

BERNARD A. TENAZAS, JAIME M. FRANCISCO AND ISIDRO G. ENDRACA, PETITIONERS, VS. R. VILLEGAS TAXI TRANSPORT AND ROMUALDO VILLEGAS, RESPONDENTS.

G.R. No. 192998. April 02, 2014

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-192998/>

REYES, J.:

This is a petition for review on certiorari[1] filed under Rule 45 of the Rules of Court, assailing the Decision[2] dated March 11, 2010 and Resolution[3] dated June 28, 2010 of the Court of Appeals (CA) in CA-G.R. SP No. 111150, which affirmed with modification the Decision[4] dated June 23, 2009 of the National Labor Relations Commission (NLRC) in NLRC LAC Case No. 07-002648-08.

The Antecedent Facts

On July 4, 2007, Bernard A. Tenazas (Tenazas) and Jaime M. Francisco (Francisco) filed a complaint for illegal dismissal against R. Villegas Taxi Transport and/or Romualdo Villegas (Romualdo) and Andy Villegas (Andy) (respondents). At that time, a similar case had already been filed by Isidro G. Endraca (Endraca) against the same respondents. The two (2) cases were subsequently consolidated.[5]

In their position paper,[6] Tenazas, Francisco and Endraca (petitioners) alleged that they were hired and dismissed by the respondents on the following dates:

Name

Date of Hiring

Date of Dismissal

Salary

Bernard A. Tenazas

10/1997

07/03/07

Boundary System

Jaime M. Francisco

04/10/04

06/04/07

Boundary System

Isidro G. Endraca

04/2000

03/06/06

Boundary System[7]

Relaying the circumstances of his dismissal, Tenazas alleged that on July 1, 2007, the taxi unit assigned to him was sideswiped by another vehicle, causing a dent on the left fender near the driver seat. The cost of repair for the damage was estimated at P500.00. Upon reporting the incident to the company, he was scolded by respondents Romualdo and Andy and was told to leave the garage for he is already fired. He was even threatened with physical harm should he ever be seen in the company's premises again. Despite the warning, Tenazas reported for work on the following day but was told that he can no longer drive any of the company's units as he is already fired.[8]

Francisco, on the other hand, averred that his dismissal was brought about by the company's unfounded suspicion that he was organizing a labor union. He was instantaneously terminated, without the benefit of procedural due process, on June 4, 2007.[9]

Endraca, for his part, alleged that his dismissal was instigated by an occasion when he fell short of the required boundary for his taxi unit. He related that before he was dismissed, he brought his taxi unit to an auto shop for an urgent repair. He was charged the amount of ₱700.00 for the repair services and the replacement parts. As a result, he was not able to meet his boundary for the day. Upon returning to the company garage and informing the management of the incident, his driver's license was confiscated and was told to settle the deficiency in his boundary first before his license will be returned to him. He was no longer allowed to drive a taxi unit despite his persistent pleas.[10]

For their part, the respondents admitted that Tenazas and Endraca were employees of the company, the former being a regular driver and the latter a spare driver. The respondents, however, denied that Francisco was an employee of the company or that he was able to drive one of the company's units at any point in time.[11]

The respondents further alleged that Tenazas was never terminated by the company. They claimed that on July 3, 2007, Tenazas went to the company garage to get his taxi unit but was informed that it is due for overhaul because of some mechanical defects reported by the other driver who takes turns with him in using the same. He was thus advised to wait for further notice from the company if his unit has already been fixed. On July 8, 2007, however, upon being informed that his unit is ready for release, Tenazas failed to report back to work for no apparent reason.[12]

As regards Endraca, the respondents alleged that they hired him as a spare driver in February 2001. They allow him to drive a taxi unit whenever their regular driver will not be able to report for work. In July 2003, however, Endraca stopped reporting for work without informing the company of his reason. Subsequently, the respondents learned that a complaint for illegal dismissal was filed by Endraca against them. They strongly maintained, however, that they could never have terminated Endraca in March 2006 since he already stopped reporting for work as early as July 2003. Even then, they expressed willingness to accommodate Endraca should he wish to work as a spare driver for the company again since he was never really dismissed from employment anyway.[13]

