

ST. BENEDICT CHILDHOOD EDUCATION CENTRE, INC., AND FR. ERNESTO O. JAVIER, PETITIONERS, VS. JOY SAN JOSE, RESPONDENT.

G.R. No. 225991. January 13, 2021

Ponente: LAZARO-JAVIER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-225991/>

LAZARO-JAVIER, J.:

The Case

This Petition assails the following dispositions of the Court of Appeals in CA-G.R. CEB-SP No. 08957:

- Decision[1] dated May 29, 2015 finding respondent Joy San Jose (San Jose) to have been illegally dismissed as a preschool teacher; and
- Resolution[2] dated June 27, 2016 denying petitioners St. Benedict Childhood Education Centre, Inc. (St. Benedict) and Fr. Ernesto O. Javier's (Fr. Javier, collectively, petitioners) motion for reconsideration.

Antecedents

San Jose worked as a preschool teacher at St. Benedict from 1986[3] until she was dismissed in 2013. The school was headed by its President, Fr. Javier.[4]

Sometime between July and August 2012, BBB wrote the school about his five-year old son, AAA, and San Jose.

On July 19, 2012, the child, a pupil of San Jose, asked permission from the latter to go to the comfort room to relieve himself. San Jose refused.[5] The child initially stayed put but when he could no longer bear the discomfort, he escaped from class and went straight to "Manong Gomer" (St. Benedict's utility worker). "Manong Gomer" instantly assisted the child who finally got to relieve himself in the comfort room.[6] On July 23, 2012, the child again asked San Jose's permission to go to the comfort room, this time, to urinate. But she again declined. Because he could no longer hold his urine, he wet his pants right there and then.[7]

When his parents fetched him after class, they noticed he was quite depressed and unhappy.[8] They asked him what was wrong in school. At first, he hesitated but after a while, he confided to them what happened.[9]

On July 24, 2012, the child had an asthma attack. He told his parents that he no longer wanted to go to school because he was scared of his teacher, San Jose, and he felt humiliated when he wet his pants in class.[10]

His parents then opted to accompany him to St. Benedict to talk to San Jose. They asked her why she disallowed their son from going to the toilet. She blurted "I have been here for more than 20 years, I know what I am doing!"[11] When they heard these remarks, the child's parents left.[12] Shortly after, San Jose called the child to the front of the class, and berated him for everyone to hear "you are a liar!" From then on, the child's classmates would tease him "hala ka, you are a liar!" The child had since felt so embarrassed he pleaded his parents not to send him to school anymore.[13]

On August 14, 2012, St. Benedict served a Memorandum to Explain on San Jose relative to the acts she allegedly

committed against the child and why she should not be administratively charged.

In her written explanation, San Jose denied ever preventing AAA from going to the comfort room. She recalled that on July 19, 2012, she introduced one “Manang Ariza” to her pupils as the “Manang of the Day.” “Manang Ariza” would assist the pupils whenever they had concerns like going to the comfort room. When AAA asked permission to go to the comfort room, she told him to go to Manang Ariza.[14]

On July 24, 2012, the child’s parents came to see her and asked why she did not allow their son to go to the toilet. She told them she did not refuse especially since she knew the situation was urgent. She also told them that their son was a restless and inattentive pupil.[15] The conversation ended, sans any sign that the child’s parents got angry or dismayed.[16]

When the child’s parents had left, she only asked the child why he failed to tell the truth to his parents, and why he never told her or Manang Ariza that he already wet his pants. She never blurted “you are a liar!”[17]

On August 31, 2012, St. Benedict, through Fr. Javier, created an ad-hoc committee to investigate and recommend the proper sanction, if any, pertaining to the complaint against San Jose.[18] After due proceedings, the ad-hoc committee, per Resolution[19] dated April 29, 2013, recommended San Jose’s dismissal for serious misconduct under Article 282[20] of the Labor Code in relation to Section 80[21] of the 2009 Revised Manual of Regulations for Private Schools in Basic Education, specifying oppression as one of the grounds for dismissal of erring teachers.

The committee found that San Jose, indeed, unreasonably prevented the child on at least two (2) occasions from using the comfort room to relieve himself despite the fact that the child had properly asked permission. “Manong Gomer,” the school’s utility man, corroborated the child’s statement that on July 19, 2012, San Jose refused to let him go to the toilet to relieve himself. So he was forced to escape from class, asked his help, saying “poo-poo,” and hurriedly went to the toilet.[22] On July 23, 2012, San Jose again refused AAA permission to go to the comfort room. As a result, the child wet his pants in class.

