

****Title**:**

****Alert Security and Investigation Agency, Inc. and/or Manuel D. Dasig vs. Saidali Pasawilan, Wilfredo Verceles, and Melchor Bulusan (G.R. No. 173293)****

****Facts**:**

1. ****Employment and Initial Complaint**:**

- Respondents Saidali Pasawilan, Wilfredo Verceles, and Melchor Bulusan were employed by Alert Security and Investigation Agency, Inc. (“Alert Security”) as security guards on various dates in 1996 and 1997.
- They were assigned to the Department of Science and Technology (DOST) and filed a complaint for underpayment of wages against Alert Security and its president, Manuel D. Dasig.

2. ****Removal and Alleged Non-Reassignment**:**

- Following their complaint, respondents claimed they were relieved from their DOST posts and were not reassigned for six months.
- Consequently, they filed a joint complaint for illegal dismissal on January 26, 1999.

3. ****Defense**:**

- Alert Security countered that respondents were detailed to a new assignment at the Metro Rail Transit, Inc. (MRT) in the Light Rail Transit Authority (LRTA) Compound.
- They provided “Duty Detail Orders” as evidence, but respondents reportedly refused to report to their new posts and instead loitered at DOST, allegedly convincing other guards to file complaints.

4. ****Termination Report**:**

- Alert Security filed a termination report with the Department of Labor and Employment (DOLE) on August 3, 1998, due to respondents’ failure to report to their new assignment.

5. ****Labor Arbiter’s Consolidation and Decision**:**

- Respondents’ claims were consolidated with their illegal dismissal complaint.
- Labor Arbiter Melquiades Sol D. Del Rosario found that respondents were illegally dismissed and awarded them monetary compensation.

6. ****NLRC Proceedings**:**

- Petitioners appealed to the National Labor Relations Commission (NLRC), arguing that the illegal dismissal complaint was invalid due to *litis pendencia* and that respondents were not dismissed but transferred.

- The NLRC reversed the Labor Arbiter's decision, stating there was no concrete evidence of illegal dismissal; rather, there was a failure to prove actual termination.

7. **Court of Appeals (CA)**:

- Respondents subsequently filed a petition with the CA.
- The CA overturned the NLRC's decision, reinstating the ruling of the Labor Arbiter, claiming there was insufficient evidence of notifying respondents of their transfer and that the burden of proof for a valid transfer was not met by the petitioners.

8. **Supreme Court Proceedings**:

- Alert Security and Manuel D. Dasig raised a petition to the Supreme Court challenging the CA's decision, emphasizing errors about grounds for termination and solidary liability of Manuel D. Dasig, with Alert Security asserting that there was only a valid transfer and no dismissal.

Issues:

1. Whether respondents were illegally dismissed.
2. Whether Manuel D. Dasig, in his personal capacity, is solidarily liable with Alert Security for the payment of monetary awards to respondents.

Court's Decision:

1. **Illegal Dismissal**:

- The Supreme Court upheld the CA's ruling that respondents were illegally dismissed, emphasizing the constitutional guarantee of security of tenure and the employer's failure to prove a valid reason or due process for the alleged transfer.
- The Court found that respondents' continued reporting to DOST debunked the claim of abandonment and highlighted discrepancies in the employer's fulfillment of procedural requirements for the transfer.

2. **Solidary Liability**:

- The Supreme Court agreed with petitioners that Manuel D. Dasig should not be held solidarily liable for the payment of monetary awards.
- The Court cited the principle of separate corporate personality and emphasized that no evidence showed Dasig acted in bad faith or used the corporate veil to perpetrate fraud or wrongful acts.

Doctrine:

1. **Constitutional Guarantee of Security of Tenure**:

- Employment cannot be terminated without just cause and due process, emphasizing workers' rights against arbitrary dismissal.

- Precedent RE: De Guzman, Jr. v. Commission on Elections.

2. **Management Prerogative to Transfer**:

- The right to transfer employees must be executed with fairness, justice, and without malice, including proper notification to the employees.

- Precedent RE: Blue Dairy Corp. v. NLRC.

3. **Corporate Personality**:

- Corporate directors and officers are not personally liable for the debts of the corporation in the absence of bad faith.

- Jurisprudence: McLeod v. NLRC and related cases.

Class Notes:

- **Elements of Illegal Dismissal**: Just cause, due process, and evidence of termination.

- **Requisite Notice and Due Process**: Proper notification and hearing before any dismissal or transfer.

- **Abandonment of Work**: Requires failure to report and clear intent to sever employer-employee relationship.

- **Burden of Proof**: Lies on employer to show just cause and due fulfillment of procedural requirements.

- **Corporate Veil Doctrine**:

- **When to Pierce**: Applied in cases of fraud, malice, or evasion of public duty.

- **Separate Personality**: Protection applies unless specific exceptions under the Corporation Code and relevant jurisprudence arise.

Historical Background:

- The case situates within the broader historical struggle for labor rights in the Philippines, reflecting persistent issues of wage disputes, unjust dismissals, and the evolving jurisprudence on employment security and corporate liability.

- It aligns with broader constitutional and legislative reforms aimed at protecting labor rights and ensuring fair labor practices amid complex employer-employee dynamics.