

**JOSE S. SANTOS, JR., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, HAGONoy INSTITUTE INC., ITS DIRECTRESS, MARTA B. ZUNIGA AND PRINCIPAL B. BANAG, RESPONDENT.**

*G.R. No. 115795. March 06, 1998*

Ponente: ROMERO, J.

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**ROMERO, J.:**

It is to state the obvious that schools, next only to the home, wield a weighty influence upon the students, especially during the latter's formative years, for it instills in them the values and mores which shall prepare them to discharge their rightful responsibilities as mature individuals in society. At the vanguard in nurturing their growth are the teachers who are directly charged with rearing and educating them. As such, a teacher serves as a role model for his students. Corollarily, he must not bring the teaching profession into public disrespect or disgrace.[1] For failure to live up to the exacting moral standards demanded by his profession, petitioner Jose Santos was dismissed from his employment on the ground of immorality. We uphold his dismissal.

The following facts are hereunder narrated.

Petitioner, a married man, was employed as a teacher by the private respondent Hagonoy Institute Inc. from June 1980 until his dismissal on June 1, 1991. Likewise working as a teacher for the private respondent was Mrs. Arlene T. Martin, also married. In the course of their employment, the couple fell in love. Thereafter, rumors regarding the couple's relationship spread, especially among the faculty members and school officials.

Concerned about the rumors, on November 3, 1990, the private respondent advised Mrs. Martin to take a leave of absence which she ignored, as she continued to report for work. Consequently, on November 9, 1990, she was barred from reporting for work and was not allowed to enter the private respondent's premises, effectively dismissing her from her employment.

In view of her termination from the service, on November 13, 1990, Mrs. Martin filed a case for illegal dismissal before the NLRC Regional Arbitration Branch No. III, San Fernando, Pampanga[2] against the private respondent. After the parties had submitted their respective evidence and position paper, Labor Arbiter Ariel Santos rendered a decision dismissing the complaint, the dispositive part of which states:

“WHEREFORE, the complaint filed by the complainant Arlene Martin is hereby DISMISSED for utter lack of merit.

However, considering the length of service of complaint and for humanitarian reason she would be given financial assistance based on one-month pay on every year of service.”

On appeal, the NLRC in a decision dated February 26, 1993, reversed the labor arbiter's ruling, the dispositive portion of the decision[3] reads:

“WHEREFORE, the appealed Decision is hereby SET ASIDE and VACATED. Another one ENTERED

ordering respondent to pay complainant her backwages and separation pay in the total amount of P83,392.40. Complainant's other claims are hereby DISMISSED for lack of merit.

SO ORDERED.”

The reversal was anchored on the failure by the private respondent, in dismissing Mrs. Martin, to accord her the necessary procedural due process.[4]

Meanwhile, private respondent set up a committee to investigate the veracity of the rumors. After two weeks of inquiry, the committee rendered its report confirming the illicit relationship between the petitioner and Mrs. Martin.[5]

In view of the committee's finding, on December 19, 1990, petitioner was charged administratively for immorality and was required to present his side on the controversy. Five months later or in May 1991, petitioner was informed by the private respondent's Board of Directors of his dismissal effective June 1, 1991.[6] Unable to accept such verdict, petitioner filed a complaint for illegal dismissal on August 12, 1991 before the NLRC Regional Arbitration Branch No. III, San Fernando, Pampanga. After a full blown trial was conducted, Labor Arbiter Quintin C. Mendoza rendered a decision dated January 12, 1993, dismissing petitioner's complaint but at the same time awarding monetary sums as financial assistance, the dispositive portion of which reads, thus:

“WHEREFORE, judgement is hereby issued dismissing the complaint, but ordering respondent Hagonoy Institute Inc. and/or Mrs. Elisea B. Banag (respondent Principal) or Mrs. Marta B. Zuniga (respondent Directress) to pay complainant (petitioner) the sum of thirteen thousand and seven hundred fifty (P13,750.00) pesos (as financial assistance), the rest of the complaint being hereby dismissed for lack of basis or merit.