Assisting teacher “Miss Canen” and “Manang Geha” (“Manang of the Day”) testified that on July 24, 2012, they witnessed San Jose shouting at AAA,[23] scolding him in front of the class, and calling him a liar. As a result, his classmates had since teased and called him a “liar,” too. Due to the maltreatment he experienced in the hands of his own teacher, AAA got so traumatized he no longer wanted to go to school ever.[24]

Meanwhile, “Ms. Boltron,” the school principal confirmed that in the past, other parents had the same complaint against San Jose. The parents at that time though opted for an easy way out by simply moving their children to another school.

As it was, St. Benedict approved the ad-hoc committee’s findings and recommendation, and terminated San Jose’s employment on grounds of gross misconduct and unprofessional behavior in violation of her duty as a teacher.[25]

On June 5, 2013, San Jose filed a complaint for illegal dismissal with claims for payment of her share in the Private Education Retirement Annuity Association (PERAA), 13[th] month pay, damages, and attorney’s fees.[26] She maintained that she never refused AAA’s request to go to the comfort room nor called him a liar.[27] In her 27 years of service in St. Benedict, she had been constantly upholding the best interest of the school.[28]

The Ruling of the Labor Arbiter (LA)

By Decision[29] dated December 19, 2013, Labor Arbiter Milagros B. Bunagan-Cabatingan dismissed the

complaint for illegal dismissal but ordered the payment of San Jose's proportionate PERAA benefits in the amount of P69,697.31. This benefit had been consistently a part of school policy, hence, it was deemed a part of the teachers' wages, too.[30]

The labor arbiter found that San Jose was validly dismissed based on serious misconduct per Article 282 of the Labor Code. San Jose merely denied the accusations against her.[31] On the other hand, the school had substantially proved that San Jose unreasonably refused AAA's right to relieve himself despite its urgency. She also embarrassed the child by calling him a liar in front of the class. As a result, he got bullied by his classmates who thenceforth called him a "liar." These circumstances so affected the child's physical, moral, social, and psychological well-being that it discouraged him from going back to school. In fine, San Jose maltreated the five-year old AAA, making her unfit to continue as a preschool teacher.[32] She, too, manifested an arrogant behavior toward AAA's parents when the latter visited her in school. Thus:

WHEREFORE, judgment is hereby rendered DISMISSING the complaint for Illegal Dismissal for lack of merit. Complainant is, however, entitled to and (sic) Respondents are hereby ordered to pay complainant, the sum of PESOS: SIXTY-NINE THOUSAND SIX HUNDRED NINETY-SEVEN AND 31/100 (PHP69,697.31).

SO ORDERED.[33]

The Ruling of the National Labor Relations Commission (NLRC)

By Decision[34] dated July 31, 2014, the NLRC affirmed. It gave weight to AAA's consistent and categorical testimony that San Jose maltreated him. A five-year-old child like AAA could not have made up a story with such adverse impact on his physical, psychological, social, and moral well-being.[35]

The NLRC emphasized that preschoolers are vulnerable individuals. It is during their formative years that they learn the value of self-worth.[36] Unfortunately, San Jose's actuations as AAA's preschool teacher had left the latter traumatized. This is serious misconduct which warranted San Jose's dismissal from the school's roster of teachers.[37]

Respondent's Motion for Reconsideration was denied under Resolution dated September 30, 2014.[38]

The Court of Appeals' Ruling

By Decision[39] dated May 29, 2015, the Court of Appeals reversed. It acknowledged that San Jose's unreasonable refusal to allow AAA to go to the toilet on two (2) separate occasions indeed equated to conduct unbecoming of a preschool teacher. Also, she violated her duty to be an ethical and dignified member of the teaching profession when she showed a hostile attitude not only toward AAA but also toward the latter's parents.[40] Nonetheless, the Court of Appeals opined that respondent's misconduct as a teacher was not so grave as to constitute serious misconduct and to warrant her dismissal.[41]

Further applying the doctrine of compassionate justice,[42] the Court of Appeals held that the penalty of dismissal was too harsh in light of San Jose's dedicated service to the school for twenty-seven (27) years.[43] It ordered St. Benedict and Fr. Javier to jointly pay San Jose her separation pay, in lieu of reinstatement, 13[th] month pay, and PERAA benefits in the amount of P69,697.31. As for backwages, damages, and attorney's fees, San Jose's claim therefor was denied, absent any showing that petitioners acted in bad faith when they terminated her employment,[44] thus:

