

**GREGORIO ARANETA UNIVERSITY FOUNDATION, PETITIONER, VS.
AMADO G. INCIONG, DEPUTY MINISTER OF LABOR, GREGORIO
ARANETA UNIVERSITY FOUNDATION FACULTY SOCIETY AND
GREGORIO ARANETA ...**

G.R. No. 52806. December 19, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

The Gregorio Araneta University Foundation, in its petition for certiorari, prohibition and injunction dated February 29, 1980, sought to annul the resolution of the Deputy Minister of Labor dated February 21, 1980 in Case No. R4-FSD-10-1716-78 of the Ministry of Labor entitled "Gregorio Araneta University Foundation Faculty Society and Gregorio Araneta University Foundation Employees' Association vs. Gregorio Araneta University Foundation". That resolution reads as follows:

"In order to put an end to the current strike which affects adversely more than 16,000 students and to normalize and stabilize the operations of the University and based on summary consultations with representatives of the parties presided by the Deputy Minister of Labor and on the records of the case, the following are hereby ordered as the final and complete resolution of the appealed decision:

"1. The University shall pay 50% of the overload claim awarded by the Regional Director. Effective school-year 1980-81 all loads in excess of 18 hours shall be paid on hourly basis on top of monthly pay.

"2. The University shall pay the five-day service incentive leave pay of probationary teachers or faculty members who have rendered more than one year of service and who are not enjoying at least 5 days vacation leave benefit.

"3. The University shall pay the benefit which is fixed by GAUF policies to faculty members who passed Board, Civil Service and other government examinations computed from the time of passing.

"4. The University shall pay Domingo Espiritu all the benefit enjoyed by regular workers for three years immediately preceding the date of filing of the complaint.

"5. The University shall implement the 30-day multiplier as specifically provided under Section 278, Article 67 of the GAUF Policies.

"6. The University shall pay the 50% monthly emergency cost of living allowance under PD 525 to all employees who were enjoying the benefit and were deprived of it when their salaries reached P600 or more.

"7. The University shall pay all employees the 10 paid legal holidays from the time this benefit was withdrawn.

"8. The University shall comply with PD 451, if 60% of the tuition fee increases is not fully implemented. To determine compliance, a three-man committee composed of one representative of complainants, one representative of the respondent and a representative of the Ministry of Labor who shall act as Chairman shall

examine relevant records of the company.

"9. The University shall compute and pay the differential of the 13% pay adjustment with the 30-day multiplier in fixing the minimum wage per Section 278, Article 67 of GAUF Policies."

The petitioner also prayed that the said case be decided on the merits.

The respondents were required to comment on the petition. A temporary restraining order was issued. The Solicitor General submitted his comment for the Deputy Minister of Labor.

In a manifestation dated April 2, 1980, the lawyers of the petitioner and the private respondents disclosed that the parties had agreed to settle the case amicably and that a compromise agreement would be submitted after the terms and conditions thereof were finalized.

On November 26, 1980, the parties submitted the following:

"AMICABLE SETTLEMENT

"COME NOW, the parties in the above entitled case, assisted by their respective counsels, and to this Hon. Supreme Court respectfully submit the following terms and conditions by way of Compromise Agreement:

"That both parties agreed to settle this case for the best interest of the University;

"That as a consequence thereof, herein Petitioner shall pay the following items pursuant to the Resolution of the Hon. Deputy Minister of Labor dated February 21, 1980:

"1. Overload claim: With regards to this item, the excess of 18 hours will be considered overload inside office hours. The claim covers 50% of the unpaid overload inside which shall be paid in four (4) installments beginning April 7, 1980.

"2. Five-day service incentive leave pay of probationary teachers or faculty members who have rendered more than one year of service and who are not enjoying at least 5 days vacation leave benefit.

"3. The benefit which is fixed by GAUF policies to faculty members who passed Board, Civil Service and other government examinations, computed from the time of passing.

"The University shall pay the special salary increase provided in the Manual of Policies, Rules and Regulations of the University to faculty members who shall have passed the Board, bar or equivalent civil service examinations in accordance with the following guidelines:

"1. The examination shall have been taken when the faculty member is already employed with the University.

"2. The amount shall be paid effective as of the date of release of the examination rating (date of certificate of rating) provided; however, that examinations taken before the Manual of Policies, Rules and Regulations took effective on September 6, 1972 will not be considered for the purpose of said benefit.

"3. Those who shall heretofore pass the afore-mentioned examinations shall be paid the corresponding benefit effective on the date of the presentation of the necessary certificate of rating in said examinations.

"4. The University shall pay Domingo Espiritu all the benefits enjoyed by regular workers for three (3) years immediately preceding the date of filing of the complaint.

"5. The University shall implement the 30-day multiplier as specifically provided under Sec. 278, Art. 67 of the GAUF Policies.

"6. The University shall pay the P50.00 monthly emergency cost of living allowance under PD 525 to all employees who were enjoying the benefit and were deprived of it when their salaries reached P600.00 or more.

"7. The University shall comply with P.D. 451, if 60% of the tuition fee increases is not fully implemented. To determine compliance, a three-man committee of one representative of complainants, one representative of the respondent and a representative of the Ministry of Labor who will act as Chairman will examine relevant records of the company.

"8. The University shall compute and pay the differential of the 13% pay adjustment with the 30-day multiplier in fixing the minimum wage per sec. 278, Art. 67 of GAUF policies.

"That herein respondents, GAUF Faculty Society and Employees' Association waive the right to claim for the ten (10) paid legal holidays from the time this benefit was withdrawn and agreed that this issue be considered closed for any future legal action;

"That as a condition precedent to the waiver, on holiday pay, the amount of P60,000.00 has been paid to herein respondents as 'Signing Compromise Pay';

"That herein Petitioner shall pay the aforesaid claims;

"That attorney's fees of 10% shall be deducted for every weekly payments provided such deduction is expressly authorized in writing by the respective Presidents of the GAUF Faculty Society and Employees' Association and/or its members;

"That this Compromise Agreement shall be a bar of respondents to file any court action against Petitioner, its assigns and/or representatives now or in the future and that this particular case is for all its legal intents and purposes considered closed.

"WHEREFORE, the parties respectfully pray that judgment be rendered on the basis of the terms and conditions of this Compromise Agreement.

"Manila, Philippines, November 25, 1980.

"GAUF FACULTY SOCIETY AND GAUF EMPLOYEES' ASSOCIATION GREGORIO ARANETA UNIVERSITY FOUNDATION

(Respondents) (Petitioner)

By: By:

(Sgd.) Josefina B. Callangan (Sgd.) Vitaliano Bernardino

JOSEFINA B. CALLANGAN VITALIANO BERNARDINO

President, Faculty Society President

(Sgd.) Emiliano Mendana

EMILIANO MENDANA

President, Employees' Association

"Attested by: (Sgd.) Marcelo C. Amiana

(Sgd.) Pablita Ammay

GONZALES, VERCELES & ASSOCIATES MARCELO C. AMIANA & PABLITA AMMAY

Counsel for Private Respondents Counsel for Petitioner

609 San Marcelino Street Gregorio Araneta University

Ermita, Manila Foundation

By:

Sgd. (Illegible)

Copy furnished: The Solicitor General Manila Hon. Amado G. Inciong

Deputy Minister of Labor

Intramuros, Manila"

WHEREFORE, the foregoing amicable settlement is approved and judgment is hereby rendered in accordance therewith. The parties are enjoined to comply with the terms of the compromise. The temporary restraining order is dissolved. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

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