

**CEBU INSTITUTE OF TECHNOLOGY, PETITIONER, VS. THE
HONORABLE MINISTER OF LABOR, DEPUTY MINISTER AMADO G.
INCIONG, THE DIRECTOR OF REGIONAL OFFICE NO. VII, AND
GREGORIO SEGURA, ...**

G.R. No. 50238. March 29, 1982

Ponente: CONCEPCION JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-50238/>

CONCEPCION JR., J.:

Petition for certiorari to annul and set aside the decision of the respondent Minister of Labor, through its Deputy Minister Amado G. Inciong, which dismissed the appeal of the herein petitioner for lack of merit and affirmed the decision of the Director of Regional Office No. VII in LRD Case No. 2362, entitled: "Gregorio Segura, complainant, versus Cebu Institute of Technology, respondent," and TFU Case No. 1448, entitled: "In the Matter of the Petition to Terminate Employment of Gregorio Segura, Cebu Institute of Technology, applicant," both of Regional Office No. 7 of the Ministry of Labor, ordering the herein petitioner, Cebu Institute of Technology, to pay Gregorio Segura separation pay equivalent to his half month's salary for every year of service.

The record shows that the herein private respondent, Gregorio Segura, an architect by profession, was employed by the petitioner, Cebu Institute of Technology, an educational institution, as instructor in 1946. In 1952, Segura was appointed head of the Department of Architecture, in addition to his work as instructor. As of March, 1978, his total compensation was P1,310.00 per month.

On January 25, 1978, Segura was appointed chief architect in the construction of a new building at the petitioner's school compound in Rizal Avenue (formerly South Expressway), Cebu City. On May 8, 1978, construction of the building was stopped by the City Building Official by reason of "deviation from the approved building plans." The petitioner blamed Segura for the stoppage of the work and on May 13, 1978, the petitioner, through its president and chairman of the Board of Trustees, Mr. Rodolfo T. Lizares informed Segura that his "services as Principal Architect of the construction of the CIT Academic and Laboratory Building is terminated as of this date," and that his "termination from all (your) other positions (with us) follows forthwith." [1]

Upon receipt of the said letter on May 16, 1978, Segura immediately went to see Mr. Rodolfo T. Lizares to inquire about the status of his employment in the school. Mr. Lizares did not hide his anger and displeasure from Segura such that Segura concluded that he had already been dismissed from his employment in the college as instructor and head of the Department of Architecture. However, he was prevailed upon by his students to finish the summer school term for the students to get accreditations for the subjects they were taking. Segura gave the students their final examinations on May 27, 1978 and submitted their grades on May 30, 1978. On this occasion he was ignored by the school administration officials. Then, on June 1, 1978, he found that somebody else had taken over his work. [2] In view of the foregoing circumstances, and the fact that he was not paid for the last "quincena" of May, 1978, Segura was convinced that he had already been dismissed from the school as of May 13, 1978, as stated in the controversial letter of even date, so that on June 5, 1978, Segura filed a complaint

against the petitioner before the Regional Office No. 7 of the Ministry of Labor, seeking separation pay, on the ground that he was illegally dismissed from employment without prior clearance from the Ministry of Labor. The case was docketed as LRD Case No. 2362. Two (2) days later, or on June 7, 1978, the petitioner applied for clearance to terminate the services of Segura on grounds of abandonment and falsification of student's and/or school records.[3] The case was docketed as TFU Case No. 1448.

The two cases were heard jointly, and on September 28, 1978, the Director of Regional Office No. 7 rendered a decision ordering the petitioner to pay Segura separation pay equivalent to his half-month's salary for every year of service, or the amount of P10,968.00.[4]

The petitioner appealed, and on February 8, 1978, the respondent Ministry of Labor, through the respondent Amado G. Inciong, dismissed the appeal for lack of merit and affirmed the decision of the Regional Director.[5]

Hence, the present recourse.

The issue is whether or not the petitioner actually terminated the employment of Gregorio Segura on May 13, 1978 pursuant to its letter to Segura on the same date and, hence, a termination of employment without prior clearance from the Ministry of Labor. The letter in question reads, as follows:

"May 13, 1978
Arch. Gregorio Segura
Cebu City

Dear Arch. Segura

This is to inform you that your services as Principal Architect of the construction of the CIT Academic and Laboratory Buildings is terminated as of this date. You are to turn over all your responsibilities to Arch. Jose Bañez who has been appointed in your place as such.

