

SECOND DIVISION

[G.R. No. 215627, June 05, 2017]

**LUIS S. DOBLE, JR., PETITIONER, VS. ABB, INC./NITIN DESAI,
RESPONDENTS.**

DECISION

PERALTA, J.:

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court, seeking to reverse and set aside the minute Resolution^[1] dated November 29, 2013 and Resolution^[2] dated November 28, 2014 issued by the Court of Appeals, and to reinstate with modification the Decision dated November 29, 2012 of the Labor Arbiter in NLRC-Case No. NCR-03-04889-12.

The facts are as follows:

Petitioner Luis S. Doble, Jr., a duly licensed engineer, was hired by respondent ABB, Inc. as Junior Design Engineer on March 29, 1993. During almost nineteen (19) years of his employment with the respondent ABB, Inc. prior to his disputed termination, Doble rose through the ranks and was promoted as follows:

1. 1994 - Design Engineer
2. 1996 - Sales Engineer of the Network Protection
3. 1999 - Senior Sales Engineer of the Power Technology Utility Automation Business
4. March 2005 - Manager for Sales Sub-Station Automation Business Unit, Power System Division
5. July 2006 - Officer-In-Charge of the Power Technology Utility Business Unit
6. March 2007 - Senior Manager and Head of the Power Technology Utility Automation, Power System Division
7. November 2008 - Local Division Manager, Power System Division
8. March 2010 - Vice-President and Local Division Manager of Power System Division.

As a matter of policy, ABB, Inc. conducts the yearly Performance and Development Appraisal of all its employees. In all years prior to 2008, Doble was rated with grades three (3) or four (4), which are equivalent to Strong Performance or Superior

Results. In the years 2008, 2009, and 2010, he received a performance rating of 4 for superior results.

On March 2, 2012, Doble was called by respondent ABB, Inc. Country Manager and President Nitin Desai, and was informed that his performance rating for 2011 is one (1) which is equivalent to unsatisfactory performance.

On March 13, 2012, at about 10:45 a.m., a company Executive Assistant informed Doble that he has a meeting with ABB, Inc. President Desai and Country Human Resource (HR) Manager Marivic Miranda at 11:15 a.m. in the Luzon Conference Room of ABB, Inc.

During the meeting, ABB, Inc. President Desai explained to Doble that the Global and Regional Management have demanded for a change in leadership due to the extent of losses and level of discontent among the ranks of the PS Division. Desai then raised the option for Doble to resign as Local Division Manager of the PS Division. Thereafter, HR Manager Miranda told Doble that he would be paid separation pay equivalent to 75% of his monthly salary for every year of service, provided he would submit a letter of resignation, and gave him until 12:45 p.m. within which to decide. Shocked by the abrupt decision of the management, Doble asked why he should be the one made to resign. Miranda said that it was the decision of the management, and left him alone in the conference room to decide whether or not to resign. At this juncture, the parties gave contrasting accounts on the ensuing events which led to the termination of Doble's employment.

Doble narrated in his Position Paper how he was constructively dismissed and forced to resign:

21. [HR Manager Miranda] came back at about 12:45 o'clock in the afternoon and asked the complainant if he was able to decide already. Complainant told Mrs. Miranda that he could not decide because he was in a quandary why he was [the one being] made to resign;

22. Then, Mrs. Miranda said that complainant could be given One Month Separation Pay per year of service instead of 75% of the monthly salary. Complainant again asked Mrs. Miranda why he was the one being made to resign. Mrs. Miranda repeated that it was the decision of the management;

23. Complainant told Mrs. Miranda that he was already so hungry, thirsty, weak and tired because of extreme pressure. So, he asked Mrs. Miranda to allow him to go back to his office and to buy food in the canteen;

24. Mrs. Miranda said that she would be the one to request somebody to buy food for him and that he (complainant) should just eat in the conference room;

25. However, complainant appealed to Mrs. Miranda to allow him to return to his office where he could eat. She allowed complainant under [the] condition that he should go back to the conference room at 2:00 o'clock in the afternoon. Mrs. Miranda instructed complainant not to leave the company premises to take lunch and informed him that she gave

instruction to the security guard of the gate not to allow him to go outside the company;

26. At 2:00 o'clock in the afternoon, complainant returned to the Luzon Conference Room. Mrs. Miranda asked complainant [about] the letter of resignation. Complainant answered that he had not prepared a resignation letter. Complainant did not prepare the resignation letter because he was aware that respondents were actually terminating his services illegally and without due process, that the letter of resignation he was being made to prepare was only a "**palusot**" (to borrow the word of Cong. Farinas) of respondent.