WHEREFORE, based on the above disquisitions, the assailed Decision of the National Labor Relations Commission dated 31 July 2014 and that of the Labor Arbiter dated 19 December 2013 are annulled and set aside. Private respondents St. Benedict Childhood Education Center and/or Father Ernesto Javier are hereby

ordered to pay petitioner Joy San Jose the following:

- Separation pay, at the rate of one (1) month pay for every year of service, computed from the date of petitioner's employment until the finality of Our Decision.
- Proportionate 13[th] month pay, to be computed based on her salary during the period relevant to the case; and
- The sum of Sixty-Nine Thousand Six Hundred Ninety-Seven and 31/100 Pesos (Php69,697.31) representing petitioner's share in the Private Education Retirement Annuity Association (PERAA).

The Labor Arbiter is hereby ORDERED to make the necessary computation of the total monetary benefits awarded due to petitioner [referring to San Jose] in accordance with this Decision.

SO ORDERED.[45]

Petitioners' Motion for Reconsideration was denied under Resolution dated June 27, 2016.[46]

The Present Petition

Petitioners now seek the Court's discretionary appellate jurisdiction to reverse and set aside the assailed dispositions of the Court of Appeals. They assert that San Jose was validly dismissed on ground of Serious Misconduct under Article 282 of the Labor Code, in relation to Presidential Decree No. 603 (PD 603) of the "Child and Youth Welfare Code," and Republic Act No. 7610 (RA 7610) or "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation, and Discrimination and for Other Purposes."

Petitioners claim that San Jose failed to substantially dispute that she committed the following acts amounting to Serious Misconduct: 1) preventing AAA twice from going to the toilet to relieve himself; 2) calling AAA a liar in front of the class; 3) exposing AAA to bullying; and 4) causing trauma to AAA, who, as a result of her serious misconduct, no longer wanted to go back to school.[47]

More, petitioners contend that compassionate justice on account of her length of service should not favor San Jose. This doctrine does not apply to employees who committed serious misconduct. In any event, San Jose's acts of maltreatment toward the child do not only equate to Serious Misconduct but also constitute child abuse punishable under RA 7610.[48] Her acts are cruel.[49]

St. Benedict values the importance of enhancing the totality of a child's learning process and moral compass.[50] San Jose's gross misconduct on account of the physical, verbal, mental, and psychological abuse she made AAA[51] suffer is no longer in accord with the values and philosophy of the school, thus, making her unfit to continue as a preschool teacher. Her dismissal therefore was valid.

Lastly, St. Benedict has a personality distinct and separate from its officers. Hence, Fr. Javier cannot be held personally liable for his official acts as President of St. Benedict.[52]

On the other hand, San Jose argues that even assuming her alleged infractions were true,[53] the same did not amount to Serious Misconduct as to warrant her dismissal.[54] Too, her 27 years of service in St. Benedict belie her so called unfitness as a preschool teacher.

Issue

Did the Court of Appeals commit reversible error when it held that Joy San Jose was illegally dismissed?

Ruling

We rule in the affirmative.

Article 282 of the Labor Code, as amended, states that Serious Misconduct is one of the grounds for termination of employment, thus:

ARTICLE 297. [282] Termination by Employer. — An employer may terminate an employment for any of the following causes:

(a) Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work.

x x x x (Emphasis supplied)

Misconduct is defined as an improper and wrongful conduct. It is the transgression of established and definite rule of action, a forbidden act, a dereliction of duty, and implies wrongful intent and not mere error of judgment. In order to justify an employee's termination of services, the misconduct should be (1) serious and not merely trivial or unimportant; (2) relate to the performance of the employee's duties; and (3) show that the employee has become unfit to continue working for the employer.[55]

Meanwhile, Section 16 of Batas Pambansa Blg. 232 (BP 232) or the Education Act of 1982[56] enumerates the obligations of a teacher, thus:

SECTION 16. Teacher's Obligations. — Every teacher shall:

1. Perform his duties to the school by discharging his responsibilities in accordance with the philosophy, goals, and objectives of the school.
2. Be accountable for the efficient and effective attainment of specified learning objectives in pursuance of national development goals within the limits of available school resources.
3. Render regular reports on performance of each student and to the latter and the latter's parents and guardians with specific suggestions for improvement.
4. Assume the responsibility to maintain and sustain his professional growth and advancement and maintain professionalism in his behavior at all times.
5. Refrain from making deductions in students' scholastic ratings for acts that are clearly not manifestations of poor scholarship.
6. Participate as an agent of constructive social, economic, moral, intellectual, cultural and political change in his school and the community within the context of national policies. (Emphases supplied)

More, Sections 2 and 3, Article XI of the Code of Ethics of Professional Teachers (Code of Ethics) emphasize that a teacher shall always maintain self-discipline and a dignified personality, viz.:

Section 2. A teacher shall place premium upon self-discipline as the primary principles of personal behavior in all relationships with others and in all situations.

Section 3. A teacher shall maintain at all times a dignified personality which could serve as a model worthy of emulation by learners, peers and all others. (Emphasis and underscoring supplied)

Further, Section 2, Article VIII of the Code of Ethics decrees that a teacher's foremost responsibility is to promote the welfare of his or her students. Too, Section 9 of the same Article states that a teacher shall ensure his or her students' growth and development and assist them in their needs or concerns, viz.:

Section 2. A teacher shall recognize that the interest and welfare of learners are of first and foremost concerns, and shall deal justifiably and impartially with each of them. (Emphasis supplied)

x x x x

Section 9. A teacher shall ensure that conditions contribute to the maximum development of learners are adequate, and shall extend needed assistance in preventing or solving learner's problems and difficulties. (Emphases supplied)

Finally, Sections 1 and 3, Article IX of the Code of Ethics ordain that a teacher shall maintain cordial relations with the parents of his or her students, thus:

Section 1. Every teacher shall establish and maintain cordial relations with parents, and shall conduct himself to merit their confidence and respect.

x x x x

Section 3. A teacher shall hear parent's complaints with sympathy and understanding, and shall discourage unfair criticism.

In *Pat-og, Sr. v. Civil Service Commission*,^[57] the Court held that teachers are duly licensed professionals who must not only be competent in the practice of their noble profession. They must also possess dignity and a reputation of high moral values. They must strictly adhere to, observe, and practice the ethical rules laid down in the Code of Ethics which apply to all educators in schools whether employed in a public or private learning institution. A blatant violation of the established rules under the Code of Ethics is tantamount to grave misconduct.

As for the rights of a child, Article 3, paragraph 8 of PD 603 states that a child has the right to be protected against circumstances prejudicial to his or her physical, mental, emotional, social, and moral well-being. Article 8 thereof enunciates that a child's welfare shall be the paramount consideration in his or her education, thus:

Article 3. Rights of the Child. — All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.

x x x x

(8) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

x x x x

Article 8. Child's Welfare Paramount. — In all questions regarding the care, custody, education and property of the child, his welfare shall be the paramount consideration. (Emphases and underscoring supplied)

Likewise, Article 13 of PD 603 specifies that a child's social and emotional growth shall be ensured in the school, among other agencies, to promote the child's welfare, thus:

Article 13. Social and Emotional Growth. — Steps shall be taken to insure the child's healthy social and emotional growth. These shall be undertaken by the home in collaboration with the schools and other agencies engaged in the promotion of child welfare. (Emphasis supplied)

The United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a signatory likewise recognizes a child's fundamental right to dignity and self-worth and that disciplinary measures in the school should conform with this right.^[58]

Here, petitioners had substantially proved that San Jose committed Serious Misconduct warranting her dismissal as a preschool teacher.

One. Sections 2[59] and 9,[60] Article VIII of the Code of Ethics specifically provide that a teacher's primary duty is to prioritize the interest and welfare of his or her students and provide adequate assistance to their needs. Thus, a preschool teacher, in particular, should be mindful that a child under her care should be protected against any circumstances detrimental to his or her physical, mental, emotional, social, and moral development pursuant to Article 3[61] of PD 603.

Here, San Jose disregarded Sections 2 and 9, Article VIII of the Code of Ethics in relation to the right of a child under Article 3 of PD 603 when she abandoned her foremost duty to provide proper care and assistance as a second parent to AAA.

