

HEIDI M. GESLANI, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND AGNO VALLEY COLLEGE AND/OR FLORENTINO F. FRIAS, RESPONDENTS.

G.R. No. 113597. February 13, 1996

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-113597/>

PADILLA, J.:

Petitioner Heidi M. Geslani filed this special civil action for certiorari to set aside the decision[1] of public respondent National Labor Relations Commission (NLRC), dated 3 August 1993, which modified the decision[2] of the Labor Arbiter, dated 11 May 1993 and the Resolution[3] dated 20 December 1993 of public respondent denying petitioner's motion for reconsideration. The decision of the Labor Arbiter ordered, among other things, private respondents to reinstate petitioner as Head of the Pre-Elementary and Elementary Department of private respondent college without loss of seniority rights.

Petitioner was initially appointed in July 1958 as substitute teacher at the Agno Valley College, herein private respondent, and thereafter, she was designated full-time teacher with regular loads. Effective 1 June 1991, petitioner was appointed Head of the Pre-Elementary and Elementary Department, holding the said position until she was informed by the Board of Directors of respondent college on 21 September 1992 of the termination of her employment. The minutes of the Board meeting during which the status of petitioner's employment was discussed, indicated that her lack of administrative skills and lack of qualification as department head were the grounds for the decision to terminate her employment.

On 12 October 1992, petitioner filed with the Labor Arbiter a complaint for illegal dismissal, praying for reinstatement, payment of backwages, underpaid and unpaid wages, moral damages, and attorney's fees.

In the decision of the Labor Arbiter, the respective positions of the parties are summarized as follows:

"In her position paper, Heidi Geslani assailed the dismissal as null and void for lack of due process; that her appointment (Rollo, p. 40) clearly stipulated that unless terminated for valid cause(s), it would be in full force and subsisting; that the termination letter (Rollo, p. 41) did not state any valid cause for termination; that complainant is qualified at the time of appointment as provided by the Manual of Regulations for Private Schools, Seventh Edition 1970 as supported by Annex "D", "E", "E-1" and "F"; that complainant's employment is regular under Art. 280 of the Labor Code; and that complainant was best suited for the position of Department Head since she was a primary co-founder of the pre-elementary and elementary department.

xxx xxx xxx

Respondent filed its position paper on March 5, 1993 where it emphasized that complainant lacks qualification as the records do not show that she was graduated with the Bachelor's Degree in Elementary Education; that she was offered to go on study leave, all expenses paid, to earn the needed qualification but she declined; that complainant's position is temporary and that, therefore, complainant can be terminated for lack of qualifications which is lack of confidence.

Respondent also maintains that Gil Geslani (petitioner's husband) must be made answerable to all the claims

of his wife, absolving the respondent corporation because of his unlawful act of appointing his wife as Department Head, despite his knowledge that she was not qualified." [4]

At a pre-execution conference held on 24 June 1993, private respondent Florentino Frias, on behalf of the school, agreed to reinstate petitioner. Petitioner, on the other hand, expressed her willingness to report for work on or before 1 July 1993. However, respondent Frias later informed petitioner that she was being reinstated but only in the payroll.

Private respondents appealed the labor arbiter's decision to the National Labor Relations Commission. On 3 August 1993 public respondent NLRC promulgated its now assailed decision, modifying the Labor Arbiter's decision, thus:

"We sustain respondent's prerogative to dismiss complainant due to her failure to meet with qualification standard set forth by the 1992 Manual of Regulations for Private Schools. Admittedly, complainant is not a Master's Degree holder as required by the 1992 Manual of Regulations for Private Schools. While it is true that when complainant was appointed in 1991, the 1970 Manual was still in effect, this was superseded by the 1992 Manual which required said standard/-qualification.

However, complainant was not accorded due process before termination. x x x

xxx xxx xxx

Hence, under the circumstances, complainant is entitled to one month salary or two thousand pesos for lack of due process. (Wenphil vs. NLRC, 170 SCRA 79). And considering further complainant's length of service to respondent which is more than thirty (30) years, 34 to be exact complainant is entitled to separation pay equivalent to one half month per year of service or the total amount of thirty four thousand pesos (P34,000.00)." [5]

Both parties moved for reconsideration of the aforesaid NLRC decision.

In their motion for reconsideration, private respondents questioned the award of separation pay which credited Heidi Geslani with thirty-four (34) years of service. According to private respondents, complainant Geslani served respondent college from July 1958 to December 1964 and from June 1991 to June 1992. These were two (2) different periods of service, separated by a long period of time. Complainant did not dispute this allegation of respondents in her reply to their motion for reconsideration.

Hence, public respondent corrected its award of separation pay limiting it to one (1) month pay for services rendered from June 1991 to September 1992, or in the amount of two thousand pesos (P2,000.00) to which she is entitled applying pertinent law. Thus, on 20 December 1993, public respondent issued a Resolution, to wit: [6]

"PREMISES CONSIDERED, the Decision of August 3, 1993 is hereby Amended. Respondents are directed to pay complainant the total amount of eight thousand pesos (P8,000.00) representing separation pay, unpaid wages and indemnity. Complainant's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED."

