BERNADETTE P. BAYLON, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (4th DIVISION), F-TECH PHILS., MFG., INC., MASAHIRO TOYODA, IMELDA DYANKO, RODOLFO NAVARRO, JOCELYN ALI...

Ponente: SORONGON, E.D., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/c3a70be8fb9e/

SORONGON, E.D., J.

This is a Petition for Certiorari[1] under Rule 65 of the 1997 Rules on Civil Procedure filed by Bernadette P. Baylon (petitioner) assailing the Decision[2] of public respondent National Labor Relations Commission (NLRC) in NLRC LAC No. 09-002410-11 dated November 18, 2011 affirming the Labor Arbiter's June 30, 2011 decision[3]; and its subsequent Resolution[4] dated February 29, 2012 denying her motion for reconsideration.

The records yield the following factual antecedents:

Petitioner is a regular employee of private respondent F-Tech Philippines Manufacturing, Inc. (F-Tech) which manufactures plastic and suspension parts, assembly of suspension, pedal and sub-frame parts, electro-deposition painting and fabrication of tool jigs. Upon her engagement on January 13, 2003, petitioner was assigned as a Production Operator in the Welding Department. On March 1, 2004, she was transferred to the Material Service Department upon her ENT doctor's advise as she was diagnosed to have allergic rhinitis and pollicular pharyngitis, an illness aggravated by exposure to fumes and strong odors.

On October 1, 2007, F-Tech transferred petitioner to MD Laguna Corporation, a subcon warehouse of F-Tech after she filed a sexual harassment case against her supervisor and co-workers in the Material Service Department. She was again transferred to the Purchasing Department but to her dismay, Rommel Andresa, an assistant supervisor and also the principal respondent in the sexual harassment case, was likewise transferred to the same department. To petitioner's relief, he later resigned.

On February 10, 2010, F-Tech's Plant Manager Rodolfo Navarro informed petitioner of her transfer to the Stamping Storage because she was a surplus employee in the Purchasing Department. On February 13, 2010, she informed the top management of F-Tech regarding her apprehension to be transferred to Stamping Storage due to health reason as this will again expose her to fumes and chemicals. F-Tech nonetheless effected her transfer and to alleviate the effect of fumes and chemicals on her, she was given a face mask which unfortunately only brought allergic reactions on her face.

On May 12, 2010 petitioner was transferred to the Painting Finishing Pedal Storage Department which is located near the waste water area where fumes and chemicals emit. She asked that she be moved out from the area and presented to her manager a medical certificate[5] with advise that petitioner be transferred to a chemical-free environment to prevent aggravation of her condition. Her request was again left unheeded.

Meanwhile, on May 23, 2010, the contemplated union in F-Tech came into existence which was named Nagkakaisang Lakas ng Manggagawa sa F-Tech (NLMF-OLALIA). Petitioner was elected as union secretary.

From then on, petitioner alleged that she experienced undue pressure ("panggigipit") and discrimination from F-Tech, i.e.: petitioner was not allowed to render overtime; she was charged of 'loitering' and 'not wearing hairnet'; she and other union officials were accused of insanity; and she was charged of 'unduly interfering with other associates' when campaigning for the union during non-working hours.

On September 1, 2010, Emma Buenaventura (Buenaventura), Human Resource Officer of F-Tech reminded petitioner about her excessive leaves due to frequent absences. Upon the request of the company nurse and her doctor, petitioner underwent CT-scan, nasal endoscopy and x-ray, the result thereof revealed she has has polyps in her nose requiring operation. Thus, on October 12, 2010, petitioner underwent surgery with advise to rest until October 24, 2010 and fit to resume work on October 25, 2010. On October 26, 2010, petitioner reported before the company clinic to get a fit to work clearance and requested to be transferred to a chemical-free working environment as per doctor's recommendation contained in her medical certificate. There being yet no available position befitting of her medical condition, Buenaventura advised her to go on further leave for ten (10) days, or until November 4, 2010. Petitioner went back for work only on November 9, 2010 and was required by Buenaventura to present a medical certificate indicating her fitness to resume working as well as the limitations in her working environment. Moreover, Buenaventura told petitioner that the latter is not qualified to hold a clerical position because she is not a college graduate, hence without such medical certificate, petitioner will have to return to her previous work in the Painting Department. Felt aggrieved by F-Tech, petitioner filed a complaint before the NLRC SEAD Office with reference no. SEAD-ROIVA-NLRC-RAB-8-11-10[6].

On November 12, 2010 a memorandum[7] was issued by F-Tech to petitioner for her to immediately return to work and submit the required medical certificate. But she did not oblige as she wanted her complaint before the SEAD be first resolved.

