

**YOLANDA BRUGADA, ANGELINA CORPUZ, EVELYN ESCANO,
SHIRLEY GARMA, DEDAICA JUSAY, PARSIMA LERIA, SONIA C.
MAHINAY, ADELA SOLO, ELSIE SOMERA, VIRGINIA TALICURAN,
JOSE S. VALLO, AND ...**

G.R. NOS. 142332-43. January 31, 2005

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This petition for review[1] assails the 31 July 1996 Decision[2] and 29 February 2000 Resolution of the Court of Appeals in CA-G.R. SP Nos. 37794-99 and SP Nos. 37800-05. The Court of Appeals dismissed the petition for certiorari filed by petitioners and affirmed the Resolutions issued by the Civil Service Commission.

The Facts

Petitioners Yolanda Brugada, Angelina Corpuz, Evelyn Escano, Shirley Garma, Dedaica Jusay, Parsima Leria, Sonia C. Mahinay, Adela Solo, Elsie Somera, Virginia Talicuran, Jose S. Vallo and Teofila Villanueva (“petitioners”) are public school teachers from various National Capital Region schools.

In the latter part of September 1990, petitioners incurred unauthorized absences because of the teachers’ strike. Their mass action called for the payment of their 13th-month differentials and clothing allowances, as well as the recall of DECS Order No. 39, series of 1990 and passage of the debt-cap bill, among others.

Subsequently, then Department of Education, Culture and Sports (“DECS”) Secretary Isidro Cariño (“Secretary Cariño”) issued a memorandum to all striking teachers, as follows:

TO

:

ALL PUBLIC SCHOOL
TEACHERS AND OTHER
DECS PERSONNEL

SUBJECT

:

RETURN TO WORK ORDER

Under civil service law and rules, strikes, unauthorized mass leaves and other forms of mass actions by civil

servants which disrupt public services are strictly prohibited.

Those of you who are engaged in the above-mentioned prohibited acts are therefore ordered, in the interest of public service, to return to work within 24 hours from your walkout otherwise dismissal proceedings shall be instituted against you.[3]

Secretary Cariño likewise issued a memorandum to the DECS officials, as follows:

TO

:

REGIONAL DIRECTORS
DIVISION SCHOOL SUPERINTENDENT
AND OTHER DECS OFFICIALS
CONCERNED

SUBJECT

:

TEACHERS AND EMPLOYEES MASS ACTION

Please inform immediately all DECS teachers and employees who have started a mass protest action to the prejudice of the public service that they will be dismissed if they do not return to their jobs within twenty-four (24) hours from their walkout.

Regional Directors and division superintendent are hereby directed to accordingly initiate, in the interest of public service, dismissal proceedings against those who continue with their action and hire their replacements.[4]

Petitioners disregarded the directives of Secretary Cariño. Consequently, Secretary Cariño filed administrative charges against petitioners for grave misconduct, gross neglect of duty, and gross violation of Civil Service laws and rules. Secretary Cariño also charged petitioners with refusal to perform official duty, gross insubordination, conduct prejudicial to the best interest of the service and absence without leave. Secretary Cariño gave petitioners five days to answer the charges, to secure the assistance of counsel, and to elect a formal investigation. However, petitioners failed to answer despite notice.

Thereafter, Secretary Cariño created committees to investigate and hear the cases. The investigating committees summoned the school principals concerned to confirm reports on petitioners' absences. After the investigation, the committees submitted their reports to Secretary Cariño.

Secretary Cariño rendered decisions finding petitioners guilty as charged and dismissed them from the service "effective immediately." Petitioners appealed to the Merit Systems Protection Board, which dismissed the appeals.

Petitioners appealed the decisions of the Merit Systems Protection Board to the Civil Service Commission ("CSC"). The CSC issued Resolutions reducing the penalty to six months suspension without pay and ordering the petitioners' reinstatement without back wages. The CSC denied petitioners' motion for reconsideration.

Petitioners filed a petition for certiorari with this Court on 9 February 1995. The Court referred the petition to the

Court of Appeals pursuant to Revised Administrative Circular No. 1-95.

The Court of Appeals rendered a Decision, the dispositive portion of which reads:

WHEREFORE, the instant petition for certiorari cannot be given due course as it is hereby DISMISSED for lack of merit.

SO ORDERED.[5]

Petitioners filed a motion for reconsideration which the Court of Appeals denied in its 29 February 2000 Resolution.

Hence, this petition.

The Ruling of the Court of Appeals

The Court of Appeals ruled that the CSC did not gravely abuse its discretion in finding petitioners guilty of the administrative charges and suspending them for six months without pay.

The Court of Appeals cited the following grounds for its decision:

FIRSTLY, although the constitutional right of the people to form association[s] embraces both public and private sectors, pursuant to Article XIII, Section 3, 1987 Constitution, the right to strike is not extended to government employees under the Civil Service Law (P.D. No. 807). Under Republic Act 875, workers, including those from the government-owned and controlled-corporations, are allowed to organize but they are prohibited from striking. xxx

SECONDLY, during the deliberation of the 1987 Constitutional Commission, specifically on the Committee on Labor (Alliance of Government Workers, et al. vs. Hon. Minister of Labor etc., 124 SCRA 1), acting Commissioner of Civil Service Eli Rey Pangramuyen stated:

“It is the stand, therefore, of this Commission that by reason of the nature of the public employer and the peculiar character of the public service, it must necessarily regard the right to strike given to unions in private industry as not applying to public employees and civil service employees. xxx

xxx”

