

MANSALAY CATHOLIC HIGH SCHOOL, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND RAMON TADEO, JR., RESPONDENTS.

G.R. No. 82741. April 18, 1989

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-82741/>

GANCAYCO, J.:

No rule is more settled than that in case of illegal dismissal of an employee he should be entitled to reinstatement without loss of seniority rights and with back wages not exceeding three years.[1] Even in final decisions awarding backwages in excess of this ceiling, this ruling must apply.[2] In this case, the National Labor Relations Commission (NLRC) chose not to adhere with fidelity to this doctrine.

In a decision promulgated by the NLRC, private respondent was found to have been illegally dismissed from employment by petitioner so he was ordered reinstated with back wages from the date of dismissal until his actual reinstatement. This decision was affirmed by this Court. At the execution of the judgment, the NLRC caused the computation of the back wages due private respondent from July 6, 1981 to February 1, 1987 amounting to P46,152.70 over the objection of petitioner anchored on several rulings of this Court to the effect that the back wages awarded in a case of illegal dismissal should not exceed three (3) years. The NLRC directed that petitioner pay back wages to private respondent in the aforestated amount plus additional back wages from February 1, 1987 until he is reinstated. The NLRC also issued an alias writ of execution on June 30, 1987. A motion for reconsideration and/or appeal from the alias writ of execution was denied by the NLRC in a resolution dated March 23, 1988. Hence, this suit.

The petition is denominated as a petition for review on certiorari under Rule 45 of the Rules of Court which is not the proper remedy. However, in the interest of justice the same is hereby treated as a special civil action for certiorari under Rule 65 which is the appropriate remedy.

The petition is impressed with merit. Even if the decision of the NLRC that was being enforced through execution has become final and executory, the same should be interpreted and implemented in that in cases of illegal dismissal, the back wages that the employee should be entitled to should be for a period of not exceeding three (3) years. The excuse of the NLRC that the decision become final and executory and cannot be modified is puerile. Such decision is subject to this rule.[3] Any decision or order granting backwages in excess of three (3) years is null and void as to the excess. A departure therefrom constitutes a grave abuse of discretion.

The Court reiterates that the faithful adherence to precedents is the enduring cornerstone in the administration of justice. The NLRC should keep this in mind. It is to be hoped that no more petition of this nature shall find its way to this Court.

As to the contention of petitioner that private respondent should not be ordered reinstated as he had secured gainful employment in another school, the matter should be left for further determination by the NLRC so that if private respondent cannot be reinstated, he should be awarded separation pay of one (1) month pay for every year

of service.

WHEREFORE, the petition is hereby GRANTED. The alias writ of execution issued by the NLRC dated June 30, 1987 and the resolution of March 23, 1988 are hereby set aside. The NLRC is hereby directed to enforce the payment of back wages to private respondent not exceeding three (3) years and to determine if the reinstatement of private respondent is still proper under the present circumstances of the parties. We make no pronouncement as to costs. This decision is immediately executory.

SO ORDERED.

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

[1] Mercury Drug Co., Inc. vs. Court of Industrial Relations, 56 SCRA 694 (1974); City Service Corp. Workers Union vs. City Service Corporation, 135 SCRA 564 (1985); Lepanto Consolidated Mining company vs. Encarnacion, 136 SCRA 256 (1985); Philippine Airlines, Inc. vs. NLRC, 126 SCRA 223 (1983); People's Bank and Trust Co. vs. People's Bank and Trust Co. Employees Union, 69 SCRA 10 (1976); Insular Life Assurance Co., Ltd. Employees Association - NATU vs. Insular Life Assurance Co., Ltd., 76 SCRA 50, (1977).

[2] Lepanto Consolidated Mining Co. vs. The Hon. Executive Labor Arbiter, et al., G.R. No. 77437, June 23, 1988; Panay Railways, Inc. vs. National Labor Relations Commission, 137 SCRA 480 (1985); Durabuilt Recapping Plant & Co. vs. NLRC, 152 SCRA 328, (1987).

[3] Lepanto Consolidated Mining Co. vs. The Honorable Executive Labor Arbiter, et al., supra.

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.