No conciliation was reached between the parties before the NLRC SEAD Office. Thus, petitioner on December 21, 2010 formally filed a Complaint[8] for illegal dismissal, unfair labor practice, violation of Magna Carta for Women or RA 9710, damages and attorney's fees before the NLRC RAB-IV docketed as NLRC Case No. 12-02155-10-L.

Despite the filing of the complaint, F-Tech issued a follow-up-memorandum[9] dated January 18, 2011 directing petitioner to explain why she should not be held guilty of insubordination for not reporting for work without valid justification. Petitioner again failed to respond prompting F-Tech to issue a Notice of Termination[10] which disclosed a finding of violation of the policy on absences having incurred successive AWOLs for more than five (5) days and for insubordination or willful disobedience under Article 282 of the Labor Code.

In her Position Paper,[11] petitioner contended in the main that she was constructively dismissed as F-Tech was insistent in assigning her to a department which is detrimental to her health, hence was forced to choose her health over continued employment; and that being a union officer she was treated with acts of oppression, harassment and discrimination by F-Tech which led to her eventual dismissal.

Private respondents disputed the allegation of constructive dismissal by arguing that petitioner was dismissed for a valid cause; the Labor Code grants an employer the right to prescribe reasonable rules and regulations to its employees and the prerogative on how to conduct its business; none of the circumstances obtaining in the present case is substantial enough to justify an allegation of unfair labor practice against F-Tech under Article 248 of the Labor Code; and finally, the NLRC has no jurisdiction over cases falling on RA 9710.

By Decision[12] dated June 30, 2011, the Labor Arbiter dismissed petitioner's complaint ruling that petitioner was not constructively dismissed but her termination was for a valid cause, and assuming that there was no actual dismissal, her claim of constructive dismissal should still fail since F-Tech's exercise of management prerogative

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

was proper.

Petitioner thereafter appealed to the NLRC. In a Decision[13] dated November 18, 2011, the NLRC dismissed the appeal and affirmed the decision of the Labor Arbiter. The Motion for Reconsideration she subsequently filed was similarly denied per Resolution[14] dated February 29, 2012. Hence, this petition for certiorari alleging that:

> THE NATIONAL LABOR RELATIONS COMMISSION (NLRC) COMMITTED GRAVE ABUSE OF DISCRETION IN RULING THAT PETITIONER WAS VALIDLY DISMISSED ON THE GROUNDS OF WILLFUL DISOBEDIENCE AND GROSS AND HABITUAL NEGLECT OF DUTY.
>
> THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION IN RULING THAT THE RESPONDENT DID NOT COMMIT UNFAIR LABOR PRACTICE.
>
> THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION IN RULING THAT PETITIONER IS NOT ENTITLED TO THE RELIEFS PRAYED FOR.

We deny the petition.

We agree with the findings of the NLRC and the Labor Arbiter that petitioner was not constructively dismissed and her eventual dismissal from work was for valid cause. A valid termination was effected by F-Tech on petitioner based on the grounds of willful disobedience and gross and habitual neglect of duties.

The circumstances attending the petitioner as alleged in her complaint cannot squarely be treated as constructive dismissal. Jurisprudence defined constructive dismissal as cessation of work because continued employment is rendered impossible, unreasonable or unlikely; when there is a demotion in rank or diminution in pay or both; or when a clear discrimination, insensibility, or disdain by an employer becomes unbearable to the employee leaving him with no option but to forego with his continued employment.[15]

In the present case, petitioner's continued employment in F-Tech was not rendered impossible, unreasonable or unlikely as F-Tech even displayed commiseration over her health condition by approving her leaves of absence to attend to her medical needs. F-Tech even provided petitioner with a face mask specially designed to protect her from irritant chemicals which she claims trigger her allergic rhinitis.

F-Tech in enforcing company policy and in consideration of petitioner's predicament, asked the latter to provide a medical certificate indicating she is fit to work, with an additional request to disclose therein the chemicals to which she should not be exposed to. This request to our view is not unreasonable since this would allow F-Tech to determine the suitability of petitioner's work assignment vis-a-vis her health condition. Thus, her failure to provide F-Tech with such limitations will automatically make her a “Class A” employee, whom F-Tech may assign to work in any post as it may deem necessary.