THIRDLY, petitioners’ contention that respondent Commission on Civil Service gravely erred when it affirmed the decision of the then DECS Secretary, invoking violations of constitutional due process, is without merit.

xxx In the case at bench, it has been shown that petitioners admitted joining the mass action and despite threats of dismissal, they disobeyed the return to work order within 24 hours from their walk-out. Petitioners were given an opportunity to present their side. They did not only refuse to answer the charges filed against them. They also opted to shy away from the investigation conducted. xxx

xxx

FINALLY, the facts of the case clearly demonstrate strong basis for the administrative charge[s] and justifies the subsequent penalty imposed upon herein petitioners. Indeed, petitioners’ contention that they did not strike but merely joined the mass action exercising their constitutional right to assemble, is a question of semantics. In the case of MPSTA vs. Hon. Perfecto Laguio, (G.R. No. 95445), and also in ACT vs. Hon. Cari[ñ]o, et al., G.R. No. 95590, the Supreme Court held that “mass actions and peaceful assemblies amounted to a strike in every sense of the term, constituting as they did, concerted and unauthorized stoppage of, or absence from work which it was said teacher’s sworn duty to perform.” xxx[6]

The Issue

Petitioners seek the reversal of the assailed decision on the ground that:

THE COURT OF APPEALS COMMITTED A MOST GRIEVOUS ERROR WHEN IT DID NOT EXPRESSLY RULE ON THE ISSUE OF THE RIGHT OF PETITIONERS TO BACKWAGES AND IN EFFECT AFFIRMED THE TERRIBLY WRONG RULING OF THE CIVIL SERVICE COMMISSION THAT PETITIONERS HAVE NO RIGHT TO BACKWAGES.[7]

The Court's Ruling

The petition lacks merit.

Petitioners are no longer pleading for exoneration from the administrative charges filed against them. Instead, petitioners are merely asking for the payment of back wages computed from the time they could not teach pursuant to Secretary Cariño's dismissal orders minus the six months suspension until their actual reinstatement.[8]

Petitioners have no right to back wages because they were neither exonerated nor unjustifiably suspended. Petitioners admitted participating in the teachers' strike which disrupted the education of public school students. For this offense, the CSC reduced Secretary Cariño's dismissal orders to six months suspension without pay. The Court has already put to rest the issue of the award of back wages to public school teachers whom the CSC reinstated in the service after commuting Secretary Cariño's dismissal orders to six months suspension without pay.[9] In *Alipat v. Court of Appeals*,[10] the Court denied the teachers' claim for back wages stating thus:

This Court has also resolved the issue of whether back wages may be awarded to the teachers who were ordered reinstated to the service after the dismissal orders of Secretary Cariño were commuted by the Civil Service Commission to six (6) months' suspension. The issue was resolved in the negative in *Bangalisan vs. Court of Appeals* on the ground that the teachers were neither exonerated nor unjustifiably suspended. The *Bangalisan* case also ruled that the immediate implementation of the dismissal orders, being clearly sanctioned by law, was not unjustified. The Court held that as regards the payment of back salaries during the period of suspension of a member of the civil service who is subsequently ordered reinstated, the payment of back wages may be decreed if "he is found innocent of the charges which caused the suspension and when the suspension is unjustified."

Citing the *Bangalisan* ruling, this Court in *Jacinto vs. Court of Appeals* held that when the teachers have given cause for their suspension – i.e., the unjustified abandonment of classes to the prejudice of their students – they were not fully innocent of the charges against them although they were eventually found guilty only of conduct prejudicial to the best interest of the service and not grave misconduct or other offense warranting their dismissal from the service; "being found liable for a lesser offense is not equivalent to exoneration." [11]

The facts in this case are substantially the same as those in *Bangalisan v. Court of Appeals*,[12] *De la Cruz v. Court of Appeals*,[13] *Alipat v. Court of Appeals*[14] and *Secretary of Education, Culture and Sports v. Court of Appeals*. [15] In these cases, the Court categorically declared that the payment of back wages during the period of suspension of a civil servant who is subsequently reinstated is proper if he is found innocent of the charges and the suspension is unjustified. These two circumstances are absent in the present case. When a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases where the facts are substantially the same.[16]

WHEREFORE, we DENY the petition. We AFFIRM the Decision dated 31 July 1996 and Resolution dated 29 February 2000 of the Court of Appeals in CA-G.R. SP Nos. 37794-99 and SP Nos. 37800-05. Costs against petitioners.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Ynares-Santiago, and Azcuna, JJ., concur.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Jainal D. Rasul, with Associate Justices Hector L. Hofileña and Hilarion L. Aquino, concurring.

[3] Rollo, p. 28.

[4] Ibid., pp. 28-29.

[5] Rollo, p. 32.

[6] Ibid., pp. 29-32.

[7] Ibid., p. 12.

[8] Ibid., p. 160.

[9] Secretary of Education, Culture and Sports v. Court of Appeals, G.R. No. 128559, 4 October 2000, 342 SCRA 40; Alipat v. Court of Appeals, 368 Phil. 264 (1999); De la Cruz v. Court of Appeals, 364 Phil. 786 (1999); Bangalisan v. Hon. CA, 342 Phil. 586 (1997).

[10] 368 Phil. 264 (1999).

[11] Cited in Secretary of Education, Culture and Sports v. Court of Appeals, supra note 9.

[12] Supra note 9.

[13] Ibid.

[14] Ibid.

[15] Ibid.

[16] De la Cruz v. Court of Appeals, supra note 9, citing Moreno, Philippine Law Dictionary, 1988 Ed., p. 902, citing Government v. Jalandoni, 44 O.G. 1840.

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