27. **Mrs. Miranda again told the complainant to prepare the resignation letter as she said there was a need to complete the process within that day and further told him that he would not be allowed to leave the company without finishing all the necessary papers and that he would not be permitted to return to the company on the following days;**

28. **Complainant could not do anything. Under the extreme pressure and threat of Mrs. Miranda,** he went to his office and prepared the letter of resignation;

29. In his office, complainant was surprised when he did not have an access anymore on the server and could not use his computer. He learned from the IT personnel that after the office hours on March 12, 2012 his access to the computer system was already cut upon instruction of the top management. So, he just used the computer of his staff in the preparation of the letter of resignation;

30. At about 4:30 o'clock in the afternoon, the Country HR Manager Mrs. Miranda came to the office of the complainant to get the resignation letter. Complainant gave it to Mrs. Miranda. The letter states that:

March 13, 2012

**"To: Mr. Nitin Desai
President**

**Marivic Miranda
Country HR**

Dear Sir/Madam,

As per your instruction, I am sending you my immediate resignation effective today, March 13, 2012 as Vice-President of Power Systems Division.

Very Truly Yours,

SGD. Luis S. Doble, Jr."

x x x

Upon reading it, Mrs. Miranda did not like the contents and told the complainant to make another letter of resignation and instructed him to put the words, **"tendering my immediate resignation"** and to remove the words, **"as per your instruction."**

31. Complainant told Mrs. Miranda that he could not change the letter because he made the letter upon her instruction. But, Mrs. Miranda insisted to revise the letter of resignation and submit it before 7:00 o'clock in the evening. Though against his conscience, complainant revised the letter of resignation. Complainant was also told by Mrs. Miranda if he would purchase the company Car Plan of the 2009 Ford Escape being used by him so that the balance leasing cost could be deducted from his separation pay. As complainant could do nothing, he just agreed to buy the car. Mrs. Miranda also informed complainant that she would be the one to prepare the letter of intent to purchase the car for him to sign. Then, Mrs. Miranda left.

32. About 6:30 o'clock in the evening, complainant submitted the revised letter of resignation. His revised letter of resignation following the instruction of Mrs. Miranda states that:

March 13, 2012

**"To: Mr. Nitin Desai
President**

**Marivic Miranda
Country HR**

Dear Sir/Madam,

I am tendering my immediate resignation effective today, March 13, 2012 as Vice-President of Power Systems Division.

Very Truly Yours,

SGD. Luis S. Doble, Jr."

x x x x

33. About 8:00 o'clock in the evening, Mrs. Miranda went to the office of the complainant and let him sign the Letter of Intent to purchase the car and the Letter of Acceptance dated March 13, 2012. x x x The letter [of acceptance] states that:

March 13, 2012

**Luis S. Doble, Jr.
Vice-President
PS Division**

**Thru: Nitin Desai
Country HR Manager and President**

Dear Luis,

Relative to your letter dated March 13, 2012 informing us of your resignation from ABB effective March 13, 2012 please be informed that the same is accepted after your completion of the Company's Clearance process.

Thank you for your support to ABB, Inc., and we wish you luck in your future endeavors.

Truly Yours,

**SGD. Marivic Miranda
Country HR Manager**

Received by:

**SGD. Luis S. Doble, Jr.
Date: 3/13/2012"**

Mrs. Miranda also brought with her the Employee Clearance Sheet dated March 13, 2012 of complainant already signed by her with same date March 13, 2012. Then, she let complainant surrender the company ID, mobile phone, laptop and cabinet keys. She went to the car of the complainant in the parking area, checked it and got the Caltex Gasoline Star Card and the Safety Medical Kit;

34. At time, it was already about 8:30 o'clock in the evening. Complainant was tired, stressed, weak, felt uneasy, mentally and psychologically disturbed and hungry as his detention had lasted for more than eight (8) hours already from 11:15 o'clock in the morning to 8:40 o'clock in evening;

35. Complainant was only allowed to leave the office at about 8:40 o'clock in the evening. Mrs. Miranda called and informed the gate guard to already allow the complainant to leave the company premises;

x x x. ^[3]

On the part of ABB, Inc., HR Manager Miranda narrated in her affidavit how Doble voluntarily resigned:

6. x x x At about 12:45 p.m., I returned to the Luzon Room and he told me that he has yet to decide. At this time, he requested that he would want to go to his room and eat lunch. I offered that I could request someone to buy for him food instead. He reiterated his request to go back to his room and eat and I said by all means he can;