SO ORDERED.”

In an effort to seek the reversal of the labor arbiter's decision, petitioner filed an appeal before the NLRC, which, however, did not find any substantial reason to overturn the labor arbiter's ruling. Thus, in a decision[7] dated November 29, 1993, the NLRC dismissed the appeal, to wit:

“WHEREFORE, premises considered, the instant appeal should be, as it is hereby, dismissed for lack of merit.

SO ORDERED.”

Petitioner's motion for reconsideration suffered the same fate.[8] Thus, this petition for certiorari under Rule 65 of the Rules of Court.

We hereby uphold the NLRC's finding dismissing petitioner from his employment.

The crux of the controversy is whether the illicit relationship between the petitioner and Mrs. Martin could be considered immoral as to constitute just cause to terminate an employee under Article 282 of the Labor Code.

We have consistently held that in order to constitute a valid dismissal, two requisites must concur: (a) the dismissal must be for any of the causes expressed in Art. 282 of the Labor Code, and (b) the employee must be accorded due process, basic of which are the opportunity to be heard and defend himself.[9]

Under Article 282 of the Labor Code, as amended, the following are deemed just causes to terminate an employee:

- (a) Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work;
- (b) Gross and habitual neglect by the employee of his duties:

- (c) Fraud or willfull breach by the employee of the trust reposed in him by his employer or duly authorized representative;
- (d) Commission of a crime or offense by the employee against the person of his employer or any immediate member of his family or his duly authorize representative; and
- (e) Other causes analogous to the foregoing.”

Moreover, it is provided inter alia under Section 94[10] of the Manual of Regulations for Private Schools:

“Section 94. Causes of Terminating Employment. In addition to the just cases enumerated in the Labor Code, the employment of school personnels, including faculty, may be terminated for any of the following causes:

xxx xxx xxx

E. Disgraceful or immoral conduct.”

Private respondent, in justifying the termination of the petitioner, contends that being a teacher, he “must live up to the high moral standards required of his position.” In other words, it asserts that its purpose in dismissing the petitioner was to preserve the respect of the community towards the teachers and to strengthen the educational system.[11]

On the other hand, petitioner merely argues that the alleged illicit relationship was not substantially proven by convincing evidence by the private respondent as to justify his dismissal.

On the outset, it must be stressed that to constitute immorality, the circumstances of each particular case must be holistically considered and evaluated in light of the prevailing norms of conduct and applicable laws.[12] American jurisprudence has defined immorality as a course of conduct which offends the morals of the community and is a bad example to the youth whose ideals a teacher is supposed to foster and to elevate,[13] the same including sexual misconduct.[14] Thus, in petitioner’s case, the gravity and seriousness of the charges against him stem from his being a married man and at the same time a teacher.

We cannot overemphasize that having an extra-marital affair is an affront to the sanctity of marriage, which is a basic institution of society. Even our Family Code provides that husband and wife must live together, observe mutual love, respect and fidelity.[15] This is rooted in the fact that both our Constitution and our laws cherish the validity of marriage and unity of the family.[16] Our laws, in implementing this constitutional edict on marriage and the family underscore their permanence, inviolability and solidarity.[17]

As a teacher, petitioner serves as an example to his pupils, especially during their formative years[18] and stands in loco parentis to them.[19] To stress their importance in our society, teachers are given substitute and special parental authority under our laws.[20]

Consequently, it is but stating the obvious to assert that teachers must adhere to the exacting standards of morality and decency. There is no dichotomy of morality. A teacher, both in his official and personal conduct, must display exemplary behavior. He must freely and willingly accept restrictions on his conduct that might be viewed irksome by ordinary citizens. In other words, the personal behavior of teachers, in and outside the classroom, must be beyond reproach.

