

CONCRETE AGGREGATES CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND SOLITA B. LOPEZ, RESPONDENTS.

G.R. No. 82458. September 07, 1989

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

The sole issue in this petition is whether or not private respondent was constructively dismissed from her employment with petitioner.

In 1979, private respondent started to work with petitioner as probationary personnel department secretary. Later, she was promoted to Secretary "A" of the Administrative Legal/Corporate Division of the petitioner. Sometime in 1983, the General Manager, Arleo Magtibay called a staff meeting and accused her as one of those spreading gossip to the effect that he has girlfriends in the office. Since then, she felt a growing animosity of her boss towards her.

On September 19, 1985, Magtibay informed her that the company was creating a new secretarial staffing pattern and a special projects group designed to look into more income-generating endeavors. The company was then suffering from financial reverses and it had to retrench many of its employees. Private respondent was transferred to the special projects committee to conduct feasibility studies on manpower exports. Another employee, Lilibeth Honrado was hired and assigned to the secretarial staff.

When private respondent learned of her new assignment, she felt depressed and got sick. When she reported back to work, she did not know what to do in her new job. Her typewriter was taken away from her. She received an office memorandum asking her to report for work at the old engineering office. Feeling that she was being eased out, she handed a letter of resignation effective October 16, 1985. She was given her separation pay of one-half month pay for every year of service, 13th month pay and the salary for October 1-15, 1985 for which she signed a quitclaim and waiver.

However, on November 26, 1985, she filed with public respondent National Labor Relations Commission (NLRC) a complaint for illegal dismissal, reimbursement of hospital expenses, moral and exemplary damages and attorney's fees.

In a decision dated October 30, 1987, the labor arbiter ordered the reinstatement of private respondent to her former position with backwages from October 16, 1985 until the date of reinstatement and that she be reimbursed P300.00 as maternity benefit for her second childbirth by petitioner. Petitioner appealed to the NLRC wherein in due course a resolution was promulgated on February 26, 1988 affirming the appealed decision with the modification that private respondent should return to petitioner the amount she received as separation pay and that she is not entitled to maternity benefits. While Presiding Commissioner Lourdes C. Javier concurred in the said resolution, she dissented by advancing the view that constructive dismissal was not sufficiently established.

Hence, the herein petition.

The petition is impressed with merit.

The environmental circumstances of the case show that private respondent voluntarily resigned from employment and signed the quitclaim and waiver after receiving all the benefits for her separation. While it may be true that her boss Mr. Magtibay appeared to be hostile towards her, he did not show by his acts any desire to fire her from employment. At that time, the company was suffering business losses and it had to lay off 54 of its employees. Private respondent could have been included in the retrenchment but she was not.

Perhaps she felt misplaced when she was re-assigned to the special projects group with a particular assignment to study manpower exports. Petitioner alleges that as she had experience and training in personnel work, MBA units and connections in the Ministry of Labor and Employment, she was considered most appropriate for this new assignment that may open the way to expand the petitioner's business. On the other hand, her former position was abolished and in a reorganization, a secretarial staff was created wherein Honrado was appointed.

Moreover, private respondent was not the only employee who resigned then. There were 100 other employees who resigned as they could see that the future of the business was dim. It was only private respondent who filed a complaint against petitioner.

It is thus clear that she was not eased out much less was she forced to resign. This is a case of voluntary resignation and not of a constructive dismissal.

WHEREFORE, the petition is GRANTED. The decision of the National Labor Relations Commission dated February 26, 1988 is hereby set aside and another decision is hereby rendered dismissing the private respondent's complaint. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

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