

**ST. MICHAEL ACADEMY AND SISTER PATRICIA AGUILAR,
PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION,
HERMIE BOLOSIÑO, EDERLINDA REBADULLA, FERLIZA GOLO,
IMELDA ALERIA, BER...**

G.R. No. 119512. July 13, 1998

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-119512/>

PUNO, J.:

Petitioners seek to annul and set aside the Decision[1] of the public respondent National Labor Relations Commission, Fourth Division, Cebu City, affirming with modification the Decision,[2] dated August 26, 1993, of Labor Arbiter Gabino A. Velasquez, Jr. and granting monetary awards to private respondents in the total amount of three hundred twenty thousand two hundred seventy five pesos and forty two centavos (P320,275.42).

Petitioner St. Michael Academy is an educational institution located in Catarman, Northern Samar. Petitioner Sister Patricia Aguilar is its principal. Private respondents, Hermie G. Bolosiño,[3] Josephine A. Delorino, Ceferina Daclag, Imelda P. Aleria, Bernardita S. Oserraos, Ferliza B. Golo and Ederlinda M. Rebadulla, are former teachers of petitioner school.

The instant case started when a complaint for payment of terminal pay was filed by Bolosiño and Delorino against the petitioners on July 9, 1992.[4] This was docketed as RAB Case No. 8-0311-92. On August 3, 1992, Bolosiño and Delorino filed a new complaint for separation pay. The case was raffled off to Labor Arbiter Gabino A. Velasquez, Jr.[5] On August 21, 1992, petitioners submitted their position paper[6] where they disputed the right of the complainants to separation pay on the ground that they were not illegally dismissed. They presented the resignation letters[7] of Bolosiño and Delorino to prove that they voluntarily resigned on June 15, 1992 and April 4, 1992, respectively.

In September 1992, Bolosiño and Delorino filed their unverified position paper[8] where they were joined by seven (7) former teachers of petitioner school, namely: Gallano, Daclag, Aleria, Oserraos, Rebadulla, Tan and Golo. No complaints have been filed previously by these teachers. Their unverified position paper alleged new claims for wage differentials, vacation and sick leave benefits, separation pay and “all other benefits to which complainants are entitled under the Labor Code”. To justify their claim for separation pay, the seven teachers alleged that they were forced to resign following their rally against petitioner school for not releasing their share in the tuition fee increase.

On November 4, 1992, petitioners objected to the joining of the seven teachers in the unverified position paper and the inclusion of monetary claims not alleged in the original complaints. They requested for time to file a reply which was granted. The teachers were also allowed to submit a rejoinder.[9]

On November 5, 1992, Oserraos, Daclag, Aleria, Golo and Rebadulla filed their individual complaints[10] against petitioner school. Their complaints were docketed as RAB Case Nos. 11-0657-92 to 11-0661-92.

On November 13, 1992, petitioners submitted their reply.[11] They raised as issue the illegality of including in the unverified position paper new parties and new claims. They also submitted the voluntary resignation letters[12] of the teachers to belie their alleged intimidation and harassment. Petitioners then received from the office of the Labor Arbiter copies of the individual complaints. No rejoinder was filed by the teachers to petitioners' reply.

On March 5, 1993, petitioners received an Order, dated February 4, 1993, from Labor Arbiter Velasquez informing the parties that the case was already submitted for decision pursuant to Section 5, Rule V of the NLRC Rules. On March 8, 1993, petitioners received the sworn statements/affidavits[13] of Bolosiño, Delorino, Daclag, Oserraos, Aleria, Rebadulla and Golo which specified their monetary claims. Some of the money claims dated back to 1981. On March 31, 1993, petitioners filed a reply to the complainants' specified claims by way of an affidavit[14] executed by Sister Escolastica Batungbakal, treasurer of petitioner school. To negate their monetary liability, petitioners submitted the following: (1) payroll sheets[15] signed by each complainant showing the payment of their vacation pay and monthly salary over and above the wage prescribed by law; (2) copies of "Notice of Inspection Results"[16] issued by DOLE Inspector Romeo Claveria for the year 1991 and by DOLE Inspector Abraham Matillado for the year 1992 showing petitioner school's compliance with the mandated minimum wage for employees; (3) payroll sheets[17] showing compliance with Wage Order VIII-02; and (4) provisions of the School Manual[18] on vacation and sick leave. They also invoked the prescription of some of complainants' monetary claims.