Not satisfied with the resolution of public respondent, petitioner Heidi M. Geslani comes to us, by way of a petition for review on certiorari, on the following grounds or questions of law:

"(a) May respondent Agno Valley College terminate the employment of petitioner due to lack of qualifications set forth in the 1992 Manual of Regulations for Private Schools which was not yet effective both at the time of petitioner's appointment and at the time of her removal or termination?;

(b) May the respondent Agno Valley College after agreeing to reinstate back [sic] the petitioner to work subsequently change its stand and reinstate the petitioner only in the payroll?;

(c) May the respondent Agno Valley College after reinstating the petitioner in the payroll subsequently refuse to deliver the latter's salaries and wages on the ground that the case is still pending on appeal?;

(d) May respondent Agno Valley College terminate the employment of the petitioner for alleged lack of qualification yet hire another for the job who had qualifications less than the removed petitioner?;

(e) Considering that the 1992 Manual of Regulations for Private Schools has taken effect during the pendency of respondent's appeal in the NLRC, how will the back wages and salaries which were undelivered to the petitioner inspite [sic] of her being reinstated in the payroll be computed?;

(f) Did the private respondents legally raise any issue or justification for their dismissing the Petitioner?"[7]

As a rule, the original and exclusive jurisdiction of this Court to review a decision or resolution of respondent National Labor Relations Commission (NLRC) does not include a correction of its evaluation of the evidence but is confined to issues of jurisdiction or grave abuse of discretion.

Thus, the only issue to be resolved in this petition is whether or not public respondent National Labor Relations Commission (NLRC) committed grave abuse of discretion in modifying the Labor Arbiter's decision which ordered the reinstatement of petitioner Heidi M. Geslani with award of back wages and attorney's fees.

Petitioner contends that the National Labor Relations Commission (NLRC) committed grave abuse of discretion amounting to lack or excess of jurisdiction when it ruled that petitioner's dismissal was justified on the basis of the provisions of the 1992 Manual of Regulations for Private Schools, which superseded the 1970 Manual. The pertinent provision in the 1992 Manual states as follows:

"Section 42. Qualifications and functions of the Principal. The Principal in the elementary and secondary levels shall have a master's degree and have at least five years of relevant teaching or administrative experience."

According to petitioner, at the time of her appointment on 1 June 1991 as head of the pre-elementary and elementary department of private respondent Agno Valley College, she was qualified under the 1970 Manual of Regulations for Private Schools, Seventh Edition, 1970, which provides that "

"69. Administrative and supervisory officials should have the minimum qualification duly supported by credentials on file with the school.

a. For Principal of primary and/or intermediate school a holder of Bachelor's Degree in Elementary Education or equivalent with three years of successful teaching experience in the elementary grades."

At the time of her dismissal, the 1992 Manual of Regulations was also not yet in force. It was to take effect only in the summer session of 1993. Petitioner was dismissed in September 1992. As observed by the Labor Arbiter, the 1992 Manual of Regulations cannot be relied upon as a valid cause of dismissal since it is a new regulation and cannot be given retroactive effect.

The records show that petitioner was one of the organizers and recruiters of pupils for the Agno Valley College Montessori Learning Center for Pre-elementary and Elementary Department. At the opening of the said department in June 1991, her husband, Mr. Gil. L. Geslani, who was then the President and a director of Agno Valley College, appointed petitioner head of the department without prior consultation with and approval of the school's Board of Directors. The Board was verbally notified of said appointment.

Presumably, in deference to her husband's position at the time, petitioner was allowed to assume her position as department head. However, at the Board meeting on 30 August 1992, where her husband was present as a director, the Board took up the matter of her employment status and qualifications. After an extensive deliberation and discussion, a majority vote was arrived at to terminate petitioner's employment as she was found not

qualified for the position. Her husband cast the lone vote against her removal. Hence, petitioner was informed of her termination from employment in a letter dated 21 September 1992.

After petitioner filed the initial complaint before the labor arbiter, private respondents countered by filing a third-party complaint impleading as party-defendant petitioner's husband, Mr. Gil L. Geslani, accusing him of orchestrating the employment of his wife to head the pre-elementary and elementary department despite his knowledge that she was not qualified for the position, and because of this indiscretion he should be made answerable officially and personally for his wife's claims for damages.

Even if it were conceded that petitioner's qualification was to be tested under the 1970 Manual of Regulations, we do not find any categorical statement that she is a holder of a bachelor's degree in Elementary Education required therein, except the declaration of the Labor Arbiter that she is qualified for the position in view of her attendance in various training seminars and her long years of teaching which suffice to meet the equivalent requirement in the 1970 Manual. The 1992 Manual, however, requires a master's degree for her position. Before she can obtain a master's degree, she must hold a bachelor's degree in elementary education. In their position paper, private respondents emphasized that she was not qualified as the records do not show that she was graduated with a Bachelor's Degree in Elementary Education. This allegation was not refuted by petitioner.

And then if she had wanted to pursue a career advancement, the school would not have prevented her from so doing.