On two (2) separate occasions, San Jose did not allow AAA to go to the comfort room despite the fact that the child had properly asked permission. The first was on July 19, 2012 when AAA wanted to relieve himself in the toilet. When San Jose refused to give permission, AAA initially stayed put but later left unnoticed because he could no longer bear the discomfort. He thus went to ask help from "Manong Gomer," the school's utility man and hurriedly entered the comfort room to relieve himself. The second occasion happened on July 23, 2012 when AAA asked San Jose anew to allow him to go to the toilet, this time, to urinate. But San Jose, again, unreasonably declined. As a result, AAA wet his pants right there and then. When his parents came to fetch him, they noticed he was quite depressed and unhappy. After some prodding, he confided in them what San Jose did to him which made him pass urine in his pants.

As a teacher who ought to stand in loco parentis to her students, San Jose was duty bound to ensure that the children under her care are protected from all forms of harm and distress.[62] But twice, San Jose unjustifiably refused to allow AAA to go to the toilet despite the urgency of the situation. She simply opted to ignore AAA's well-being.

Two. Sections 1[63] and 3,[64] Article IX of the Code of Ethics require a teacher to be cordial to the parents of his or her students and shall hear their complaints with sympathy and understanding. This is in accordance with a teacher's obligation to maintain self-discipline and professionalism as mandated under Section 16,[65] BP 232.

San Jose, however, had seriously breached these provisions when she displayed a disrespectful and unsympathetic attitude toward AAA's parents when they came to see her in class. When they talked to her about their son's ordeal, she arrogantly quipped "I have been here for more than 20 years, I know what I am doing!" She adamantly refused to own up to her mistakes and instead flaunted her long years of service as a preschool teacher. Indeed, she had shown unprofessional behavior, hostility, if not a serious breach of her responsibility to accord primacy to the students' best interest and respect to the institution where she teaches.[66] San Jose did not only violate the trust and confidence reposed on her by AAA's parents but by the school itself.[67]

Three. Instead of offering her apologies to AAA or the latter's parents, San Jose easily shifted the blame to the five-year-old AAA, telling his parents that their child was restless and inattentive. This kind of victim or child shaming underscores even more San Jose's utter lack of empathy and care for the child as his supposed substitute parent in school. She totally deviated from her basic duty to protect the well-being of the five-year-old AAA, her pupil, in the latter's formative years in terms of adequate attention, patience, care, and understanding.

Four. Right after AAA's parents had left the classroom of San Jose, the latter wasted no time berating the child in front of the class, screaming, "you are a liar." At least two (2) staffers of the school came forward to disclose how they witnessed it up close. This humiliating moment in the fragile life of the five-year-old AAA made him the subject of bullying from his classmates who readily mocked him, "hala ka, you are a liar!" These young bullies obviously had a leader in the person of their teacher, Ms. San Jose, no less. Children are impressionistic. In their

young minds and bright eyes, humiliating another individual or calling him or her unpleasant names, especially coming from the teacher they generally idolize, may look acceptable, if not perfectly normal. So they imitate even the bad ways of their teacher.

As for the child victim, studies show that children who are punished through humiliation develop low self-esteem, resentment, and usually perform poorly in school tasks.[68] Children frequently cite humiliating punishment as a reason for wanting to drop out of school. Here, AAA's shameful experiences of wetting his pants, being scolded before his peers, being screamed at and called a liar, and being thereafter bullied by his classmates all took a toll on him and eventually discouraged him from going back to school.

Notably, Section 3(b) of RA 7610 defines child abuse as the maltreatment of a child which includes, among others, psychological abuse, emotional maltreatment, or any act, by deeds or words, which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; viz.:

Section 3. Definition of Terms. —

(a) "Children" refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

(b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

(1)

Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

(2)

Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;[.] (Emphasis and underscoring supplied)

Petitioners here had substantially established that San Jose's acts do not only equate to serious misconduct but also constitute child abuse punishable under RA 7610. She created a traumatic and stressful environment to AAA to the point that he thought of dropping out from school. San Jose, thus, inflicted upon AAA not only psychological and emotional abuse but also violated his inherent dignity as a child who was only in his developmental years of realizing self-worth.