Your termination from all your other positions with us follows forthwith.

Very truly yours,

(Sgd.) RODOLFO T. LIZARES
President and
Chairman, Board of Trustees"

The petitioner claims that the employment of Segura as instructor and head of the Department of Architecture was not immediately terminated on May 13, 1978 and points to the fact that Segura continued to teach his classes after May 13, 1978 and even gave the final examinations to his students on May 27, 1978. The petitioner argues that the word "forthwith" as used in the last paragraph in the new Webster Dictionary as "immediately, without delay, hence, within a reasonable time; promptly and with reasonable dispatch," and should be accorded that meaning. The petitioner also cites jurisprudence, defining the word "forthwith" to mean "within a reasonable time according to the circumstances of each particular case."

We find no merit in the petition. The term "forthwith", as used in the letter of May 13, 1978 should not be given the technical meaning accorded by the courts. As stated by the respondent Director of Regional Office No. 7, Mr. Segura, who is an architect by profession, cannot be expected to give meaning to the word "forthwith" in its legal sense. Rather, the term should be defined as understood or interpreted by the parties in the light of circumstances attending its usage. In this regard, the following undisputed facts are pertinent:

- Segura had been appointed by the petitioner to head a panel of architects in connection with the construction of an additional building in the school's premises;

- On May 8, 1978, the construction of the said school building was stopped by the City Building Official for "deviation from the approved building plans;"[6]
- Upon inquiry as to the legal basis of the issuance of the order, the petitioner was informed, although this is denied by Segura, that the Building Official was acting on the personal complaint of Segura who alleged non-payment of fees and deviation from his specifications and plans. This was considered an act of disloyalty and serious misconduct by the petitioner, and hence, the letter of May 13, 1978;[7]
- Segura received the letter in question on May 16, 1978 and confronted Mr. Rodolfo T. Lizares, president of the school, to inquire about the status of his employment with the school. In said meeting, Lizares did not hide his displeasure and anger to Segura for the latter's actions;
- On May 30, 1978, when Segura submitted the grades of his students, he was ignored by the administration officials;
- Segura was not paid his salary for the second "quincena" of May, 1978; and
- Another official was already performing his work on June 1, 1978, in connection with the enrollment of students for the regular school term.

These circumstances, to Our mind, are clear indications of the actual intention of the petitioner in issuing the letter of May 13, 1978 to Segura and that is, to terminate the employment of Segura as instructor and head of the Architecture Department simultaneously with the termination of his appointment as "Principal Architect of the construction of the CIT Academic and Laboratory Buildings, x x x as of this date."

The fact that Segura had attended his classes even after May 13, 1978 has been duly explained. It appears that the students taking up summer courses under him had asked Segura to continue teaching said subjects, for them to get accreditations therefor; and since there was no available competent instructor who could handle said subjects and that only a few days were left in the school calendar, Segura felt it unfair and unjust for him to abandon the students after May 13, 1978.

The petitioner further claims that the findings of the respondent Regional Director that the petitioner terminated the employment of Segura as instructor and head of the school's Architecture Department on May 13, 1978 is not supported by evidence. In support thereof, the petitioner contends that Segura had not offered any evidence to substantiate his complaint for illegal dismissal except the controversial letter of May 13, 1978, whereas the petitioner has offered documentary evidence to disprove Segura's complaint and to further show that there was just cause to terminate the employment of Segura.

The contention is without merit. Even a cursory reading of the assailed decision would reveal that the respondent Regional Director arrived at his finding that Segura was illegally dismissed from his employment by the petitioner after weighing the evidence of both parties and he gave his reasons for his conclusions together with the relevant facts. The relevant portion of the assailed decision reads thus: "After a careful scrutiny and analysis of the evidence of both parties this Office is of the view that Mr. Segura as instructor and head of the Department of Architecture was constructively dismissed from his employment without cause and without prior clearance from this Office. This view is anchored on the letter dated May 13, 1978 addressed to Mr. Segura from Mr. Rodolfo T. Lizares, President and Chairman of the Board of Trustees of the CIT where the second paragraph thereof expressly dismissed Mr. Segura from the position of Principal Architect of the construction of the academic and laboratory buildings and all other positions he was holding with the CIT. x x x. This letter was prepared after the CIT learned that Mr. Segura lodged a complaint with the Office of the Cebu City Engineer alleging that the CIT has failed to comply with the plans and specifications for the new building of which he was the principal architect.