Labor Arbiter Velasquez decided the case in favor of the complainants. He awarded Delorino the amount of P41,040.75 consisting of salary differentials for the school years 1983 to 1992 (inclusive of vacation leave pay), 13th month pay for three (3) school years and service incentive leave pay for three (3) years, but ruled out her claim for separation pay due to her resignation; awarded Bolosiño the amount of P53,799.23 consisting of salary differentials for the school years 1987 to 1992 (inclusive of vacation leave pay), 13th month pay for two (2) school years, separation pay for five (5) years, backwages and moral and exemplary damages; awarded Rebadulla the amount of P25,815.76 consisting of salary differentials for the school years 1988 to 1991 (inclusive of vacation leave pay), 13th month pay for three (3) years and service incentive leave pay for three (3) years, but found her resignation valid; awarded Golo the amount of P22,353.34 consisting of salary differentials for the school years 1990 to 1992 (inclusive of vacation leave pay), 13th month pay for two (2) years and service incentive leave pay for three (3) years, but found her resignation valid; awarded Aleria the amount of P24,866.04 consisting of salary differentials for the school years 1988 to 1992 (inclusive of vacation leave pay), but found her resignation valid; awarded Oserraos the amount of P54,000.25 consisting of salary differentials for the school years 1987 to 1992 (inclusive of vacation leave pay), separation pay for five (5) years, backwages and moral and exemplary damages for her involuntary resignation; and awarded Daclag the amount of P116,924.67 consisting of salary differentials from 1984 to 1992 (inclusive of vacation leave pay), 13th month pay for eight (8) years, service incentive leave pay for eleven (11) years, separation pay for eleven (11) years, backwages and moral and exemplary damages for her involuntary resignation.[19]

The Arbiter rejected petitioners' claim that complainants violated the rules of procedure by presenting new claims in their position paper citing Section 6, Rule VII (sic) of the NLRC Rules and Article 221 of the Labor Code. He likewise held that technical rules of procedure [and] of evidence are not binding in labor proceedings. He also rejected petitioners' defense that some monetary claims of complainants have been barred by prescription. He declared that considerations of substantial justice demand that the claims be decided regardless of the three-year prescriptive period.[20] He awarded separation pay to some of the complainants after finding that their resignations were involuntary.[21]

Petitioners appealed to the public respondent NLRC. Except for deleting the award of damages and service

incentive leave pay and denying some monetary claims due to prescription, public respondent affirmed the decision of the Labor Arbiter, viz.:

“x x x

“After a review of the facts and the evidence vis-a-vis the appeal, We find no jurisdiction to disturb the findings and conclusion of the Labor Arbiter, the same being substantially supported by the evidence record.

“As to the appellants’ pretension that ‘the clarificatory questions allegedly posed by the arbiter on the appellees were not made in the presence of the appellants thereby effectively violating appellants’ right to due process’, We find that after the Labor Arbiter issued his Order of February 4, 1993 (sic) that the case was deemed submitted for decision, the parties submitted additional pleadings and/or evidence, and consequently the labor Arbiter had to evaluate them.

“Anent the monetary awards for unpaid labor standards, We find no abuse of discretion on the part of the Labor Arbiter in granting them. We believe that complainants’ claim for ‘terminal pay’ necessarily involves all that they are entitled to. What the law grants to the employees cannot be defeated by a mere defense of technicality, and We find relevance on the Supreme Court’s view of substantial justice on the point. It is not only legal but also moral. However, while we affirm the grant of the aforecited monetary benefits, we see the need to revise the computation in the light of the respondents’ claims, which we sustain, that some of the claims had already prescribed. Accordingly, the complainants are hereby granted the following:

“x x x

SUMMARY

1. Herme Bolosino

P87,892.74

2. Ederlinda Rebadulla

11,455.92

3. Ferliza Golo

18,350.56

4. Imelda Aleria

11,664.22

5. Bernardita Oserraos

83,942.52

6. Ceferina Daclag

100,822.72

7. Josephine Delorino

6,146.74

P320,275.42

“x x x”[22]

Petitioners now assail before this Court the decision of the respondent Commission for having been made with grave abuse of discretion, viz.:

I

The NLRC gravely abused its discretion in finding that private respondents Delorino, Bolosino, Daclag, Rebadulla, and Golo were not paid their 13th month pay.