To clarify, the Court is not prejudging, nay, preempting, the possibility of San Jose's criminal liability under RA 7610. Be that as it may, neither a formal charge in court nor conviction for violation of RA 7610 is required to establish San Jose's abusive acts in support of her termination from employment.[69] Settled is the rule that the quantum of proof required in determining the legality of an employee's dismissal is only substantial evidence, a relevant and adequate evidence to support a conclusion, and not proof beyond reasonable doubt required in criminal cases.[70]

National Labor Union, Inc. v. Standard Vacuum Oil Company[71] is in point:

The conviction of an employee in a criminal case is not indispensable to warrant his dismissal by his employer. x x x All that is incumbent upon the x x x National Labor Relations Commission to determine is whether the proposed dismissal is for just cause . . . It is not necessary for said court to find that an employee has been guilty of a crime beyond reasonable doubt in order to authorize his dismissal. (Emphasis supplied)

Philippine Long Distance Co. v. NLRC[72] further elucidates that in cases where an employee's misconduct

amounted to a crime, his dismissal remains valid notwithstanding that he had not been criminally prosecuted or even thereafter acquitted by the Court.

Five. We note the findings of the St. Benedict Ad-hoc Committee during the investigation that, apart from the case of AAA, there were similar complaints in the past brought to fore against San Jose by other parents. Many of these parents though just opted to pull out their children and move them to another school, instead of letting their children continuously suffer San Jose's cruelty. Notably, as against the categorical and positive testimonies of AAA and his parents, as well as the personal accounts of the staff of St. Benedict, San Jose only had bare denials, sans any countervailing evidence.

The Court in *Santos v. NLRC*,^[73] held that denial, if unsubstantiated by clear and convincing evidence, is self-serving. It has no probative weight and cannot be given greater evidentiary value over the testimonies of credible witnesses who testified on affirmative matters. Records here do not show that AAA, his parents, or the staff of St. Benedict were impelled by malice or ill-will in testifying against San Jose. The Court, thus, accords their testimonies full faith and credit.^[74]

In fine, San Jose's cruel or inhuman treatment of AAA is not just trivial or meaningless. Her misconduct is grave, affecting not only the interest of the school but ultimately the morality and self-worth of an innocent five-year-old child. By committing such grave offense, she forfeits the right to continue working as a preschool teacher.

In *Sugue v. Triumph International (Phils.), Inc.*,^[75] the Court decreed that employers are not expected to retain an employee whose behavior causes harm to its establishment, viz.:

Indeed, the law imposes many obligations on the employer such as providing just compensation to workers, and observance of the procedural requirements of notice and hearing in the termination of employment. On the other hand, the law also recognizes the right of the employer to expect from its workers not only good performance, adequate work and diligence, but also good conduct x x x. The employer may not be compelled to continue to employ such persons whose continuance in the service will patently be inimical to his interests. (Emphasis and underscoring supplied)

San Jose nonetheless seeks redemption from her long years of service. The Court of Appeals, thus, applied the so called compassionate justice and ruled that the penalty of dismissal was too harsh without due consideration of the length of her dedicated service to St. Benedict.

We disagree.

Cathedral School of Technology v. National Labor Relations Commission^[76] clarified that compassionate justice is not applicable in cases where an employee was validly dismissed due to serious misconduct or those reflecting on his or her moral character.

Hence, San Jose cannot rely on her 27 years of employment with St. Benedict to escape liability. On the contrary, the longer an employee stays in the service of the school, the greater is his or her responsibility for compliance with the norms of conduct and the code of discipline as a teacher.^[77]

Surely, San Jose's purported years of service, no matter how long, cannot be used to wipe clean her infractions.^[78] If years had to be sensibly considered here, it should be the tender years of an innocent five-year-old child and the probable trauma he would have to live with for the rest of his life.

All told, petitioner St. Benedict validly dismissed respondent Joy San Jose from employment as a preschool teacher.

ACCORDINGLY, the Petition is GRANTED. The Decision dated May 29, 2015 and Resolution dated June 27, 2016 of the Court of Appeals in CA-G.R. CEB-SP No. 08957 are REVERSED and SET ASIDE. The Decision dated July 31, 2014 of the National Labor Relations Commission in NLRC Case No. VAC-03-000115-2014 is REINSTATED in full.

SO ORDERED.

Perlas-Bernabe, SAJ. (Chairperson), Gesmundo, Lopez, and Rosario, JJ., concur.

[1] Penned by Associate Justice Renato C. Francisco and concurred in by Associate Justices Pamela Ann Abella Maxino and Germano Francisco D. Legaspi, all members of the Twentieth Division, rollo, pp. 57-69.

[2] Id. at 90-93.

[3] Id. at 155.

[4] Id. at 213-214.

[5] Id. at 215.

[6] Id.