Moreover, petitioner is in no position to impose upon F-Tech that she be assigned to the Purchasing Department, since it is the company's discretion or part of its management prerogative to transfer employees from one post to another as the exigency arises. Neither can she claim a right to be posted on said department even if F-Tech requires a college graduate as a qualification to the clerical position therein. On the contrary, it is the employer’s prerogative, based on its assessment and perception of its employees’ qualifications, aptitude, and competence to move their employees around in the various areas of its business operations to ascertain where they will function with optimum benefit to the company. Even if petitioner previously held a clerical position in the Purchasing Department, her right to security of tenure does not give her a vested right to cling to such position as this would unjustly deprive F-Tech of the prerogative to transfer her where she will be most useful. It should be stressed that petitioner was originally employed by F-Tech as a crew and not as clerk. Thus, her transfer to the Purchasing Department was only an act of accommodation of F-Tech on account of the tension created by the sexual

harassment complaint she filed against her co-workers in that department. It is not an acknowledgment of her qualification on said position. Jurisprudence recognizes the exercise of management prerogatives. Labor laws also discourage interference with an employer's judgment in the conduct of its business.[16] For this reason, the courts often decline to interfere in legitimate business decisions of employers.[17] The law must protect not only the welfare of employees, but also the right of employers.[18]

Notably, procedural due process was likewise afforded to petitioner. F-Tech sent a memorandum in relation to her failure to report for work, asking her to explain her absence and provide the company with the medical certificate it requested. Petitioner likewise received a Show Cause Notice dated January 18, 2011 containing in detail the charges against her. She thereafter received Notice of Termination dated February 18, 2011 citing the grounds therefor. However, she stubbornly opted to disregard the same leaving F-Tech with no other recourse but to dismiss her.

The foregoing events show that it was never the intention of private respondents to get rid of petitioner, in the same way that the facts show absence of clear discrimination, insensibility, or disdain on the part of private respondents. In fine, petitioner's assertions of bad faith on them are purely unsubstantiated. Indeed, petitioner's contention that her dismissal was tainted with bad faith does not deserve our approval and neither do we agree with petitioner that she was already constructively dismissed prior to her actual dismissal on February 22, 2011.

On the grounds of willful disobedience and gross and habitual neglect of duty relied upon by the private respondents in terminating the petitioner, under the law, the burden of proving that the termination of a worker's employment was for a valid or authorized cause rests on the employer. Through her repeated violations of the F-Tech's policy on AWOLs from November 5, 2010 until she was terminated on February 22, 2011, petitioner committed a serious misconduct or willful disobedience of the lawful directives or orders of his employer, constituting a just cause for termination of employment.[19]

Notwithstanding the numerous opportunities extended to petitioner via memoranda sent to her, she adamantly refused to submit the medical certificate required by the company, and resisted in reporting for work, hence, continuously incurring absences without official leave. In Gold City Integrated Port Services, Inc. v. NLRC,[20] the Supreme Court stressed that willful disobedience of an employee contemplates the concurrence of at least two requisites: the employee's assailed conduct must have been willful or intentional, the willfulness being characterized by a "wrongful and perverse attitude"; and the order violated must have been reasonable, lawful and made known to the employee, and must pertain to the duties which he had been engaged to discharge. We find the two requisites present in this case. As cogently observed by NLRC to which we are in full accord:

> Complainant's continued failure to report for work from November 5, 2010 up to the time that she was served with (sic) notice of termination on February 22, 2011, constitutes not only a violation of company rules on AWOL, which is akin to gross and habitual neglect of duty, but also displays complainant's disregard for the directives issued by the respondents.

Anent the allegation of neglect of duty, neglect of duty by petitioner, for this to be a ground for her dismissal under Article 282 of the Labor Code, the same must be both gross and habitual.[21] Gross negligence implies want of care in the performance of one's duties. Habitual neglect imparts repeated failure to perform one's duties for a period of time, depending on the circumstances.[22] Under these standards and the circumstances obtaining in the case, we agree with the NLRC that petitioner is guilty of gross and habitual neglect of duties.

Regarding the issue of unfair labor practice, petitioner anchored her claim on Article 248 (a) of the Labor Code which provides:

> Art. 248. Unfair labor practices of employers- It shall be unlawful for an employer to commit any of the

> following unfair labor practice:
>
> (a) To interfere with, restrain or coerce employees in the exercise of their right to self-organization.
>
> xxx

In her petition, petitioner argued that her transfer to the Painting Department, and private respondents' insistence that she continue to work under an environment hazardous to her health is tantamount to unfair labor practice because it is the most convenient way for private respondents to get rid of her due to her active union activities.

