GLOBE TELECOM AND MA. CARIDAD D. GONZALES, PETITIONERS, VS. JENETTE MARIE B. CRISOLOGO, RESPONDENT.

G.R. NO. 174644. August 10, 2007

Ponente: CORONA, J.

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CORONA, J.:

This petition for review on certiorari[1] seeks to set aside the decision of the Court of Appeals (CA) in CA-G.R. SP No. 85679[2] and its resolution denying reconsideration.[3] The CA nullified and set aside the resolution of the National Labor Relations Commission (NLRC) in NLRC-NCR-CA No. 037102-03[4] which in turn affirmed the decision of the labor arbiter in NLRC-NCR-Case No. 07-04818-2002.[5]

Respondent Jenette Marie B. Crisologo, a lawyer, joined Globe Telecom (Globe) on November 3, 1998 as a manager in its corporate legal services department.[6] Her tasks included negotiating, drafting and reviewing the company's supply contracts.[7]

On April 5, 2002, respondent (who was then pregnant) was rushed to the Makati Medical Center due to profuse bleeding. It was later diagnosed as a possible miscarriage.[8]

After a week-long absence, respondent reported back to work on April 12, 2002.[9] On the same day, she tendered her resignation letter explaining that she was advised by her doctor to rest for the duration of her pregnancy.[10] She also requested permission to exhaust her unused leaves until the effective date of her resignation on May 30, 2002.[11] Globe accepted her resignation.

On April 30, 2002, respondent called on her immediate supervisor, petitioner Ma. Caridad Gonzales.[12] In the course of their conversation, petitioner Gonzales casually informed respondent of an e-mail circulating within the company[13] to the effect that she (respondent) allegedly solicited money from one of the company's suppliers.[14] Because the e-mail was not forwarded to her (being its subject), respondent requested a copy and an opportunity to confront the person(s) responsible. Petitioner Gonzales declined as there was no longer any reason to pursue the matter.[15]

On May 2, 2002, respondent sent petitioner Gonzales a letter complaining of her "ill-treatment" by the company after she submitted her resignation letter.[16] She also confided that she resigned only because the e-mail damaged her name and reputation.[17] For that reason, she requested petitioner Gonzales to issue a certification clearing her of "any wrongdoing, misconduct or transgression."[18]

Petitioner Gonzales reminded respondent that, as a former executive, she should have been familiar with the company's standard operating procedure with regard to former employees. All employees basically undergo the same procedure upon separation from the company.[19] Gonzales also requested respondent to settle her debts and accountabilities to the company.[20] Meanwhile, Globe issued a certification attesting to respondent's employment in the company from November 3, 1998 to May 30, 2002.[21]

On May 2, 2002, respondent sent petitioners another letter. She insinuated that petitioners forced her to resign and

reiterated her demand that Globe clear her name.[22] Petitioner Gonzales informed respondent that she had to settle her obligations to Globe first before it could issue the requested clearance.[23]

Believing that Globe would not comply with her demands, respondent filed a complaint for illegal dismissal against petitioners on July 3, 2002.[24] According to respondent, petitioners fired her on the basis of a rumor whose veracity was never proven.[25] She was neither furnished a copy of the e-mail nor allowed to confront the person(s) who circulated it. Petitioner Gonzales immediately closed the matter with finality without conducting any inquiry.[26] Furthermore, petitioners failed not only to adduce clear and substantial proof of loss of confidence but also to observe due process[27] as petitioner Gonzales summarily forced her to resign.[28]

Petitioners, on the other hand, contended that respondent's clear and unequivocal resignation letter showed her unconditional desire to resign.[29]

The labor arbiter dismissed the complaint. He found respondent's claim contrary to logic and human experience because an experienced lawyer like her could not possibly be coerced into signing her rights away.[30]

The NLRC, on appeal,[31] affirmed the decision of the labor arbiter. It did not believe that a mere rumor could force a lawyer to resign from her high-paying job.[32] Moreover, respondent could not have been forced to resign by Gonzales on April 30, 2002 because she had already submitted her resignation on April 12, 2002.[33]

Aggrieved, respondent filed a petition for certiorari in the CA. The appellate court granted the petition and nullified the resolution of the NLRC in the absence of sufficient proof that respondent voluntarily resigned.[34] According to the CA:

> Petitioner was already receiving a hefty paycheck as director of Globe's legal department. On top of this, she was receiving other corporate perks and had outstanding obligations with Globe. Petitioner would certainly not risk unemployment, especially at a time when she was having health problems brought about by her pregnancy. Indeed a resignation at that stage of her career runs counter to human conduct and experience.[35]