II

The NLRC gravely abused its discretion when it awarded vacation leave pay to the private respondents.

III

The NLRC gravely abused its discretion in finding and concluding that private respondents were underpaid applicable wage orders.

IV

The NLRC gravely abused its discretion and seriously erred in finding that petitioners forced private respondents Bolosino, Daclag and Oserraos to resign from the service.

V

The NLRC gravely abused its discretion in awarding separation pay and backwages to private respondents Bolosino, Daclag and Oserraos.

VI

Granting without admitting the propriety of the award of backwages, the NLRC committed grave abuse of discretion in failing to apply the rule laid down in *Ferrer v. NLRC* (224 SCRA 410).

VII

The NLRC gravely abused its discretion when it disregarded prescribed rules of procedure repeatedly violated by private respondents.

We affirm with modification.[23]

Errors I, II and III pertain to the monetary awards granted by the public respondent and will be discussed under the issue of whether or not private respondents are entitled to the payment of salary differentials, 13th month pay, vacation leave pay and service incentive leave pay. Errors IV, V and VI revolve on the issue of whether or not private respondents Bolosino, Daclag and Oserraos were illegally dismissed by being forced to resign. Error VII raises the issue of whether or not private respondents' failure to follow the rules of procedure in labor cases violated petitioners' right to due process.

I

Public respondent NLRC modified the Labor Arbiter's monetary awards to respondents by applying the three-year prescriptive period on several money claims and deleting the award of service incentive leave pay as well as moral and exemplary damages. Not satisfied, petitioners maintain that public respondent NLRC gravely abused its discretion when it affirmed the Labor Arbiter's award of 13th month pay and unpaid vacation leave pay to the private respondents despite the latter's failure to specifically pray for them in their pleadings. Petitioners contend that a prayer "for such other benefits provided by the Labor Code" should be limited to those benefits which follow as a matter of course based on the allegations of the parties and the evidence presented.

They urge that it should clearly appear that a party is entitled to the benefit but, through inadvertence or ignorance, failed to specifically include it in the prayer.

We hold that the respondent Commission did not gravely abuse its discretion in granting 13th month pay differential to the private respondents. We have granted statutory benefits to employees although they have failed to pray for them in their complaint.[24] Technical rules of pleading are not enforced strictly in labor cases especially where they will defeat the substantive rights of employees. We find no reason to depart from this ruling demanded by broad consideration of substantial justice. Nevertheless, we take exception to the complete award of 13th month pay to each private respondent as there appears a clear mistake in the computation. The payroll sheets show the 13th month pay actually paid by petitioner school to the private respondents. For the second half of 1989, private respondents did not receive their proportionate 13th month pay; for the year 1990, they received only one-half; for 1991, they were paid an incomplete amount; for 1992, they also received one-half of the 13th month pay plus one-month subsidy.

It appears that public respondent computed the 13th month pay differential by multiplying the daily wage rate by the number of days each private respondents worked in petitioner school. This is incorrect. According to No. 4 (a) of the Revised Guidelines on the Implementation of the 13th Month Law (Presidential Decree 851) dated November 16, 1987, the 13th month pay of an individual is (not less than) one-twelfth (1/12) of the total basic salary earned by an employee within a calendar year. Moreover, in No. 6 thereof, it is provided that an employee who has resigned or whose services were terminated at any time before the time for payment of the 13th month pay is entitled to this monetary benefit in proportion to the length of time he worked during the year, reckoned from the time he started working during the calendar year up to the time of his resignation or termination from the service.[25]

Following these guidelines, the proportionate 13th month pay of private respondents Bolosiño, Delorino, Oserraos, Rebadulla, Aleria and Daclag for the second half of 1989 should be computed by multiplying their basic monthly wage at that time by 7/12. For the year 1990, private respondents, except Golo, should be given the remaining half of the 13th month pay. For the year 1991, private respondents, except Rebadulla, should be given the differential. For 1992, no differential is due to private respondents since petitioner school paid all of them an amount over and above their proportionate 13th month pay.