On May 29, 2008, the petitioners, by registered mail, filed a Motion to Admit Additional Evidence.[14] They alleged that after diligent efforts, they were able to discover new pieces of evidence that will substantiate the allegations in their position paper. Attached with the motion are the following: (a) Joint Affidavit of the petitioners;[15] (2) Affidavit of Good Faith of Aloney Rivera, a co-driver;[16] (3) pictures of the petitioners wearing company shirts;[17] and (4) Tenazas' Certification/Record of Social Security System (SSS)

contributions.[18]

The Ruling of the Labor Arbiter

On May 30, 2008, the Labor Arbiter (LA) rendered a Decision,[19] which pertinently states, thus:

In the case of complainant Jaime Francisco, respondents categorically denied the existence of an employer-employee relationship. In this situation, the burden of proof shifts to the complainant to prove the existence of a regular employment. Complainant Francisco failed to present evidence of regular employment available to all regular employees, such as an employment contract, company ID, SSS, withholding tax certificates, SSS membership and the like.

In the case of complainant Isidro Endraca, respondents claim that he was only an extra driver who stopped reporting to queue for available taxi units which he could drive. In fact, respondents offered him in their Position Paper on record, immediate reinstatement as extra taxi driver which offer he refused.

In case of Bernard Tenazas, he was told to wait while his taxi was under repair but he did not report for work after the taxi was repaired. Respondents[,] in their Position Paper, on record likewise, offered him immediate reinstatement, which offer he refused.

We must bear in mind that the complaint herein is one of actual dismissal. But there was no formal investigations, no show cause memos, suspension memos or termination memos were never issued. Otherwise stated, there is no proof of overt act of dismissal committed by herein respondents.

We are therefore constrained to rule that there was no illegal dismissal in the case at bar.

The situations contemplated by law for entitlement to separation pay does [sic] not apply.

WHEREFORE, premises considered, instant consolidated complaints are hereby dismissed for lack of merit.

SO ORDERED.[20]

The Ruling of the NLRC

Unyielding, the petitioners appealed the decision of the LA to the NLRC. Subsequently, on June 23, 2009, the NLRC rendered a Decision,[21] reversing the appealed decision of the LA, holding that the additional pieces of evidence belatedly submitted by the petitioners sufficed to establish the existence of employer-employee relationship and their illegal dismissal. It held, thus:

In the challenged decision, the Labor Arbiter found that it cannot be said that the complainants were illegally dismissed, there being no showing, in the first place, that the respondent [sic] terminated their services. A portion thereof reads:

“We must bear in mind that the complaint herein is one of actual dismissal. But there were no formal investigations, no show cause memos, suspension memos or termination memos were never issued. Otherwise stated, there is no proof of overt act of dismissal committed by herein respondents.

We are therefore constrained to rule that there was no illegal dismissal in the case at bar.”

Issue: [W]hether or not the complainants were illegally dismissed from employment.

It is possible that the complainants' Motion to Admit Additional Evidence did not reach the Labor Arbiter's attention because he had drafted the challenged decision even before they submitted it, and thereafter, his staff attended only to clerical matters, and failed to bring the motion in question to his attention. It is now up to this Commission to consider the complainants' additional evidence. Anyway, if this Commission must consider evidence submitted for the first time on appeal (Andaya vs. NLRC, G.R. No. 157371, July 15, 2005), much more so must it consider evidence that was simply overlooked by the Labor Arbiter.

Among the additional pieces of evidence submitted by the complainants are the following: (1) joint affidavit (records, p. 51-52) of the three (3) complainants; (2) affidavit (records, p. 53) of Aloney Rivera y Aldo; and (3) three (3) pictures (records, p. 54) referred to by the complainant in their joint affidavit showing them wearing t-shirts bearing the name and logo of the respondent's company.

x x x x

WHEREFORE, the decision appealed from is hereby REVERSED. Respondent Rom[u]aldo Villegas doing business under the name and style Villegas Taxi Transport is hereby ordered to pay the complainants the following (1) full backwages from the date of their dismissal (July 3, 2007 for Tena[z]as, June 4, 2004 for Francisco, and March 6, 2006 for Endraca[]) up to the date of the finality of this decision[;] (2) separation pay equivalent to one month for every year of service; and (3) attorney's fees equivalent to ten percent (10%) of the total judgment awards.