It concluded that respondent resigned only because petitioner Gonzales forced her to.[36]

Petitioners moved for reconsideration but the motion was denied. Thus, this petition.[37]

According to petitioners, the decision of the CA was based on speculative suppositions[38] that were contrary to human experience and logic.[39] It was not impossible for an employee to resign despite a high salary. Moreover, the CA erred in finding that respondent was forced to resign.[40] The evidence on record, particularly respondent's letter, sufficiently established her voluntary resignation from Globe.[41]

Respondent, however, contends that her circumstances at the time of her resignation forced her to resign.[42] Poor health and financial distress reduced her to the level of an "average and ordinary employee" at the mercy of her employer.[43]

We agree with the labor arbiter and NLRC.

Circumstances Warrant a Review
Of the Factual Findings of the CA

This Court ordinarily reviews only questions of law in a Rule 45 petition. In labor cases, the factual findings of the labor arbiter and NLRC are generally respected and, if supported by substantial evidence, accorded finality.[44] This rule, however, is not absolute. When the factual findings of the CA conflict with those of the labor arbiter and the NLRC, this Court is constrained to review the evidence on record.[45]

In this case, the factual findings of the labor arbiter and NLRC differ from those of the CA. The labor arbiter and

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the NLRC found that respondent voluntarily resigned. The CA, on the other hand, concluded that she did not resign voluntarily but was terminated illegally.

Respondent's Resignation Letter
Proves She Voluntarily Resigned

To support their contention that respondent voluntarily resigned, petitioners presented her resignation letter dated April 12, 2002[46]:

> This is to inform you that as per my doctor's advice, I have to take a long rest due to a very difficult pregnancy and other health reasons. I am therefore tendering my resignation effective 30 May 2002 and would like to request that I be allowed to exhaust all leaves due to me until such date. Furthermore, I hereby undertake to turn over all my pending work to other lawyers until said effective date of my termination.
>
> Thank you very much.[47] (emphasis supplied)

Respondent personally drafted her resignation letter in a clear, concise and categorical language. Its content, as quoted above, confirmed her unequivocal intent to resign.

An employee of respondent's accomplished educational background and professional standing will not easily relinquish her legal rights unless she intends to.[48] Respondent's resignation letter without doubt proved petitioners' assertion that she voluntarily resigned from her job.

Moreover, the resignation letter was submitted by respondent and was accepted by Globe on April 12, 2002. This fact alone completely negated her claim that petitioners coerced her to resign on April 30, 2002. Indeed, how could she have been forced to resign on that date when she had already tendered her resignation more than two weeks earlier?

Human Experience Confirms
Respondent's Voluntary
Resignation

Resignation is the voluntary act of an employee who finds herself in a situation where she believes that personal reasons cannot be sacrificed in favor of the exigency of the service and that she has no other choice but to disassociate herself from employment.[49]

Employees resign for various reasons. A big salary is certainly no hindrance to a voluntary cessation of employment. Human resource studies reveal that various factors (in and out of the workplace) affect an employee's employment decision.[50] In this instance, respondent would have suffered a miscarriage had she continued to work. She obviously resigned for the sake of her child's well-being, motherhood clearly taking precedence over her job.

Respondent Could Not Have
Been Coerced or Intimidated

Coercion exists when there is a reasonable or well-grounded fear of an imminent evil upon a person or his property or upon the person or property of his spouse, descendants or ascendants.[51] No such situation existed in this case.

As a matter of fact, respondent's resignation letter[52] and May 2, 2002 letter[53] both contained expressions of gratitude. In her May 2, 2002 letter, she told petitioner Gonzales:

I wish to express my appreciation for the training you readily gave me while I was under your supervision.[54]

In St. Michael Academy v. NLRC,[55] we held that expressions of gratitude cannot possibly come from an employee who is just forced to resign as they belie allegations of coercion.[56] Moreover, the May 2, 2002 letter was sent after respondent's April 30, 2002 conversation with petitioner Gonzales. Indeed, if something untoward really took place in the course of that conversation, experience dictates that respondent would not have bothered to thank petitioner Gonzales. Therefore, respondent's assertion that she was forced to resign was simply not true.

WHEREFORE, the petition is hereby GRANTED. The September 14, 2005 decision and September 13, 2006 resolution of the Court of Appeals in CA-G.R. SP No. 85679 are REVERSED and SET ASIDE. The March 31, 2004 resolution of the National Labor Relations Commission in NLRC-NCR-CA No. 037102-03 affirming the July 31, 2003 decision of the labor arbiter in NLRC-NCR-Case No. 07-04818-2002 is REINSTATED.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, and Garcia, JJ., concur.
Azcuna, J., No part.

