LA CONSOLACION COLLEGE, SR. ROSALINDA BAYLA, SR. CELIA BAYONA, REODITA MABAYAG, JUDITH VERDADERO AND JOSE BAYOGUING, PETITIONERS,VS. NATIONAL LABOR RELATIONS COMMISSION AND JOS...

G.R. No. 127241. September 28, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a petition[1] for certiorari with preliminary injunction temporary or restraining order to set aside the decision[2] of the National Labor Relations Commission (NLRC) which held that respondent Jose de la Peña, III was illegally dismissed and ordered petitioner to pay him back wages and 13[th] month pay amounting to a total of P188,772.44.

La Consolacion College (LCC) initially employed Jose de la Peña III as a CAT Commandant and YCAP Coordinator for school year 1975-1976. His employment as YCAP coordinator lasted until 29 September 1979, after which he resigned. He severed all ties with LCC when he left in 1980.[3] Prior to his resignation and despite demands by LCC for him to submit a syllabi in YDT I, II, III, and CAT I containing course objectives, subject matter, content, concepts, skills, activities and evaluation not later than 12 November 1979, respondent de la Peña failed to comply.[4]

After his employment with LCC, respondent de la Peña sought and found employment in other establishments.

However, on 2 December 1991, LCC received an application from respondent de la Peña. The applicant requested that he be considered for the positions of CAT Commander and YDT Instructor, positions he held for eleven (11) years prior to his resignation from LCC.[5]

In June 1992, LCC appointed respondent de la Peña as a classroom teacher in physical education and health, a position he never held during his previous employment with LCC.

The written contract of employment between LCC and respondent de la Peña expressly provided that the employment was for one (1) academic year, that is, from June 1992 to March 1993. Respondent de la Peña accepted such condition.[6]

On 14 July 1992, petitioner Jose B. Bayoguing, Jr., a member of the academic team tasked to evaluate the performance of the school's teachers, reminded respondent de la Peña in writing to comply with the requirements and standard operating procedure of the school, namely; timely submission of lesson plans, class records and other papers, attendance at regular monthly meetings, and informing the school of absences. Respondent de la Peña ignored the reminder without any valid reason, and continued to defy these requirements and procedures.[7]

On 27 November 1992, respondent de la Peña called an emergency meeting of faculty members. In said meeting, respondent de la Peña berated petitioner Bayoguing, shouted invectives, ridiculed and threatened Bayoguing with

bodily harm. No untoward incident ensued as petitioner Bayoguing kept his composure. During the same faculty meeting, respondent de la Peña was physically restrained by his fellow teachers whenever he would charge the person of petitioner Bayoguing.[8]

On 08 February 1993, respondent de la Peña wrote petitioner Sis. Rosalinda Bayla, O.S.A., principal of High School, stating that he "would like to apply for reinstatement as a faculty member for SY 1993-1994." [9]

In a letter dated 11 March 1993, the academic team composed of petitioners Erodita P. Madayag, Verdadero and Bayoguing informed respondent de la Peña of his unsatisfactory performance and advised him that the school would no longer hire him for the incoming school year.[10]

On 9 June 1993, respondent de la Peña filed with Regional Arbitration Branch No. VI, Bacolod City a complaint[11] against LCC and/or Rosalinda Bayla, Sr. Celia Bayona, Erodita Mabayag, Judith Verdadero and Jose Bayoguing, for illegal dismissal, moral damages and exemplary damages. After submission of position papers, on 11 November 1994, Labor Arbiter Reynaldo J. Gumaltico rendered a decision dismissing the complaint, holding that at the time respondent de la Peña was dismissed, he had not attained regular status. The Labor Arbiter also found respondent de la Peña guilty of serious misconduct and gross disobedience which were just causes for termination of service.[12]