SO ORDERED.[22]

On July 24, 2009, the respondents filed a motion for reconsideration but the NLRC denied the same in its Resolution[23] dated September 23, 2009.

The Ruling of the CA

Unperturbed, the respondents filed a petition for certiorari with the CA. On March 11, 2010, the CA rendered a Decision,[24] affirming with modification the Decision dated June 23, 2009 of the NLRC. The CA agreed with the NLRC's finding that Tenazas and Endraca were employees of the company, but ruled otherwise in the case of Francisco for failing to establish his relationship with the company. It also deleted the award of separation pay and ordered for reinstatement of Tenazas and Endraca. The pertinent portions of the decision read as follows:

At the outset, We declare that respondent Francisco failed to prove that an employer-employee relationship exists between him and R. Transport. If there is no employer-employee relationship in the first place, the duty of R. Transport to adhere to the labor standards provisions of the Labor Code with respect to Francisco is questionable.

x x x x

Although substantial evidence is not a function of quantity but rather of quality, the peculiar environmental circumstances of the instant case demand that something more should have been proffered. Had there been other proofs of employment, such as Francisco's inclusion in R.R. Transport's payroll, this Court would have affirmed the finding of employer-employee relationship. The NLRC, therefore, committed grievous error in ordering R. Transport to answer for Francisco's claims.

We now tackle R. Transport's petition with respect to Tenazas and Endraca, who are both admitted to be R. Transport's employees. In its petition, R. Transport puts forth the theory that it did not terminate the services of respondents but that the latter deliberately abandoned their work. We cannot subscribe to this theory.

x x x x

Considering that the complaints for illegal dismissal were filed soon after the alleged dates of dismissal, it cannot be inferred that respondents Tenazas and Endraca intended to abandon their employment. The complainants for dismissal are, in themselves, pleas for the continuance of employment. They are incompatible with the allegation of abandonment. x x x.

For R. Transport's failure to discharge the burden of proving that the dismissal of respondents Tenazas and Endraca was for a just cause, We are constrained to uphold the NLRC's conclusion that their dismissal was not justified and that they are entitled to back wages. Because they were illegally dismissed, private

respondents Tenazas and Endraca are entitled to reinstatement and back wages x x x.

x x x x

However, R. Transport is correct in its contention that separation pay should not be awarded because reinstatement is still possible and has been offered. It is well[-]settled that separation pay is granted only in instances where reinstatement is no longer feasible or appropriate, which is not the case here.

x x x x

WHEREFORE, the Decision of the National Labor Relations Commission dated 23 June 2009, in NLRC LAC Case No. 07-002648-08, and its Resolution dated 23 September 2009 denying reconsideration thereof are AFFIRMED with MODIFICATION in that the award of Jaime Francisco's claims is DELETED. The separation pay granted in favor of Bernard Tenazas and Isidro Endraca is, likewise, DELETED and their reinstatement is ordered instead.

SO ORDERED.[25] (Citations omitted)

On March 19, 2010, the petitioners filed a motion for reconsideration but the same was denied by the CA in its Resolution[26] dated June 28, 2010.

Undeterred, the petitioners filed the instant petition for review on certiorari before this Court on July 15, 2010.

The Ruling of this Court

The petition lacks merit.

Pivotal to the resolution of the instant case is the determination of the existence of employer-employee relationship and whether there was an illegal dismissal. Remarkably, the LA, NLRC and the CA had varying assessment on the matters at hand. The LA believed that, with the admission of the respondents, there is no longer any question regarding the status of both Tenazas and Endraca being employees of the company. However, he ruled that the same conclusion does not hold with respect to Francisco whom the respondents denied to have ever employed or known. With the respondents' denial, the burden of proof shifts to Francisco to establish his regular employment. Unfortunately, the LA found that Francisco failed to present sufficient evidence to prove regular employment such as company ID, SSS membership, withholding tax certificates or similar articles. Thus, he was not considered an employee of the company. Even then, the LA held that Tenazas and Endraca could not have been illegally dismissed since there was no overt act of dismissal committed by the respondents.[27]

On appeal, the NLRC reversed the ruling of the LA and ruled that the petitioners were all employees of the company. The NLRC premised its conclusion on the additional pieces of evidence belatedly submitted by the petitioners, which it supposed, have been overlooked by the LA owing to the time when it was received by the said office. It opined that the said pieces of evidence are sufficient to establish the circumstances of their illegal termination. In particular, it noted that in the affidavit of the petitioners, there were allegations about the company's practice of not issuing employment records and this was not rebutted by the respondents. It underscored that in a situation where doubt exists between evidence presented by the employer and the employee, the scales of justice must be tilted in favor of the employee. It awarded the petitioners with: (1) full backwages from the date of their dismissal up to the finality of the decision; (2) separation pay equivalent to one month of salary for every year of service; and (3) attorney's fees.

