

Title: **Vergara vs. ANZ Global Services and Operations Manila, Inc.**

Facts:

1. **Initial Employment and Resignation:**

- **November 30, 2010:** John Roger Niño S. Vergara (petitioner) was hired as Risk Manager by ANZ Global Services and Operations Manila, Inc. (respondent).
- **August 5, 2016:** Vergara submitted his resignation letter citing September 6, 2016 as the last day of work, handed to Line Manager Kristine Gorospe.

2. **Resignation Correspondences:**

- **August 15, 2016:** Vergara became aware of the upcoming company restructuring, which affected his position and included a severance package for displaced employees.
- **September 1, 2016:** Petitioner checked the status of his Resignation Acceptance Form (RAF) and found it had not been signed by Gorospe.

3. **Retraction of Resignation:**

- **September 5, 2016:** Vergara sent an email to Roscoe Pineda, Head of Risk Services, to retract his resignation. Pineda replied that the resignation would take effect the next day but advised Vergara to check with Human Resources (HR).
- **September 6, 2016:** HR informed Vergara via email that his resignation had already been accepted and he could not withdraw it.

4. **Procedural Posture:**

- Vergara filed a complaint for illegal dismissal, claiming ineffective resignation prior to acceptance and exclusion from the restructuring program's severance pay.
- **February 15, 2017:** The Labor Arbiter (LA) dismissed the complaint but awarded Vergara proportionate 13th month pay.
- Both parties appealed to the National Labor Relations Commission (NLRC).
- **April 27, 2017:** The NLRC modified the LA's decision, recognizing no illegal dismissal but ineffective resignation accepted on September 6, 2016, thus ruling in favor of Vergara's inclusion in the restructuring program.
- **June 23, 2017:** Respondent's motion for reconsideration was denied by the NLRC.
- **Court of Appeals (CA):** On petition by the respondent, the CA reversed the NLRC decision and reinstated the LA decision.
- **October 24, 2019:** CA also denied Vergara's motion for reconsideration.

Issues:

1. Whether there was an effective acceptance of Vergara's resignation by the respondent prior to his retraction.
2. Whether Vergara's employment was illegally terminated upon his valid retraction of resignation.
3. Whether Vergara should have been included in the company's restructuring program and entitled to separation pay.

****Court's Decision:****

1. ****Acceptance of Resignation:****

- The Supreme Court ruled that there was no effective acceptance of Vergara's resignation prior to his withdrawal. The alleged acceptance processes via the Employee Leaving Advice (ELA) by Gorospe did not constitute a formal acceptance of resignation.
- Pineda's suggestion to consult HR indicated that no acceptance had been formalized as late as September 5, 2016.

2. ****Retraction of Resignation:****

- Given the lack of a formal RAF or company follow-through, Vergara effectively retracted his resignation before it could be accepted by the respondent.
- Respondent's allegations about discontinuing the RAF were unsupported and did not align with documented company procedures.

3. ****Entitlement to Severance Pay:****

- Accordingly, Vergara should have been included in the restructuring program and entitled to the separation pay equivalent to one month for each year of service as decided by the NLRC.

****Doctrine:****

- ****"Acceptance of Resignation is Necessary to Render It Effective":**** An employee's resignation must be formally accepted by the employer to become effective. The triggering of an internal departure process (e.g., ELA) does not equate to formal acceptance unless supported by clear and consistent company policy or documented procedure (NLRC and Supreme Court's findings).
- ****"Ineffectual Resignation":**** An employee can retract a resignation before it is accepted by the employer. In this case, Petitioner retracted his resignation on September 5, 2016, making any subsequent acceptance void.

****Class Notes:****

- ****Elements of Effective Resignation:****
- Submission of resignation letter by the employee.
- Formal acceptance by the employer.
- ****Retraction of Resignation:****
- Must occur before the formal acceptance by the employer.
- ****Impact of Company Policies:****
- Must be clearly documented and consistently applied. Unsupported deviations (like claims of discontinuing RAF) are invalid.
- ****Relevant Statutes/Provisions:****
- None explicitly cited in this case. The general principles of Labor Law apply.

****Historical Background:****

- The case is situated in the contractual and administrative processes within corporate HR management in the Philippines.
- Reflects on evolving corporate practices in managing employee resignations and the imperative for formal documentation procedures to avoid disputes.

By addressing these aspects, the case highlights the intricate balance between employee rights and employer policies in Philippines labor law.