Petitioners contend that the public respondent erred when it granted vacation leave pay as the same is given only to permanent employees in accordance with Section 2 of the School Manual. They further allege that they have paid the vacation leave pay of the deserving complainants.

Petitioners' position is well-taken. The payment of vacation and sick leave is governed by the policy of the employer or the agreement between the employer and employee. In the instant case, Section 2 of the School Manual[26] of petitioner school relates to private respondents' entitlement to vacation and/or sick leave benefits. It provides:

SECTION 2

CLASSIFICATION OF LEAVES

Permanent or regular faculty members are entitled to five (5) days sick leave, five (5) days emergency leave and one (1) month summer vacation leave with pay during the calendar year. These leaves are not commutative nor cumulative. Part-time members are not entitled to the privilege under this paragraph.

Clearly, probationary teachers are not entitled to the leaves specified in Section 2 of the School Manual. The probationary period for private school teachers is three years as provided in the Manual of Regulations for Private

Schools.[27] Thus, private respondents Golo and Rebadulla are not entitled to vacation leave pay since they were probationary teachers until they resigned on April 6, 1992 and May 28, 1991, respectively. Private respondent Aleria is not also entitled to vacation leave pay for the years 1990 and 1991 as she was still on probation then. In 1992, she received full vacation leave pay as shown in the payroll sheets. Private respondents Bolosiño and Oserraos were still probationary teachers in 1990. They were paid full vacation leave pay for 1991 and 1992. Private respondent Daclag was paid full vacation leave pay for 1990, 1991 and 1992. Lastly, private respondent Delorino was paid full vacation leave pay for 1990 and 1992. Her 1991 vacation leave pay was below the minimum wage. She is entitled to the payment of its differential.

Petitioners also assail the award of salary differential on the ground that they have fully paid the salaries of private respondents. They cite the certification issued by the Department of Labor and Employment (DOLE) that there was no underpayment of wages in petitioner school and the payroll sheets indicating that private respondents received salaries more than what was then mandated by law.

We find partial merit on the contention of the petitioners. The wage order pertinent to this case is Wage Order No. RB VIII-01 of the Regional Tripartite Wages and Productivity Board of Region VIII which took effect on December 9, 1990. Section 2 of the Wage Order and Section 6 of its implementing rules provide that with respect to private educational institutions, the share of the covered workers and employees in the increase in the tuition fees for school year 1990 shall be credited as compliance with the wage increase prescribed therein. The payroll sheets show that the private respondents received subsidy on a monthly basis or in a lump sum amount since January 1990 (except for the months of April and May 1991 with respect to private respondent Delorino) up to the time they resigned. Accordingly, the subsidy given by petitioner school to the private respondents starting January 1990 should be credited as compliance with the wage increase prescribed by Wage Order No. VIII-01. No salary differential is therefore due to private respondents from January 1990 up to the time of their resignation except for the month of May 1991 with respect to private respondent Delorino.

With respect to the period from July 1989 to December 1989, we cannot credit the alleged subsidy given by petitioner school to the private respondents to cover the difference between the minimum wage rate and their basic salary. The payroll sheets do not clearly show that private respondents received subsidy since it was neither incorporated in their gross pay nor paid them in a lump sum amount. Needless to state, as the basic monthly salary received by private respondents for the said period fell short of the minimum monthly wage at that time, they are entitled to salary differentials.

Under Articles 291 of the Labor Code, money claims arising from an employer-employee relationship must be filed within three (3) years from the time the cause of action accrued. Thus, salary differential can only be recovered from July 1989 with respect to private respondents Bolosiño and Delorino, and from November 1989 with respect to private respondents Rebadulla, Oserraos, Daclag and Aleria, that is, three (3) years before they filed their individual complaints on July 9, 1992 and November 5, 1992, respectively.[28] But as aforesaid, petitioner school complied with the minimum wage requirement starting January 1990, hence, no salary differential can be recovered from that instant up to the time of their resignation. Thus, Bolosiño can recover salary differential from July 1989 to December 1989; Delorino is entitled to salary differential from July 1989 to December 1989 and May 1991; and Rebadulla, Oserraos, Daclag and Aleria can recover salary differential from November 1989 to December 1989. As for Golo, it appears that she was fully compensated for her services.