Accordingly, teachers must abide by a standard of personal conduct which not only proscribes the commission of immoral acts, but also prohibits behavior creating a suspicion of immorality because of the harmful impression it might have on the students.[21] Likewise, they must observe a high standard of integrity and honesty.[22]

From the foregoing, it seems obvious that when a teacher engages in extra-marital relationship, especially when

the parties are both married, such behavior amounts to immorality, justifying his termination from employment.[23]

Having concluded that immorality is a just cause for dismissing petitioner, it is imperative that the private respondent prove the same. Since the burden of proof rests upon the employer to show that the dismissal was for a just and valid cause,[24] the same must be supported by substantial evidence.[25]

Undoubtedly, the question of immorality by the petitioner is factual in nature. Thus, we reiterate the well-settled rule that factual findings by the NLRC, particularly when it coincides with those by the Labor Arbiter, are accorded respect, even finality, and will not be disturbed for as long as such findings are supported by substantial evidence.[26] A scrutiny of the records of the instant petition leads us to concur with the NLRC's finding that petitioner indeed entered into an illicit relationship with his co-teacher. This fact was attested to by the testimonies of nine witnesses (a fourth year student, a security guard, a janitor and six co-teachers) which petitioner failed to rebut.

In fact, the petitioner's only recourse was to deny the accusation and insinuate that these witnesses were coerced by the private respondent to give their testimonies. However, under such circumstances, it is not enough for petitioner to simply cast doubt on the motives of the witnesses; he must present countervailing evidence to prove that no such affair took place.

In short, we cannot just ignore the witnesses' affidavits and their subsequent testimonies during the investigation as to the culpability of the petitioner on the sole basis of the latter's denial. In any event, we have held that denial, if unsubstantiated by clear and convincing evidence, is a negative and self-serving evidence which has no weight in law and cannot be given greater evidentiary value over the testimony of credible witnesses who testified on affirmative matters.[27]

Further bolstering the witnesses' testimonies is the the absence of any motive on their part to falsely testify against the petitioner. Thus, since there is nothing to indicate that the witnesses were moved by dubious or improper motives to testify falsely against the petitioner, their testimonies are hereby accorded full faith and credit.

Likewise, petitioner cannot take comfort from the letter dated November 7, 1990 signed by 28 of his co-teachers, expressing their unequivocal support for Mrs. Arlene Martin.[28] It must be noted that the said letter did not in any way absolve Mrs. Martin from any wrongdoing. It merely affirmed the fact that when she was forcibly asked to take a leave of absence on November 3, 1990 the same was done in a precipitous manner, without the benefit of due process. Moreover, it must be stressed that the expression of support was personal to Mrs. Martin, and the same should not redound to the benefit of the petitioner. Indeed, if petitioner really had the support of his peers, then it should have been easy for him to obtain a similar letter from them in the course of his administrative investigation. However, not only did he not get such support, but six of his co-teachers even testified against him during the inquiry.

Finally, petitioner cannot invoke in his favor the ruling in the Arlene Martin case, wherein the NLRC ruled that her dismissal was illegal. It must be noted that the reason for declaring Martin's dismissal as illegal was the failure by the private respondent to accord her the required due process.[29]

As aptly observed by the NLRC in its decision:[30]

"In the case at bar, the complainant was amply afforded the due process requirements of law. He was dismissed only on June 1, 1991 after an exhaustive investigation. A committee was formed to conduct an inquiry. (Rollo, pp. 43-44) An administrative charge for immorality was filed against him. (Rollo, p. 45) He

was even required to testify in said case. (Rollo, p. 46) He was given the opportunity to answer said accusation. (Rollo, p. 47) He was in fact present during the hearing on January 17, 1991 and gave his side. x x x In fine, herein complainant (petitioner) cannot successfully seek refuge in the cited case of Martin.” (Rollo, pp. 48-49)

In view of our finding that petitioner’s dismissal was for a just and valid cause, the grant of financial assistance by the NLRC is without any factual and legal basis. In *PLDT v. NLRC*,<sup>[31]</sup> we held that:

“We hold henceforth separation pay shall be as a measure of social justice only in these instances where the employee is validly dismissed for cause other than serious misconduct or those reflecting his moral character. Where the reason for the valid dismissal is, for example, habitual intoxication or an offense involving moral turpitude, like theft or illicit sexual relationship with a fellow worker, the employer may not be required to give the dismissed employee separation pay, or financial assistance, or whatever other name it is called, on the ground of social justice.”

