the penalty of admonition imposed by the Honorable Court on respondent IBP Board.

"Other just and equitable reliefs are likewise prayed for."[1]

In sum, movants aver that this Court has erred in taking cognizance of the "termination dispute" between petitioners and respondents, as well as in ordering the former's reinstatement, and in admonishing the IBP Board of Governors for failing to comply with the status quo ante order of 03 February 1998.

There is partial merit in the motion for reconsideration.

On the issue of jurisdiction over the dismissal from employment of petitioners, the matter has been extensively discussed in the questioned resolution, and the Court finds no cogent reason to reconsider its opting exercise jurisdiction thereover. The Court neither sees justification for recalling its admonition on the IBP Board of Governors. The status quo ante order in the resolution of 03 February 1998 has clearly mandated that the IBP Board of Governors maintain the suspension with pay status of complainants during the pendency of the proceedings so long as no contrary order is issued by the Ad Hoc Committee.

The Court, nevertheless, is inclined to agree with respondents that the proceedings have evidently created an "intolerable atmosphere," as well as "uneasiness and tension," between and among complainants, respondents, and the other employees of the IBP National Office. In a number of cases, the Court has allowed the payment of separation pay, in lieu of reinstatement of dismissed employees, when reinstatement is no longer feasible, expedient or practical[2] due to strained relations, and so here, again, the Court believes it must so hold.

WHEREFORE, the motion for a reconsideration of the Court's resolution, dated 27 January 1999, is partly granted by allowing respondents to pay complainants their separation pay in lieu of reinstatement. In all other respects, the resolution of the Court is maintained.

SO ORDERED.

Davide, Jr., Romero, Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, and Ynares-Santiago, JJ., concur.

Gonzaga-Reyes, J., no part (Member of Adhoc Committee).

[1] Motion for Reconsideration, pp. 82-83.1

[2] See *De la Cruz vs. NLRC*, 268 SCRA 458; *Tumbiga vs. NLRC*, 247 SCRA 338.2

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