On petition for certiorari, the CA affirmed with modification the decision of the NLRC, holding that there was indeed an illegal dismissal on the part of Tenazas and Endraca but not with respect to Francisco who failed to present substantial evidence, proving that he was an employee of the respondents. The CA likewise dismissed the respondents' claim that Tenazas and Endraca abandoned their work, asseverating that immediate filing of a

complaint for illegal dismissal and persistent pleas for continuance of employment are incompatible with abandonment. It also deleted the NLRC's award of separation pay and instead ordered that Tenazas and Endraca be reinstated.[28]

"Well-settled is the rule that the jurisdiction of this Court in a petition for review on certiorari under Rule 45 of the Revised Rules of Court is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are completely devoid of support from the evidence on record, or the assailed judgment is based on a gross misapprehension of facts." [29] The Court finds that none of the mentioned circumstances is present in this case.

In reviewing the decision of the NLRC, the CA found that no substantial evidence was presented to support the conclusion that Francisco was an employee of the respondents and accordingly modified the NLRC decision. It stressed that with the respondents' denial of employer-employee relationship, it behooved Francisco to present substantial evidence to prove that he is an employee before any question on the legality of his supposed dismissal becomes appropriate for discussion. Francisco, however, did not offer evidence to substantiate his claim of employment with the respondents. Short of the required quantum of proof, the CA correctly ruled that the NLRC's finding of illegal dismissal and the monetary awards which necessarily follow such ruling lacked factual and legal basis and must therefore be deleted.

The action of the CA finds support in *Anonas Construction and Industrial Supply Corp., et al. v. NLRC, et al.*, [30] where the Court reiterated:

[J]udicial review of decisions of the NLRC via petition for certiorari under Rule 65, as a general rule, is confined only to issues of lack or excess of jurisdiction and grave abuse of discretion on the part of the NLRC. The CA does not assess and weigh the sufficiency of evidence upon which the LA and the NLRC based their conclusions. The issue is limited to the determination of whether or not the NLRC acted without or in excess of its jurisdiction, or with grave abuse of discretion in rendering the resolution, except if the findings of the NLRC are not supported by substantial evidence.[31] (Citation omitted and emphasis ours)

It is an oft-repeated rule that in labor cases, as in other administrative and quasi-judicial proceedings, "the quantum of proof necessary is substantial evidence, or such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion." [32] "[T]he burden of proof rests upon the party who asserts the affirmative of an issue." [33] Corollarily, as Francisco was claiming to be an employee of the respondents, it is incumbent upon him to proffer evidence to prove the existence of said relationship.

"[I]n determining the presence or absence of an employer-employee relationship, the Court has consistently looked for the following incidents, to wit: (a) the selection and engagement of the employee; (b) the payment of wages; (c) the power of dismissal; and (d) the employer's power to control the employee on the means and methods by which the work is accomplished. The last element, the so-called control test, is the most important element." [34]

There is no hard and fast rule designed to establish the aforesaid elements. Any competent and relevant evidence to prove the relationship may be admitted. Identification cards, cash vouchers, social security registration, appointment letters or employment contracts, payrolls, organization charts, and personnel lists, serve as evidence of employee status.[35]

In this case, however, Francisco failed to present any proof substantial enough to establish his relationship with the respondents. He failed to present documentary evidence like attendance logbook, payroll, SSS record or any personnel file that could somehow depict his status as an employee. Anent his claim that he was not issued with employment records, he could have, at least, produced his social security records which state his contributions,

name and address of his employer, as his co-petitioner Tenazas did. He could have also presented testimonial evidence showing the respondents' exercise of control over the means and methods by which he undertakes his work. This is imperative in light of the respondents' denial of his employment and the claim of another taxi operator, Emmanuel Villegas (Emmanuel), that he was his employer. Specifically, in his Affidavit,[36] Emmanuel alleged that Francisco was employed as a spare driver in his taxi garage from January 2006 to December 2006, a fact that the latter failed to deny or question in any of the pleadings attached to the records of this case. The utter lack of evidence is fatal to Francisco's case especially in cases like his present predicament when the law has been very lenient in not requiring any particular form of evidence or manner of proving the presence of employer-employee relationship.

