

HOPE CHRISTIAN HIGH SCHOOL, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER ANTONIO TRIA TIRONA OF MANILA ARBITRATION BRANCH, AND LILY LI LEE, RESPONDENTS.

G.R. No. 63286. February 28, 1985

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Private respondent Lily Li Lee was employed with petitioner School as a Bible teacher on a school year to school year basis from 1966 up to 1976. She was receiving a monthly salary in the amount of P440.00 with a living allowance of P50.00.

During the school year 1975-76, Lily Li Lee on several occasions used to tell the school principal and her fellow teachers that she would not teach anymore in school year 1976-77 for reasons of health and for her dislike of the administration of petitioner school.

On March 24, 1976, she received a letter from the school principal granting her a leave of absence for one year. Private respondent sought but was refused an "Invitation to Teach" for the next school year. She thereafter filed with the labor arbiter a complaint for illegal dismissal against petitioner.

On March 30, 1979, the labor arbiter dismissed the complaint for lack of merit but recommended that Hope Christian High School renew the contract of employment of Lily Li Lee, or to extend financial assistance to her in the amount equivalent to three (3) months salary (p. 17, rec.).

Respondent Lily Li Lee appealed to the National Labor Relations Commission. On March 17, 1980, the NLRC directed Hope Christian High School to reinstate Lily Li Lee, or to grant her financial assistance equivalent to three (3) months salary, at the option of the complainant (p. 21, rec.).

Respondent Lily Li Lee received the copy of the decision of the NLRC on March 20, 1980. On April 15, 1980, petitioner Hope Christian High School received a copy of the decision of the NLRC. No appeal was made by both parties and the decision became final and executory.

On May 8, 1980, a writ of execution was issued by the labor arbiter directing the sheriff to enforce the reinstatement of private respondent as opted by her (p. 23, rec.).

On May 16, 1980, petitioner filed a motion with the labor arbiter praying that it be allowed to grant private respondent financial assistance equivalent to three (3) months salary as an alternative mode of satisfying the NLRC's decision of March 17, 1980. Petitioner maintains that reinstatement is not possible because the position has already been filled and that reinstatement could further kindle the animosity between the parties (p. 26, rec.).

On June 23, 1980, the labor arbiter handed down an order directing petitioner school to pay private respondent separation pay in the amount of P4,400.00 in lieu of her reinstatement which she opted (p. 39, rec.).

On August 23, 1982, the NLRC in an en banc resolution reversed the order of the labor arbiter dated June 23, 1980, and ordered the immediate execution of the decision dated March 17, 1980 (p. 42, rec.).

On September 24, 1982, a motion for reconsideration was filed by the petitioner with the NLRC.

On January 19, 1983, the NLRC en banc denied the motion for reconsideration for having been filed out of time, adding that the allegations of the petitioner were mere reiterations of arguments previously raised (p. 48, rec.).

On February 9, 1983, a writ of execution was issued anew by the labor arbiter to enforce reinstatement of respondent Lily Li Lee (p. 49, rec.).

On February 24, 1983, a petition for certiorari was filed by Hope Christian High School with this Court (p. 3, rec.). On June 4, 1983, private respondent Lily Li Lee filed her comment while that of the Solicitor General was filed on July 22, 1983.

On August 15, 1983, a minute resolution of the Second Division of this Court dismissed the petition of Hope Christian High School for lack of merit (p. 82, rec.).

On October 10, 1983, petitioner filed a motion for reconsideration stating that supervening events show that respondent Lily Li Lee maintains a belligerent attitude towards the petitioner, and that respondent Commission acted without legal basis in ordering the reinstatement of private respondent, or the payment of three (3) months salary at the option of the former (p. 94, rec.).

On December 6, 1983, private respondent filed her comment stating that the petitioner gave respondent a leave of absence and by virtue of which, the respondent Commission acted in accordance with Section 9, Article II of the 1973 Constitution in ordering the reinstatement of the private respondent at her option. Private respondent further states that the alleged belligerent attitude towards the petitioner is plain hearsay (p. 111, rec.).

On January 3, 1984, the Solicitor General likewise filed his comment stating that by assailing the decision of the respondent Commission as being bereft of legal basis, the petitioner seeks to change the theory of the petition, which is not allowed.

Moreover, the private respondent was only on leave status and therefore, it was fitting for the respondent Commission to direct petitioner to reinstate private respondent, or grant to her financial assistance equivalent to three (3) months salary at her option. The Solicitor General reiterated that the alleged supervening belligerence and vengeful attitude of the private respondent are baseless (p. 122, rec.).

On February 15, 1984, a hearing was conducted wherein petitioner Hope Christian High School offered, through Mr. David Chiok who is a member of the Board of Trustees of said school, payment of separation pay of P15,000.00 to private respondent covering compensation for three (3) years [p. 132-A, rec.].

On February 22, 1984, private respondent filed her counter-manifestation indicating her willingness to settle amicably for P75,000.00 (p. 133, rec.).

On March 12, 1984, petitioner submitted its comment to the counter-manifestation of private respondent stating that private respondent's counter-offer of P75,000.00 by way of amicable settlement, is absolutely ridiculous, without legal basis and serves only to confirm her belligerent attitude towards petitioner school (p. 136, rec.).

Considering that the parties have agreed to settle the case amicably; that the amount of P15,000.00 separation pay offered by petitioner Hope Christian High School to private respondent Lily Li Lee is just and reasonable, as it is equivalent to private respondent's three (3) years salary, which is the maximum amount payable for the payment of backwages [Union of Supervisors (R.B.) - Natu vs. Secretary of Labor, 109 SCRA 139 (1981); L.R. Aguinaldo

Co., Inc. vs. CIR, 82 SCRA 309 (1978); Danao Development Corp. vs. NLRC, 81 SCRA 489 (1978); Mercury Drug Co., Inc. vs. CIR, et al., 56 SCRA 694 (1974)], while the counter-offer of private respondent in the amount of P75,000.00 is unconscionable and without basis; that private respondent is in a poor state of health; that the animosity now existing between petitioner and private respondent militates against any possible harmonious relationship between them; and that the payment of separation pay to private respondent constitutes sufficient compliance with the dictates of social justice as mandated by the 1973 Constitution, the Court RESOLVED TO DIRECT petitioner Hope Christian High School to pay the amount of P15,000.00 to private respondent Lily Li Lee in satisfaction of all of her claims against the petitioner. No costs.

SO ORDERED.

Aquino, Concepcion, Jr., Abad Santos, Escolin, and Cuevas, JJ., concur.

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