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[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate (now Presiding) Justice Ruben T. Reyes and concurred in by Associate Justices Josefina Guevara-Salonga and Fernanda Lampas-Peralta of the Fifth Division of the Court of Appeals, dated September 14, 2005, rollo, pp. 31-49.

[3] Penned by Presiding Justice Ruben T. Reyes and concurred in by Associate Justices Josefina Guevara-Salonga and Fernanda Lampas-Peralta of the Former Fifth Division of the Court of Appeals, dated September 13, 2006, id., pp. 82-83.

[4] Penned by commissioner Tito F. Genilo and concurred in by presiding commissioner Lourdes C. Javier and commissioner Ernesto C. Vercelles, dated March 31, 2004, id., pp. 66-71.

[5] Penned by executive labor arbiter Joselito Cruz Villarosa, dated July 31, 2003, id., pp. 53-65.

[6] Id., p. 113.

[7] Id., p. 86.

[8] Id., p. 33. To prevent an abortion, respondent remained in the hospital until April 9, 2002.

[9] Id.

[10] Id., pp. 86, 96.

[11] Id.

[12] Petitioner Gonzales is vice president of Globe's legal services department.

[13] In petitioner Gonzales' May 15, 2002 letter, she claimed that the e-mail was not circulated in their department but was forwarded to internal audit.

[14] Rollo, pp. 87, 97.

[15] Id., p. 116. Respondent tendered her resignation on April 12, 2002 and went on leave until its effective date on May 30, 2002. Strictly speaking, she was no longer working for Globe (employed but on leave) when

petitioner Gonzales asked her about the e-mail.

[16] Id., p. 98. The complained acts included the disconnection of her service unit after her resignation, an altercation with a co-worker and the company's refusal to furnish her a copy of the e-mail.

[17] Id., pp. 97-98.

[18] Id., p. 98.

[19] Id., pp. 99-100.

[20] Id., p. 100. Respondent's unsettled debts and accountabilities included the balance of her housing loan, company assets in her possession (a Nokia 6110 mobile phone and a 1996 Toyota Camry) and unpaid telephone bills.

[21] Id., p. 101. The company neither mentioned the rumor nor exonerated respondent from it.

[22] Id., p. 102.

[23] Id., p. 103. Respondent owed Globe P 528,969.89 (representing her debts and accountabilities) as of May 10, 2002 without prejudice to accountabilities which may be subsequently discovered. In petitioners' position paper, respondent's accountabilities totaled P 826,923.30.

[24] Docketed as NLRC-NCR-Case No. 07-04818-2002, id., pp. 51-52.

[25] Id., p. 116.

[26] Id.

[27] Id., p. 118.

[28] Id., p. 116.

[29] Id., pp. 85, 89-92.

[30] Id., pp. 62, 65.

[31] Docketed as NLRC-NCR-CA No. 037102-03.

[32] Rollo, p. 69.

[33] Id.

[34] Id., p. 39.

[35] Id.

[36] Id., p. 40.

[37] Id., p. 25.

[38] Id., p. 12.

[39] Id., p. 13.

[40] Id., pp. 20-23.

[41] Id., p. 12.

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[42] Id., pp. 124-173.

[43] Id., pp. 146-147.

[44] Coca Cola Bottlers Inc. v. NLRC, G.R. No. 78787, 18 December 1989, 180 SCRA 195, 200.

[45] Muaje-Tuazon v. Wenphil Corporation, G.R. No. 162447, 27 December 2006.

[46] Rollo, p. 15.

[47] Id., pp. 18, 96.

[48] See Domondon v. National Labor Relations Commission, G.R. No. 154376, 30 September 2005, 471 SCRA 559. See also Amkor Technology v. Juanco, G.R. No. 166507, 23 January 2007.

[49] Intertrod Maritime, Inc. v. NLRC, G.R. No. 81087, 19 June 1991, 198 SCRA 318, 323.

[50] Stephen P. Robbins, Organizational Behavior, 9[th] ed., 22-23. A variable may either be an individual level variable or a group level variable. Individual level variables are those that relate to a person's characteristics such as his or her age, gender, roles and marital status. On the other hand, group level variables are those that pertain to the work environment and organizational culture. Examples of this are communication patterns, leadership style, power and politics and levels of conflict management. A particular variable or a combination of similar or dissimilar variables can influence an employee to resign.

[51] CIVIL CODE, Art. 1335.

[52] Rollo, p. 95.

[53] Id., p. 96.

[54] Id.

[55] G.R. No. 119512, 13 July 1998, 292 SCRA 478.

[56] Id., at 496.

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