The above ruling has consistently been applied in terminating an employee when it involves his moral character.<sup>[32]</sup>

WHEREFORE, in view of the foregoing, the petition is hereby **DISMISSED**. The questioned Resolution dated March 8, 1994 and the decision of the National Labor Relations Commission dated November 29, 1993, are **AFFIRMED** with the **MODIFICATION** deleting the financial assistance granted to petitioner in the amount of P13,750.00. Costs against petitioner.

**SO ORDERED.**

Narvasa, C.J. (Chairman), Kapunan and Purisima, JJ., concur.

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[1] *Watts v. Seward School Board*, 381 US 126.

[2] Rollo, p. 61.

[3] *Ibid.*, pp. 67-112.

[4] *Id.* p. 86.

[5] *Id.*, pp. 150-151.

[6] *Id.*, p. 66.

[7] *Id.*, pp. 103-112.

[8] *Id.*, pp. 118-119.

[9] *Ala Mode Garments v. NLRC*, 268 SCRA 497 (1997); *Ranises v. NLRC*, 262 SCRA 371 (1996); *Midas Touch Food Corporation v. NLRC*, 259 SCRA 652 (1996); *Labor v. NLRC*, 248 SCRA 183 (1995).

[10] DECS Order No. 92, Series of 1992.

[11] Rollo, pp. 136-138.

[12] *Chua-Qua v. Clave*, 189 SCRA 117 (1990).

[13] *Horosko v. School District of Mount Pleasant*, 308 US 553.

[14] *Sarac v. State Board of Education*, 370 US 720.

[15] Art. 68. “The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.”

[16] 1987 Constitution, Article XV, Sec. 2. “Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.”

[17] Art. 1, Family Code. “Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequence, and incidents are governed by law and not subject to stipulations, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code.”

[18] *Chiang Kai Shek School v. Court of Appeals*, 172 SCRA 389 (1989).

[19] *Bagayo v. Marave*, 86 SCRA 389 (1978).

[20] Family Code, Art. 218. “The schools, its administrators and teachers, or the individual, entity or institutions engaged in child care shall have special parental authority over the minor child while under their supervision, instruction or custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or instruction.”

[21] *Board of Trustees v. Hartman*, 246 al App 2d 756.

[22] *Pettiford v. South Carolina State Board of Education*, 341 US 920.

[23] *Freeman v. Bourne*, 170 Mass 289.

[24] *Agay v. NLRC*, 252 SCRA 588 (1996); *Salonga v. NLRC*, 254 SCRA 111 (1996).

[25] *DI Security and General Service Inc. v. NLRC*, 264 SCRA 458 (1996); *Magnolia Corporation v. NLRC*, 250 SCRA 332 (1995).

[26] *Coconut Development Corporation v. NLRC*, 259 SCRA 51 (1996); *Belaunzaran v. NLRC*, 263 SCRA 800 (1996).

[27] *Abadilla v. Tabilaran, Jr.*, 249 SCRA 447 (1995).

[28] *Rollo*, p. 62.

[29] *Rollo*, p. 111.

[30] *Ibid.*, pp. 111-112.

**[31] 164 SCRA 671 (1988).**

[32] *CJC Trading Inc. v. NLRC*, 246 SCRA 724 (1995); *Cathedral School of Technology v. NLRC*, 214 SCRA 551 (1992); *Pepsico v. NLRC*, 177 SCRA 308 (1989); *Osias Academy v. Department of Labor and Employment*, 172 SCRA 468 (1989).

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