II

We now determine whether or not private respondents Bolosiño, Daclag and Oserraos were forced to resign from petitioner school, hence, illegally dismissed.

Public respondent NLRC upheld the Labor Arbiter's ruling that private respondents were illegally dismissed by simply stating that the conclusion of the latter is substantially supported by the evidence on record. Petitioners aver that the evidence overwhelmingly prove otherwise. They presented the individual resignation letters of private respondents. In contrast, the records reveal that private respondents presented no competent evidence to prove that they were compelled to resign after they staged a sit-down strike.

It is apt to examine the resignation letters of private respondents. The full text of private respondent Daclag's resignation letter reads:

"Catarman, N. Samar
April 4, 1992

"Rev. Sister Patricia. O.P.
Directress/Principal
St. Michael Academy
Catarman, N. Samar

"Dear Sister:

"Leaving in (sic) this institution seemed so hard for me to do. But with my plan to under go check-up, I made (sic) my decision to resign.

"For the last 10 years of service in this school, I have gained various things that challenged me to grow and developed (sic) into a more effective, more competent of knowledge, facts as well as fiction (sic).

"I wish to express my heartfelt thanks and appreciation to the administration, specially the Dominican sisters, for giving me the opportunity to be a member of this Catholic school; the faculty and staff who in one way helped and guided me of (sic) my incapacibilities.

"Please consider my resignation as secondary teacher-adviser of this school effective this day, April 4, 1992.

"Sincerely yours,
(Sgd.) Ms. Ceferina Daclag

St Catherine Adviser"[29] (emphasis supplied)

Private respondent Oserraos' resignation letter states:

"Catarman, N. Samar
June 29, 1992

"Dear Sister:

"I wish to tender my resignation as English teacher in your school for 'personal reason'.

"I appreciate very much being with you in the past years and still hope that I can be with you again in some other instances.

"I hope that this letter be given (sic) due consideration and approval.

"Thank you very much.

“Very truly yours,

(Sgd.) BERNARDITA S. OSERRAOS
Teacher”[30] (emphasis supplied)

As for private respondent Bolosiño, his resignation letter is simply worded in this wise:

“June 15, 1992

“The Principal
St. Michael Academy
Catarman, Northern Samar

“Dear Sister,

“I have the honor to inform your good office that I am resigning as a classroom teacher effective today (June 15, 1992).

“Very truly yours,

(Sgd.) MR. HERME G. BOLOSIÑO

“Copy furnished:
Labor
DECS
Office of the Mo. General
School File”[31]

The resignation letter of respondent Daclag clearly stated her reason for resigning, that is, to undergo check-up. In addition, her letter as well as that of private respondent Oserraos contained words of gratitude and appreciation to the petitioners. Such kind expressions can hardly come from teachers forced to resign. As for the letter of private respondent Bolosiño, the fact that no reason was stated for his resignation is no reason to conclude that he was threatened by petitioners. Indeed, Bolosiño did not present any competent evidence to prove that he was forced by the petitioners to resign. Neither did the other private respondents prove that force or threat was applied on them to resign from petitioner school. For intimidation to vitiate consent, the following requisites must be present: (1) that the intimidation caused the consent to be given; (2) that the threatened act be unjust or unlawful; (3) that the threat be real or serious, there being evident disproportion between the evil and the resistance which all men can offer, leading to the choice of doing the act which is forced on the person to do as the lesser evil; and (4) that it produces a well-grounded fear from the fact that the person from whom it comes has the necessary means or ability to inflict the threatened injury to his person or property.[32] Bare allegations of threat or force do not constitute substantial evidence to support a finding of forced resignation. In fine, from the evidence on record, we are not convinced that private respondents Bolosiño Oserraos and Daclag were forced to resign. Accordingly, we hold that they are not entitled to the award of separation pay and backwages.