[7] Id.

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id.

[13] Id. at 216.

[14] Id. at 104.

[15] Id.

[16] Id.

[17] Id. at 105.

[18] Id. at 60.

[19] Id.

[20] Article 282, Labor Code. Termination by employer. An employer may terminate an employment for any of the following causes:

a. Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work.

x x x x x x x x x

[21] Section 80. Termination of Employment by School Administration: School personnel under permanent status

of private schools may be removed, reduced in salary or suspended without pay for the following causes:

x x x x x x x x

Oppression or commission of a crime against the person of school officials, students or any other component elements therein.

[22] Rollo, p. 218.

[23] Id. at 216.

[24] Id. at 110.

[25] Id. at 107.

[26] Id. at 60.

[27] Id. at 251.

[28] Id. at 253.

[29] Id. at 102-112.

[30] Id. at 111-112.

[31] Id. at 110.

[32] Id. at 111.

[33] Id. at 112.

[34] Id. at 113-121.

[35] Id. at 119.

[36] Id.

[37] Id.

[38] Id. at 62.

[39] Id. at 57-69.

[40] Id. at 63.

[41] Id. at 64.

[42] Id. at 65.

[43] Id. at 67.

[44] Id.

[45] Id. at 68-69.

[46] Id. at 90-93.

[47] Id. at 18.

[48] Id. at 42.

[49] Id. at 223.

[50] Id. at 214.

[51] Id. at 231.

[52] Id. at 46.

[53] Id. at 156.

[54] Id. at 151.

[55] *Colegio de San Juan de Letran-Calamba v. Tardeo*, 738 Phil. 693, 702 (2014).

[56] AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF AN INTEGRATED SYSTEM OF EDUCATION.

[57] 710 Phil. 501, 517 (2013).

[58] Article 28, paragraph 2 — Convention on the Rights of the Child. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

[59] Section 2, Article VIII of the Code of Ethics. A teacher shall recognize that the interest and welfare of learners are of first and foremost concerns, and shall deal justifiably and impartially with each of them.

[60] Section 9, Article VIII of the Code of Ethics — A teacher shall ensure that conditions contribute to the maximum development of learners are adequate, and shall extend needed assistance in preventing or solving learner's problems and difficulties.

[61] Article 3, PD 603. Rights of the Child — All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.

x x x x

(8) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

x x x x

[62] *Ylarde v. Aquino*, 246 Phil. 691, 700 (1988).

[63] Section 1, Article IX of the Code of Ethics. Every teacher shall establish and maintain cordial relations with parents, and shall conduct himself to merit their confidence and respect.

x x x x

[64] Section 3, Article IX of the Code of Ethics. A teacher shall hear parent's complaints with sympathy and understanding, and shall discourage unfair criticism.

[65] Section 16, BP 232. Teacher's Obligations. — Every teacher shall:

1. Perform his duties to the school by discharging his responsibilities in accordance with the philosophy, goals, and objectives of the school.

x x x x

4. Assume the responsibility to maintain and sustain his professional growth and advancement and maintain professionalism in his behavior at all times.

x x x x

[66] See *Adamson University Faculty v. Adamson University*, G.R. No. 227070, March 9, 2020.

[67] *School of the Holy Spirit of Quezon City v. Taguiam*, 580 Phil. 203, 212 (2008).

[68] Karper, Kate, et al., 2005. Ending Physical and Humiliating Punishment of Children. Accessed at <https://resourcecentre.savethechildren.net/node/2488/pdf/2488.pdf> on December 5, 2020.

[69] *Concepcion v. Minex Import Corp./Minerama Corp.*, 679 Phil. 491 (2012).

[70] *Cabaobas v. Pepsi-Cola Products Phils., Inc.*, 757 Phil. 96, 115 (2015).

[71] *National Labor Union, Inc. v. Standard Vacuum Oil Company*, 73 Phil. 279, 282 (1941) as cited in *Concepcion v. Minex Import Corp./Minerama Corp.*, *supra*.

[72] 214 Phil. 138-149 (1984).

[73] 350 Phil. 560, 571 (1998).

[74] *Id.*

[75] 597 Phil. 320 (2009).

[76] 289 Phil. 157-173 (1992).

[77] *Adamson University Faculty v. Adamson University*, G.R. No. 227070, March 9, 2020.

[78] *Sy v. Neat, Inc.*, 821 Phil. 751 (2017).

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.