"11 .4. Teachers shall be accorded the opportunity to choose alternative career lines either in school administration, in classroom teaching, or others, for purposes of career advancement." (Section 11.4, Education Act of 1982).

But petitioner did not opt for such a career advancement course.

The minutes of the Board meeting held on 30 August 1992 reveal that petitioner was given an option to go on leave or to accept the position of assistant in the Montessori project which offers she declined. Petitioner insists on staying as principal in the Pre-Elementary Department in a permanent status. And yet,

"x x x, unlike teachers (assistant instructors, instructors, assistant professors, associate professors, full professors) who aspire for and expect to acquire permanency, or security of tenure, in their employment, as faculty members, teachers who are appointed as department heads or administrative official (e.g., college or department secretaries, principals, directors, assistant deans, deans) do not normally, and should not expect to, acquire a second status of permanency, or an additional or second security of tenure as such officer. The acquisition of such an additional tenure, to repeat, is not consistent with normal practice, constitutes the exception rather than the rule, and may take place only where categorically and explicitly provided by law or agreement of the parties." (La Sallette of Santiago, Inc. vs. National Labor Relations Commission, 195 SCRA 80).

Petitioner's claim that under the 1970 Manual of Regulations for Private Schools, she is qualified should not be used by her in adamantly clinging to the position of department head. No amount of attendance in seminars would qualify one to earn a master's degree if he does not possess a bachelor's degree. In the present case, petitioner has not presented any document to prove that she graduated with a Bachelor's Degree in Elementary Education.

The Labor Arbiter may be correct in stating that petitioner's attendance in various training seminars and long years of teaching suffice to meet the equivalent of a Bachelor's degree in elementary education under the 1970 Manual. But in the field of education, particularly in early child development, teachers should always aspire for advancement as their special mission is to educate.

That is why the Department of Education has raised the qualifications of teachers who would be appointed as department heads or principals. The 1992 Manual of Regulations for Private Schools superseded the 1970 Manual.

The appointment extended to petitioner by her husband was only temporary. As we have ruled in several cases -

"x x x it is the practice and policy of educational institutions that appointment to the positions of department heads and other high administrative offices are held by faculty members only on a temporary or non-permanent basis either within a specified term or at the pleasure of the school head or board of regents. There is nothing whatever amiss in said practice of having teachers serve as administrative officials for a fixed term or in a non-permanent capacity in order to accord to as many of the teaching staff as possible the opportunity to serve as dean, principal, or administrative officer of one type or another." [8]

Moreover, reinstatement of petitioner as department head would not serve any useful purpose as the 1992 Manual of Regulations is already in effect. And, as admitted by the Labor Arbiter and the petitioner herself, she does not qualify as department head under the said 1992 Manual.

We also add that strained relationship between petitioner and the private respondents cannot be disregarded in this case. It is plain that petitioner's appointment was extended to her by her husband without consultation with or approval of the school board. Although the appointment was tolerated to accommodate her husband who was then president of the College, the private respondents nevertheless considered it as a private arrangement between husband and wife. In fact, when petitioner filed the present complaint, private respondents impleaded her husband as a third-party defendant. Under these circumstances, her continued stay in the College would remain a nettlesome issue. Resentment and antipathy towards her and her husband would ensue and would not contribute to a harmonious employer-employee relationship and ultimately to the welfare of the school.

We agree with public respondent that it is the private respondents' prerogative (through its board of directors which exercises corporate powers and conducts its business affairs) to decide on the qualifications of petitioner and dismiss her if she does not meet the requirements laid down by the rules and regulations.

However, due process was clearly not fully observed in petitioner's dismissal. It is settled that the twin requirements of due process, i.e., notice and hearing are mandatory [9] and constitute a sine qua non for the valid dismissal of an employee. In the present case, while there was notice to petitioner, no hearing was conducted. However, petitioner's lack of qualification to be Head of the Pre-Elementary and Elementary Department for want of a master's degree in Education is quite clear thereby warranting her termination as Department Head.

On the foregoing premises, we hold that the public respondent did not commit grave abuse of discretion in promulgating the assailed decision and resolution.

WHEREFORE, the decision dated 3 August 1993 of respondent NLRC (as amended by its resolution of 20 December 1993) is hereby AFFIRMED.

Costs against petitioner.

SO ORDERED.

Bellosillo, Vitug, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Annex "B" of Petition, Rollo, pp. 44-61.

[2] Annex "A", Id., pp. 27-42.

[3] Annex "C", Id., pp. 55-58.

[4] Annex "A", p. 4; pp. 6-7.

[5] Annex "B", pp. 8-9.

[6] Annex "C", Id., p. 3, Rollo, pp. 56-57.

[7] Loadstar Shipping Co., Inc. vs. Gallo, 229 SCRA 654; Sta. Fe Construction Co. vs. National Labor Relations Commission, 230 SCRA 593.

[8] Blancaflor v. NLRC, 218 SCRA 366, La Sallette of Santiago. Inc. vs. NLRC, 195 SCRA 80.

[9] Radio Communication of the Philippines, Inc. v. NLRC, No. 102958, 25 June 1993, 223 SCRA 656.

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.