In *Opulencia Ice Plant and Storage v. NLRC*,[37] this Court emphasized, thus:

No particular form of evidence is required to prove the existence of an employer-employee relationship. Any competent and relevant evidence to prove the relationship may be admitted. For, if only documentary evidence would be required to show that relationship, no scheming employer would ever be brought before the bar of justice, as no employer would wish to come out with any trace of the illegality he has authored considering that it should take much weightier proof to invalidate a written instrument.[38]

Here, Francisco simply relied on his allegation that he was an employee of the company without any other evidence supporting his claim. Unfortunately for him, a mere allegation in the position paper is not tantamount to evidence.[39] Bereft of any evidence, the CA correctly ruled that Francisco could not be considered an employee of the respondents.

The CA's order of reinstatement of Tenazas and Endraca, instead of the payment of separation pay, is also well in accordance with prevailing jurisprudence. In *Macasero v. Southern Industrial Gases Philippines*,[40] the Court reiterated, thus:

[A]n illegally dismissed employee is entitled to two reliefs: backwages and reinstatement. The two reliefs provided are separate and distinct. In instances where reinstatement is no longer feasible because of strained relations between the employee and the employer, separation pay is granted. In effect, an illegally dismissed employee is entitled to either reinstatement, if viable, or separation pay if reinstatement is no longer viable, and backwages.

The normal consequences of respondents' illegal dismissal, then, are reinstatement without loss of seniority rights, and payment of backwages computed from the time compensation was withheld up to the date of actual reinstatement. Where reinstatement is no longer viable as an option, separation pay equivalent to one (1) month salary for every year of service should be awarded as an alternative. The payment of separation pay is in addition to payment of backwages.[41] (Emphasis supplied)

Clearly, it is only when reinstatement is no longer feasible that the payment of separation pay is ordered in lieu thereof. For instance, if reinstatement would only exacerbate the tension and strained relations between the parties, or where the relationship between the employer and the employee has been unduly strained by reason of their irreconcilable differences, it would be more prudent to order payment of separation pay instead of reinstatement.[42]

This doctrine of strained relations, however, should not be used recklessly or applied loosely[43] nor be based on impression alone. "It bears to stress that reinstatement is the rule and, for the exception of strained relations to apply, it should be proved that it is likely that if reinstated, an atmosphere of antipathy and antagonism would be generated as to adversely affect the efficiency and productivity of the employee concerned."[44]

Moreover, the existence of strained relations, it must be emphasized, is a question of fact. In *Golden Ace Builders*

v. Talde,[45] the Court underscored:

Strained relations must be demonstrated as a fact, however, to be adequately supported by evidence—substantial evidence to show that the relationship between the employer and the employee is indeed strained as a necessary consequence of the judicial controversy.[46] (Citations omitted and emphasis ours)

After a perusal of the NLRC decision, this Court failed to find the factual basis of the award of separation pay to the petitioners. The NLRC decision did not state the facts which demonstrate that reinstatement is no longer a feasible option that could have justified the alternative relief of granting separation pay instead.

The petitioners themselves likewise overlooked to allege circumstances which may have rendered their reinstatement unlikely or unwise and even prayed for reinstatement alongside the payment of separation pay in their position paper.[47] A bare claim of strained relations by reason of termination is insufficient to warrant the granting of separation pay. Likewise, the filing of the complaint by the petitioners does not necessarily translate to strained relations between the parties. As a rule, no strained relations should arise from a valid and legal act asserting one's right.[48] Although litigation may also engender a certain degree of hostility, the understandable strain in the parties' relation would not necessarily rule out reinstatement which would, otherwise, become the rule rather the exception in illegal dismissal cases.[49] Thus, it was a prudent call for the CA to delete the award of separation pay and order for reinstatement instead, in accordance with the general rule stated in Article 279[50] of the Labor Code.