On appeal to the NLRC, on 31 January 1996, the NLRC rendered a resolution reversing the decision of the labor arbiter. The NLRC held that respondent de la Peña attained regular status at the time he was dismissed and that LCC failed to prove the existence of just cause to warrant his dismissal.[13] On 4 March 1996, LCC filed a motion for reconsideration[14] of the NLRC decision; however, on 19 August 1996, the NLRC denied the motion.[15]

Hence, this petition.[16]

The basic issue raised is whether the NLRC committed palpable error amounting to grave abuse of discretion in ruling that respondent Jose de la Peña was a regular or permanent employee of La Consolacion College in a position in which he had not undergone the three (3) year probationary period provided in the manual of regulations for private schools.[17]

We reverse the NLRC decision having been issued in grave abuse of discretion.

In the case at bar, there is a written contract defining the period of employment of respondent de la Peña.

Clearly, the employment was not permanent but for a specified duration of one school year.

In resolving the issue of whether or not respondent de la Peña was permanent employee of petitioner, it is the Manual of Regulations for Private Schools, not the Labor Code, which is applicable. This was settled in University of Sto. Tomas v. NLRC, where we ruled that for a private school teacher to acquire permanent status in employment the following requisites must concur: (1) the teacher is a full-time teacher; (2) the teacher must have rendered three (3) consecutive years of service; and (3) such service must have been satisfactory.[18]

A school year begins in June of one calendar year and ends in March of the succeeding calendar year. The written contract of respondent de la Peña stated that he shall be employed by the LCC for the school year June 1992, up to March 1993, a fixed term of ten months. It is also important to note that respondent de la Peña was a new hire having previously resigned from the school and was holding the position of classroom teacher for BED for the first time. Respondent never denied the fact that he failed to comply with the requirements of the school, hence, his employment was not renewed. Neither did he attain permanent status. Clearly, respondent was not illegally dismissed.

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IN VIEW WHEREOF, the Court GRANTS the petition. The Court REVERSES and sets aside the decision of the National Labor Relations Commission dated 31 January 1996, in NLRC Case No. V-0044-93, and its resolution of August 19, 1996, and hereby dismisses the complaint for illegal dismissal for lack of basis.

No costs.

SO ORDERED.

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

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[1] Under Rule 65, Revised Rules of Court (1964 Revision).

[2] Petition, Annex "A", Rollo, pp. 44-54.

[3] Petition, Rollo, p. 15.

[4] Ibid., p. 16.

[5] Ibid.

[6] Petition, Annex "F", Rollo, pp. 62-63.

[7] Petition, Annex "G", Rollo, p. 64.

[8] Petition, Annex "H", Minutes of the Faculty Meeting (Level II) called by Mrs. Verdadero, pp. 65-67.

[9] Petition, Annex "I", Rollo, p. 68.

[10] Petition, Annex "J", Rollo, p. 69.

[11] NLRC Records, pp. 1-2.

[12] Ibid., Decision, Labor Arbiter Reynaldo J. Gulmatico, pp. 82-92.

[13] Ibid., Decision, NLRC, Fourth Division, Comm. Bernabe S. Batuhan, ponente, Irenea E. Ceniza and Amorito V. Cañete, Comms., concurring, pp. 117-126.

[14] Ibid., Motion for Reconsideration, pp. 127-140.

[15] Ibid., Resolution, pp. 154-155.

[16] Filed on December 26, 1996, Rollo, pp. 12-42. On September 27, 1999, we gave due course to the petition (Rollo, pp. 255-256). We consider this case as an exception to the rule laid down in St. Martin Funeral Home v. NLRC, 356 Phil. 811 [1998]. The issue raised is purely legal. Rather than refer the case to the Court of Appeals, whose decision would be appealable to the Supreme Court, our ruling would finally put an end to litigation.

[17] Petitioner's Memorandum, Rollo, pp. 264-307, at p. 273.

[18] 182 SCRA 371, 377 [1990]; National Mines and Allied Worker's Union (NaMAWU) v. San Ildefonso College-RVM Sisters Administration, 359 Phil. 341, 357-358 [1998].

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