We find such argument preposterous. In essence, contradistinction should be made between a valid management prerogative and this ground of unfair labor practice. While under the doctrine of management prerogative, every employer has the inherent right to regulate, according to his own discretion and judgment, all aspects of employment, including hiring, work assignments, working methods, the time, place and manner of work, work supervision, transfer of employees, lay-off of workers, and discipline, dismissal, and recall of employees, the only limitations to such exercise are those imposed by labor laws and the principles of equity and substantial justice, while a charge under Article 248 (a) of the Labor Code presupposes the employer's commission of acts that transgress the workers' right to organize, which as specified in Articles 248 [now Article 257] and 249 [now Article 258] of the Labor Code, the prohibited acts must necessarily relate to the workers' right to self-organization.

In the case of Insular Life Assurance Co., Ltd. Employees Association – NATU v. Insular Life Assurance Co. Ltd.,[23] the Supreme Court laid down the test of whether an employer has interfered with and coerced employees in the exercise of their right to self-organization, that is, whether the employer has engaged in conduct which, it may reasonably be said, tends to interfere with the free exercise of employees' rights.

The questioned acts of private respondents, to wit: 1.) petitioner's transfer to the Painting Department was designed to usher her out of F-Tech due to her union activities; 2.) she was not allowed to render overtime; 3.) she was charged of 'loitering' and 'not wearing hairnet' since she joined the union; 4.) the management accused her and the rest of the union officials of insanity; and 5.) she was charged of 'unduly interfering with other associates when she was campaigning for the union during non-working hours, all these taken together do not reasonably support an interference to petitioner's free exercise of self-organization. Besides these allegations lack factual basis. In order to show that the employer committed unfair labor practice substantial evidence is required to support the claim. In the case at bar, petitioner was not unceremoniously dismissed from work by reason of her right to organize, especially when she has been given every opportunity available to refute the charges against her.

As aptly put by the NLRC:

> xxx
>
> One of the fundamental duties of a worker is to yield obedience to all reasonable rules and regulations of the employer. The worker's breach of the employer's rules and regulations governing good conduct is a breach of discipline, pure and simple, for which the corresponding action and/or penalty must be imposed if only to maintain order and efficiency on business operations. Xxx Indeed, it is well recognized that worker's violation of lawful and reasonable rules and regulations of the employer and, as a general rule, any willful or intentional disobedience thereof, is a just cause for dismissal, for it is the solemn duty of a worker to comply with all reasonable rules and regulations.
>
> xxx

As a rule therefore, as in the present case, unless there are instances directly pointing to interference by the employer with the employees' right to self organization, the prerogative of the company to transfer its employees

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

to other positions as reasonably demanded by its business interests absent bad faith and grave abuse of discretion, shall be considered as within the bounds allowed by law.

Thus, having arrived at the foregoing conclusion, it becomes superfluous to discuss petitioner's entitlement to damages.

WHEREFORE, the instant petition for certiorari is DENIED for lack of merit. The November 18, 2011 Decision and February 29, 2012 Resolution of the National Labor Relations Commission in NLRC LAC No. 09-002410-11 are hereby SUSTAINED in all respects.

SO ORDERED.

Reyes, Jr. A.B., Chairperson, and Rosario, R.R., JJ., concur.

---

[1] Rollo, pp. 12-42.

[2] Rollo, pp. 384-391.

[3] Rollo, pp. 301-319.

[4] Rollo, pp. 414-415.

[5] Rollo, p. 104.

[6] Rollo, p. 126.

[7] Rollo, pp. 127-128.

[8] Rollo, pp. 77.

[9] Rollo, pp. 129-130.

[10] Rollo, pp. 236-237.

[11] Supra at Note 3.

[12] Supra at Note 2.

[13] Supra at Note 4.

[14] Rollo, pp. 414-415.

[15] Globe Telecom, Inc. v. Florendo-Flores, 438 Phil. 757 (2002); Blue Dairy Corporation v. National Labor Relations Commission, 373 Phil. 179 (1999).

[16] Castillo v. NLRC, 367 Phil. 605 (1999); Bonita v. NLRC, 325 Phil. 443 (1996).

[17] Tinio v. Court of Appeals, G.R. No. 171764, 8 June 2007, 524 SCRA 533.

[18] Mendoza v. Rural Bank of Lucban, G.R. No. 155421, 7 July 2004, 433 SCRA 756.

[19] Id., Article 282(a).

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[20] 189 SCRA 811, 816-817.

[21] Nissan Motor Phils., Inc. v. Angelo, G.R. No. 164181, September 14, 2011, 657 SCRA 520, 530.

[22] Valiao v. Court of Appeals, 479 Phil. 459, 469 (2004), citing JGB & Associates, Inc. v. NLRC, 324 Phil. 747, 754 (1996).

[23] 147 Phil. 194.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.