III

Lastly, petitioners contend that private respondents violated procedural rules when they submitted ahead of their individual complaints and unverified position paper containing monetary claims which were not previously included in their complaint. The Solicitor General, in refutation, avers that technically should not be allowed to stand in the way of equitably and completely resolving the rights and obligations of the parties. He asseverates that petitioners have not clearly shown that they were deprived of due process of law.

Article 221 of the Labor Code provides that in any proceeding before the NLRC or any of the Labor Arbiters, the

rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of the Labor Code that the NLRC and the Labor Arbiters shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure.

While the procedure adopted by the private respondents failed to comply strictly with Rule III (Pleadings) and Rule V (Proceedings Before Labor Arbiters) of the New Rules of Procedure of the NLRC, we are constrained to heed the underlying policy of the Labor Code relaxing the application of technical rules of procedure in labor cases to help secure and not defeat justice.[33] To be sure, petitioners cannot maintain that they were denied due process. The essence of due process in administrative proceedings is simply an opportunity to explain one's side or an opportunity to seek a reconsideration of action or ruling complained of.[34] In labor cases, submission of position papers and memoranda fulfills the requirements of due process.[35] The records of the instant case show that after private respondents Bolosiño and Delorino filed their complaint, petitioner school submitted its position paper together with the annexes to refute the charges. In the position paper of Bolosiño and Delorino, however, the other private respondents appeared as complainants and alleged new grievances. Petitioners were able to manifest their objection to the entry of new complainants and the inclusion of additional monetary claims not demanded in the original complaint of Bolosiño and Delorino. Thereafter, petitioners were also able to file a Reply to their position paper followed by the Affidavit of Sister Escolastica, complete with supporting documents. In all these pleadings, petitioners had the opportunity to present their arguments and counter-arguments to oppose private respondents' claims. Evidently, petitioners cannot claim they were not allowed to ventilate their defense.

Petitioners' stance with respect to the lack of verification of private respondents' position paper deserves scant consideration. The defect is a formal, rather than a substantial one and which further loses significance in light of the exhaustive proceedings undertaken by public respondent to resolve the parties' dispute on the merits.

In its last endeavor to prove denial of due process, petitioners call our attention to the Labor Arbiter's statement in his decision that "On clarificatory questions conducted by this office, it was ascertained from complainants that the threats that led them to resign were stepped up to reality as follows: since the strike was illegal, they will be dismissed for cause and no benefits whatsoever will be received by them. On top of that, they will suffer calvary in looking for future job opportunities because their dismissal will be the ultimate stigma of their future dreams." [36] They argue that no questions to that effect were propounded by the Labor Arbiter, or if ever there were, such were not made in their presence. This, according to them, effectively violated their right to due process.

The argument need not detain us. We have already ruled that the evidence proved that private respondents were not compelled to resign by the petitioners.

IN VIEW WHEREOF, the Decision of the National Labor Relations Commission under review is MODIFIED as follows:

1. the award of separation pay and backwages to private respondents Hermie G. Bolosiño, Bernardita S. Oserraos and Ceferina U. Daclag is deleted;
2. private respondent Hermie G. Bolosiño is awarded the following:
 - a. salary differential from July 1989 to December 1989 in the amount of P2,059.02; [37] and
 - b. proportionate 13th month pay for June to December 1989 in the amount of P1,133.52; [38] the remaining half of the 13th month pay for the year 1990 in the amount of P1,263.60; [39] and the 13th month pay differential for the year 1991 in the amount of P702.15; [40]
3. private respondent Josephine A. Delorino is awarded the following:

- a. salary differential from July 1989 to December 1989 in the amount of P874.92[41] and for May 1991 in the amount of P680.75;[42]
 - b. proportionate 13th month pay for June to December 1989 in the amount of P1,133.52;[43] the remaining half of the 13th month pay for the year 1990 in the amount of P1,336.50;[44] and the 13th month pay differential for the year 1991 in the amount of P254.84;[45] and
 - c. vacation leave pay differential for April 1991 in the amount of P680.75;[46]
4. private respondent Bernardita S. Oserraos is awarded the following:
- a. salary differential from November 1989 to December 1989 in the amount of P291.64;[47] and
 - b. proportionate 13th month pay for June to December 1989 in the amount of P1,133.52;[48] the remaining half of the 13th month pay for the year 1990 in the amount of P1,486.30;[49] and the 13th month pay differential for the year 1991 in the amount of P853.28;[50]
5. private respondent Ederlinda M. Rebadulla is awarded the following:
- a. salary differential from November 1989 to December 1989 in the amount of P991.68;[51] and
 - b. proportionate 13th month pay for June to December 1989 in the amount of P1,133.52;[52] and the remaining half of the 13th month pay for the year 1990 in the amount of P1,231.45;[53]
6. private respondent Imelda P. Aleria is awarded the following:
- a. salary differential from November 1989 to December 1989 in the amount of P886.34;[54] and
 - b. proportionate 13th month pay for June to December 1989 in the amount of P1,133.52;[55] the remaining half of the 13th month pay for the year 1990 in the amount of P1,320.85;[56] and the 13th month pay differential for the year 1991 in the amount of P1,55.89;[57]
7. private respondent Ceferina U. Daclag is awarded the following:
- a. salary differential from November 1989 to December 1989 in the amount of P291.64;[58] and
 - b. proportionate 13th month pay for June to December 1989 in the amount of P1,133.52;[59] the remaining half of the 13th month pay for the year 1990 in the amount of P1,271.90;[60] and the 13th month pay differential for the year 1991 in the amount of P551.19;[61] and
8. private respondent Ferliza Golo's monetary award is deleted since she was fully compensated for her services, except for the 13th month pay differential for the year 1991 in the amount of P448.94.[62]

All other aspects of the assailed Decision are AFFIRMED. No costs.

SO ORDERED.

Regalado, (Chairman), Melo, Mendoza, and Martinez, JJ., concur.

[1] In NLRC Case No. V-0513-93, RAB Case No. 8-0311-92, RAB Case No. 11-0657-92 to 11-0661-92. Promulgated on January 5, 1995 and penned by Presiding Commissioner Irene E. Ceniza and concurred in by Commissioners Bernabe S. Batuhan and Amorito V. Cañete.

[2] Rollo, pp. 169-185.

[3] Also spelled as "Herme G. Bolosiño".

[4] Rollo, p. 68.

- [5] Rollo, p. 8.
- [6] Annex “F”; Rollo, pp. 71-72.
- [7] Annex “1” and “2”; Rollo, pp. 73-74.
- [8] Annex “E”; Rollo, pp. 69-70.
- [9] Rollo, p. 10.
- [10] Annexes “G”, “H”, “I”, “J” and “K”; Rollo, pp. 75-79.
- [11] Rollo, pp. 80-84.
- [12] Annexes “4”, “5”, “6”, “7”, “8”, “9”, and “10”; Rollo, pp. 86-92.
- [13] Annexes “M”, “N”, “O”, “P”, “Q”, “R”, and “S”; Rollo, pp. 93-101.
- [14] Rollo, pp. 103-118.
- [15] Annexes “11”, “12”, “15”, “18”, “19”, “20”, “21”, “22”, “23”, “24”, “25”, “26”, “27”, “28”, “29”, “30”, “31”, “32”, and “33”; Rollo, pp. 119-122, 125-127, 130-167.
- [16] Annexes “14” and “16”; Rollo, pp. 124, 128.
- [17] Annex “13”; Rollo, p. 123.
- [18] Annex “17”; Rollo, pp. 129.
- [19] Decision, pp. 10-17; Rollo, pp. 177-184.
- [20] Decision, pp. 7-9; Rollo, pp. 174-176.
- [21] Decision, pp. 6-7; Rollo, p. 174.
- [22] Decision, pp. 3-4, 10; Rollo, pp. 58-59, 65.
- [23] Private respondents failed to file their comment on this petition despite the long opportunity given by the court. Hence, only the Petition and the Comment filed by the Solicitor General were considered by the court.
- [24] *Manipon, Jr. v. NLRC*, 239 SCRA 451 [1994].
- [25] *International School of Speech v. NLRC*, 242 SCRA 382 [1995].
- [26] *Supra* note 18.
- [27] *Colegio San Agustin v. NLRC*, 201 SCRA 398 [1991].
- [28] *Uy v. NLRC, et. al*, G.R. No. 117983, September 6, 1996.
- [29] Annex “4”; Rollo, p. 86.
- [30] Annex “6”; Rollo, p. 88.
- [31] Annex “2”; Rollo, p. 74.
- [32] *Guatson International Travel and Tours, Inc. v. NLRC*, 230 SCRA 815 [1994].
- [33] *De Ysasi III v. National Labor Relations Commission*, 231 SCRA 173 [1994].