It is shown that Mr. Segura was blamed for the complaint. Although Mr. Segura denied these charges the administration officials of the CIT considered such act an act of disloyalty to the institution and immediately thereafter the President and Chair-man of the Board of Trustees issued the controversial letter of May 13, 1978 dismissing Mr. Segura from his employment." Here, the decision of the respondent Regional Director is based upon the letter dated May 13, 1978 and was considered substantial evidence to support his findings. "Substantial evidence" has been defined to be such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[8] It cannot be said, therefore, that the finding of the respondent Regional Director that the employment of Segura was illegally terminated by the petitioner was not supported by substantial evidence.

The petitioner also contends that the respondent labor officials committed a grave abuse of discretion when they did not give due consideration to the petitioner's documentary evidence.

It would appear, however, that petitioner's documentary evidence, consisting mainly of affidavits executed by its employees, were presented to support the petitioner's application for clearance to terminate the employment of Segura, which the respondent Regional Director found to be "an after thought in order to justify or rectify the error committed by the CIT thru its President and Chair-man of the Board of Trustees when he dismissed abruptly Mr. Gregorio Segura," since "the CIT deemed it proper to file an application for clearance for the dismissal of Mr. Segura from his employment after the parties were called to a conference by this office before Labor Conciliator Alberto Rodriguez to thresh out the complaint filed by Mr. Segura," and, under Rule XIV, Sec. 2 of the Implementing Rules and Regulations, the termination of Segura which was without previous clearance from the Ministry of Labor is conclusively presumed to be without cause, and hence, cannot be overturned by any contrary proof however strong.[9]

Finally, the petitioner claims that it was denied due process of law when the respondent Regional Director merely required the submittal of a position paper and thereafter resolved the case on the basis of his summary investigation.

This contention is likewise without merit. The respondent Regional Director was fully clothed with authority and discretion when he summarily investigated the case of Segura instead of submitting it for compulsory arbitration. Policy Instruction No. 14, issued by the Minister of Labor pursuant to Presidential Decree No. 850, reads in part, as follows:

"1. The Regional Director is now required to rule on every application for clearance, whether there is opposition or not, within ten (10) days from receipt thereof.

"2. If there is no opposition, the ten days within which to file it having elapsed, the employer may shut down or terminate the employee concerned, unless stopped by the Regional Director under Article 272 of the Code. If not stopped by the Regional Director, and the shut down or termination is effected, the employee concerned may still file his complaint with the regional director.

"3. If there is opposition, the first duty of the Regional Director is to look for the statement on preventive suspension in the application for clearance. If the employee is already under preventive suspension, or is intended to be so placed, the Regional Director is required to make a determination within ten (10) days from receipt of the application whether to lift or sustain the actual preventive suspension or to stop or give due course to an intended one.

"4. The second duty of the Regional Director where there is opposition is to determine whether to certify the application for clearance to the Executive Arbiter or to summarily investigate and decide it within ten (10) days from filing. The policy is for the Regional Director to certify a) if the nature of the case does not suit summary investigation, or b) if intricate question of law are involved as determined by the Regional Director. If the nature of the case suits summary investigation, the Regional Director should summarily investigate and

decide the case. If he does not deny the application, he should immediately certify the case to the Executive Arbiter for hearing and decision on the merit." (Italics supplied for emphasis)

It results that the respondent labor officials did not err in holding that the petitioner had terminated the employment of Segura as instructor and head of the Department of Architecture on May 13, 1978, without prior clearance from the Ministry of Labor, and in ordering the said petitioner to pay separation pay to Segura.

WHEREFORE, the petition should be, as it is hereby, DISMISSED. With costs against the petitioner.

SO ORDERED.

Aquino, De Castro, Ericta, and Escolin, JJ., concur. Abad Santos, J., on official leave. Barredo, J., (Chairman), no part.

[1] Rollo, p. 39.

[2] Id., p. 53 (par. 8 of the Affidavit of Arnulfo M. Nadela, Jr., Dean of the College of Engineering of the Cebu Institute of Technology).

[3] Id., p. 40.

[4] Id., p. 103.

[5] Id., p. 141.

[6] Id., p. 91.

[7] Id., pp. 77-79.

[8] Ang Tibay vs. CIR, 69 Phil. 635, 642.

[9] Mercado vs. Santos, 66 Phil. 215, 111.

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.