

**ADMIRAL REALTY COMPANY, INC. (ADMIRAL HOTEL), PETITIONER,
VS. NATIONAL LABOR RELATIONS COMMISSION AND ANGELINA N.
BALANI, RESPONDENTS.**

G.R. No. 112043. May 18, 1999

Ponente: PARDO, J.

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PARDO, J.:

The Case:

Certiorari to set aside the decision of the National Labor Relations Commission[1] on the ground that it was rendered with grave abuse of its discretion. The dispositive portion of the decision reads as follows:

"WHEREFORE, let the decision of the Labor Arbiter be, as it is hereby set aside and a new one promulgated ordering respondent Admiral Realty/Admiral Hotel to pay complainant Angelina M. Balani her backwages from the date of her termination on June 30, 1991 up to the promulgation of this decision plus separation pay equivalent to one (1) month salary for every year of service corresponding to the 15 years she served respondent minus whatever amount she has already received from respondent by virtue of the termination of her employment.

All other claims are dismissed for lack of merit.

SO ORDERED."[2]

The Facts:

On July 1976, Admiral Hotel hired Angelina M. Balani as Cost Controller. She occupied and served in that position for fifteen (15) years.

On June 21, 1991, petitioner, through Managing Director Ma. Victoria A. Concepcion, issued a memorandum, which stated:

To: MRS. LILY M. BALANI
Fr.: THE MANAGING DIRECTOR
Re: AS STATED

PLEASE EXPLAIN IN WRITING WITHIN 48 HOURS WHY DISCIPLINARY ACTIONS SHOULD NOT BE TAKEN AGAINST YOU FOR THE FOLLOWING VIOLATIONS OF HOTEL RULES WHICH YOU HAVE COMMITTED:

- YOU ENTERTAIN MANY PERSONAL VISITORS DURING OFFICE HOURS.
- YOUR PHONE IS USED A LOT ON PERSONAL CALLS THAT HAVE NOTHING TO DO WITH HOTEL BUSINESS.
- YOU ARE MAKING A BUSINESS OF LENDING MONEY TO YOUR CO-EMPLOYEES.

SOME TIME AGO YOUR ATTENTION WAS CALLED REGARDING THE NUMBER OF PERSONAL CALLERS THAT YOU ENTERTAIN DURING OFFICE HOURS, BUT IT SEEMS THAT THE PROBLEM HAS NOT BEEN CORRECTED. THIS IS WHY I HAVE TO PERSONALLY CALL YOUR ATTENTION BECAUSE WE CANNOT ALLOW THIS MATTER TO GO ON. MAYBE YOU HAVE TO ATTEND TO OTHER THAN YOUR WORK AT ADMIRAL HOTEL. IN WHICH CASE YOU'LL HAVE TO DECIDE WHICH IS MORE IMPORTANT TO YOU: YOUR WORK HERE OR THOSE OTHER MATTERS THAT NEED YOUR ATTENTION.

YOUR REGULAR WORK SUFFERS BECAUSE OF ALL THESE EXTRA-CURRICULAR ACTIVITIES THAT YOU CONDUCT ON COMPANY TIME.

(SIGNED)

MA. VICTORIA A. CONCEPCION
MANAGING DIRECTOR

CC: LILY BALANI
PERSONNEL
FILE 6/21/91

On June 22, 1991, respondent replied thereto, denying the charges leveled against her.[3]

On June 25, 1991, respondent submitted a letter of resignation, effective at the close of office hours of June 30, 1991.[4]

On June 28, 1991, petitioner accepted the resignation with deep regret.[5]

On June 29, 1991, the personnel officer of the hotel issued a certificate of clearance to the effect that respondent, who was leaving Admiral Hotel effective June 30, 1991, by reason of resignation, had been cleared of obligations and/or accountabilities.[6]

On July 16, 1991, respondent received the sum of ten thousand eight hundred ninety eight pesos and ten centavos (P10,898.10) for her salary, overtime, vacation and sick leave, 13th month pay and participation in service charges.

On July 17, 1991, respondent received her separation benefit in the amount of fifty three thousand five hundred sixty seven and seventy centavos (P53,567.70).

On July 18, 1991, respondent executed a release and quitclaim in favor of petitioner.[7]

On August 13, 1991, respondent Angelina M. Balani filed with the Labor Arbiter a complaint against petitioner for forced resignation/harassment.

[The Labor Arbiter's Decision]

On November 29, 1991, Labor Arbiter Benigno C. Villarente, Jr. issued a decision, the dispositive portion of which reads:

"WHEREFORE, judgement is hereby rendered declaring that harassments were indeed committed by respondent but complainant was NOT forced to resign. Conformably with the preceding discussions, respondent is hereby directed to give complainant an amount equivalent to four months of her basic pay (P5,498.00) or TWENTY-ONE THOUSAND NINE HUNDRED NINETY-TWO PESOS (P21, 992.00) by way of financial assistance.

"SO ORDERED.

"Manila, Philippines, November 29, 1991.

"(SGD.) BENIGNO C. VILLARENTE, JR.
"Labor Arbiter"

Both parties appealed to the National Labor Relations Commission (NLRC).

The NLRC's Decision

On May 25, 1993, NLRC rendered a decision reversing the findings of the labor arbiter, as set out in the opening paragraph of this opinion.

On June 17, 1993, petitioner filed a motion for reconsideration; on June 22, 1993, the NLRC denied the motion for lack of merit.

Hence, this petition for certiorari.

Petitioner's Position

Petitioner alleges that the National Labor Relations Commission acted with grave abuse of discretion amounting to lack or excess of jurisdiction in holding that respondent was forced to resign and in ordering petitioner to pay private respondent backwages and separation benefits.

The Court's Ruling

We agree with the petitioner. The Court is convinced that this is a case of voluntary resignation.

Respondent claims that she was constructively dismissed from her office as its location was transferred from under the steps of the stairs to the kitchen. Such transfer caused her mental torture which forced her to resign. However, it was not shown that her transfer was prompted by ill will of management. Indeed, the resident manager of the hotel swore that the transfer affected not only the Cost Control office but also other offices.

The transfer involved only a change in location of the office. It does not involve a change in petitioner's position. Even a transfer in position is valid when based on sound judgment, unattended by demotion in rank or diminution of pay or bad faith.[8]

With respect to the memorandum requiring the private respondent to explain why disciplinary action should not be taken against her for violations of hotel rules, we find that the memorandum was not unreasonable nor an act of harassment that left petitioner with no choice but to resign.

There is no showing that petitioner was coerced into resigning from the company. On the contrary, respondent resigned without any element of coercion attending her option. She voluntarily resigned from employment and signed the quitclaim and waiver after receiving all the benefits for her separation. To allow respondent to repudiate the same will be to countenance unjust enrichment on her part. "The Court will not permit such a situation." [9]

The Fallo

WHEREFORE, the decision of the National Labor Relations Commission dated May 25, 1993 in NLRC NCR Case No. 00-08-04721-91 is REVERSED and SET ASIDE.

The decision of the Labor Arbiter dated November 29, 1991, is REINSTATED.

No costs.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Melo, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In NLRC-NCR Case No. 00-08-04721-91.

[2] Rollo, pp. 85-86.

[3] Rollo, p. 34.

[4] Ibid., p. 35.

[5] Ibid., p. 36.

[6] Ibid., p. 52.

[7] Rollo, p. 59.

[8] Isabelo vs. NLRC, 276 SCRA 141.

[9] Samaniego vs. NLRC, 198 SCRA 111, 119-120.

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