[34] Stayfast Philippine Corporation v. NLRC, 219 SCRA 62 [1993]; Sunset View Condominium Corporation v. NLRC, 228 SCRA 466 [1993].

[35] Manila Resource Development Corporation v. NLRC, 213 SCRA 296 [1992]; Lawrence v. NLRC, 205 SCRA 737 [1992].

[36] Labor Arbiter's Decision, p. 7; Rollo, p. 175.

[37] [monthly minimum wage of P1,943.17 – basic monthly salary of P1,600.00] x 6 months = P2,059.02.

[38] $P1,943.17 \times 7/12 = P1,133.52$.

[39] [basic monthly salary of P1,684.65 + monthly subsidy of P642.15] – one-half 13th month pay of P1,063.2 = P1,263.60.

[40] [basic monthly salary of P1,975.96 + monthly subsidy of P672.11] – [one-half 13th month pay of P1,063.20 + subsidy of P882.72] = P702.15.

[41] [monthly minimum wage of P1,943.17 – basic monthly salary of P1,797.35] x 6 months = P874.92.

[42] [monthly minimum wage of P2,074 – basic monthly salary of P2,027] + unpaid subsidy of P633.75 = P680.75.

[43] Supra note 38.

[44] [basic monthly salary of P2,027 + monthly subsidy of P642.15] – one-half 13th month pay of P1,332.65 = P1,336.50.

[45] [basic monthly salary of P2,027 + monthly subsidy of P672.11] – [one-half 13th month pay of P1,332.65 + subsidy of P1,111.62] = P254.84.

[46] Supra note 42.

[47] [monthly minimum wage of P1,943.17 – basic monthly salary of P1,797.35] x 2 months = P291.64.

[48] Supra note 38.

[49] [basic monthly salary of P1,982 + monthly subsidy of P642.15] – one-half 13th month pay of P1,137.85 = P1,486.30.

[50] [basic monthly salary of P2,338 + monthly subsidy of P672.11] – [one-half 13th month pay of P1,137.85 + subsidy of P1,018.98] = P853.28.

[51] [monthly minimum wage of P1,943.17 – basic monthly salary of P1,447.33] x 2 months = P991.68.

[52] Supra note 38.

[53] [basic monthly salary of P1,631.95 + monthly subsidy of P642.15] – one-half 13th month pay of P1,042.65 = P1,231.45.

[54] [monthly minimum wage of P1,943.17 – basic monthly salary of P1,500] x 2 months = P886.34.

[55] Supra note 38.

[56] [basic monthly salary of P1,684.65 + monthly subsidy of P642.15] – one-half 13th month pay of P1,005.95 = P1,320.85.

[57] [basic monthly salary of P1,925.95 + monthly subsidy of P672.11] – [one-half 13th month pay of P1,005.95 + subsidies of P633.75 and P802.47] = P155.89.

[58] Supra note 47.

[59] Supra note 38.

[60] [basic monthly salary of P1,982 + monthly subsidy of P642.15] – one-half 13th month pay of P1,352.25 = P1,271.90.

[61] [basic monthly salary of P2,343 + monthly subsidy of P672.11] – [one-half 13th month pay P1,352.30 + subsidy of P1,111.62] = P551.19.

[62] [basic monthly salary of P1,873.25 + monthly subsidy of P672.11] – [one-half 13th month pay of P682.15 + subsidies of P633.75 and P780.52] = P448.94.

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.