Finally, the Court finds the computation of the petitioners' backwages at the rate of P800.00 daily reasonable and just under the circumstances. The said rate is consistent with the ruling of this Court in *Hyatt Taxi Services, Inc. v. Catinoy*,[51] which dealt with the same matter.

WHEREFORE, in view of the foregoing disquisition, the petition for review on certiorari is DENIED. The Decision dated March 11, 2010 and Resolution dated June 28, 2010 of the Court of Appeals in CA-G.R. SP No. 111150 are AFFIRMED.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 15-23.

[2] Penned by Associate Justice Ricardo R. Rosario, with Associate Justices Jose C. Reyes, Jr. and Amy C. Lazaro-Javier, concurring; *id.* at 81-90.

[3] *Id.* at 92-93.

[4] *Id.* at 66-76.

[5] *Id.* at 59.

[6] *Id.* at 29-34.

[7] *Id.* at 29.

[8] *Id.* at 30.

[9] *Id.*

[10] *Id.*

[11] Id. at 36-37.

[12] Id. at 37-38.

[13] Id. at 37.

[14] Id. at 49-50.

[15] Id. at 51-52.

[16] Id. at 53.

[17] Id. at 54.

[18] Id. at 55-56.

[19] Issued by LA Edgardo M. Madriaga; id. at 59-65.

[20] Id. at 64-65.

[21] Id. at 66-76.

[22] Id. at 71-72, 75.

[23] Id. at 77-79.

[24] Id. at 81-90.

[25] Id. at 84-90.

[26] Id. at 92-93.

[27] Id. at 64-65.

[28] Id. at 87-89.

[29] “J” Marketing Corporation v. Taran, G.R. No. 163924, June 18, 2009, 589 SCRA 428, 437, citing Ramos v. Court of Appeals, G.R. No. 145405, June 29, 2004, 433 SCRA 177, 182.

[30] 590 Phil. 400 (2008).

[31] Id. at 406.

[32] Antiquina v. Magsaysay Maritime Corporation, G.R. No. 168922, April 13, 2011, 648 SCRA 659, 675, citing National Union of Workers in Hotels, Restaurants and Allied Industries-Manila Pavillion Hotel Chapter v. NLRC, G.R. No. 179402, September 30, 2008, 567 SCRA 291, 305.

[33] Id.

[34] Jao v. BCC Products Sales, Inc., G.R. No. 163700, April 18, 2012, 670 SCRA 38, 49, citing Abante, Jr. v. Lamadrid Bearing & Parts Corp., G.R. No. 159890, May 28, 2004, 430 SCRA 368, 379.

[35] Meteoro v. Creative Creatures, Inc., G.R. No. 171275, July 13, 2009, 592 SCRA 481, 492.

[36] CA rollo, p. 106.

[37] G.R. No. 98368, December 15, 1993, 228 SCRA 473.

[38] Id. at 478.

[39] *Martinez v. NLRC*, 339 Phil. 176, 183 (1997).

[40] G.R. No. 178524, January 30, 2009, 577 SCRA 500.

[41] *Id.* at 507, citing *Mt. Carmel College v. Resuena*, 561 Phil. 620, 644 (2007).

[42] *Cabigting v. San Miguel Foods, Inc.*, G.R. No. 167706, November 5, 2009, 605 SCRA 14, 23.

[43] *Pentagon Steel Corporation v. Court of Appeals*, G.R. No. 174141, June 26, 2009, 591 SCRA 160, 176.

[44] *Supra* note 42, at 25-26.

[45] G.R. No. 187200, May 5, 2010, 620 SCRA 283.

[46] *Id.* at 290.

[47] *Rollo*, p. 33.

[48] *Supra* note 42, at 24, citing *Globe-Mackay Cable and Radio Corporation v. NLRC*, G.R. No. 82511, March 3, 1992, 206 SCRA 701, 712.

[49] *Leopard Security and Investigation Agency v. Quitoy*, G.R. No. 186344, February 20, 2013, 691 SCRA 440, 452.

[50] Article 279. Security of Tenure. – In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement.

[51] 412 Phil. 295 (2001).

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.