

SECOND DIVISION

[G.R. No. 185269, June 29, 2010]

ELSA S. MALIG-ON, PETITIONER, VS. EQUITABLE GENERAL SERVICES, INC., RESPONDENT.

D E C I S I O N

ABAD, J.:

This case is about an employee who was considered illegally dismissed notwithstanding the fact that she filed a written resignation from her work.

The Facts and the Case

Petitioner Elsa Malig-on (Malig-on) claimed that on March 4, 1996 respondent Equitable General Services, Inc. (the company) hired her as janitress in its janitorial services. The company paid her P250.00 per day for a nine-hour work. After six years or on February 15, 2002 Malig-on's immediate supervisor told her that the company would be assigning her to another client. But it never did despite several follow-ups that she made. Eight months later or on October 15, 2002 the company told Malig-on that she had to file a resignation letter before it would reassign her. She complied but the company reneged on its undertaking, prompting Malig-on to file a complaint against it for illegal dismissal.

The company denied Malig-on's allegations. It claimed that she just stopped reporting for work on February 16, 2002 without giving any reason. Consequently, the company wrote her two letters, first on August 23, 2002 and again on September 2, 2002, asking her to explain her continued absence. On October 15, 2002 Malig-on showed up at the company's office and submitted her resignation letter.

On January 26, 2004 the Labor Arbiter (LA) rendered a decision, finding Malig-on's resignation valid and binding. But the LA ordered the company to pay her emergency cost of living allowance and the balance of her 13th month pay.

On February 28, 2005 the National Labor Relations Commission (NLRC) reversed the LA's decision and ruled that the company had constructively dismissed Malig-on. The NLRC ordered the company to reinstate Malig-on with full backwages from the time the company illegally dismissed her up to the date of the finality of its decision.

The respondent company went up to the Court of Appeals (CA) to challenge the NLRC decision. On July 16, 2008 the CA reversed the NLRC's ruling and reinstated that of the LA, hence, this petition by Malig-on.

The Issue Presented

The issue in this case is whether or not the CA erred in holding that petitioner Malig-on abandoned her work and eventually resigned from it rather than that respondent company constructively dismissed her.

The Rulings of the Court

True, courts give great weight and respect to the facts as found by quasi-judicial and administrative bodies. But when, as in this case, such bodies have conflicting factual findings, the Court has reason to go over both findings to ascertain which one has support in the evidence.^[1]

The rule in termination cases is that the employer bears the burden of proving that he dismissed his employee for a just cause.^[2] And, when the employer claims that the employee resigned from work, the burden is on the employer to prove that he did so willingly.^[3] Whether that is the case would largely depend on the circumstances surrounding such alleged resignation. Those circumstances must be consistent with the employee's intent to give up work.^[4]

Here, the company claims that Malig-on voluntarily resigned, gave a letter of resignation that she wrote with her own hand, used the vernacular language, and signed it. But these are not enough. They merely prove that she wrote that letter, a thing that she did not deny. She was quick to point out that she wrote it after being told that she needed to resign so she could be cleared for her next assignment.

According to the company, Malig-on simply dropped out of sight one day on February 16, 2002 for no reason at all. Eight months later or on October 15, 2002 she appeared at the company's office and tendered her resignation. To the company's surprise, three days later or on October 18, 2002 she went to the NLRC office and filed her complaint against the company for illegal dismissal. Clearly, however, these circumstances do not sound consistent with resignation freely made.

First, when Malig-on reportedly dropped out of sight and the company had no idea about the reason for it, the natural and right thing for it to do was investigate why she had suddenly vanished. Indeed, the company needed to write Malig-on **immediately** and ask her to explain in writing why she should not be considered to have abandoned her job so the company may be cleared of its responsibility as employer. This did not happen here.

Second, if Malig-on had abandoned her work and had no further interest in it, there was no reason for her to suddenly show up at her former place of work after eight months and file her resignation letter. Her action would make sense only if, as she claimed, she had been on floating status for over six months and the company promised to give her a new assignment if she would go through the process of resigning and reapplying.

And, third, that Malig-on went to the NLRC to file a complaint for unjust dismissal just three days after she filed her alleged resignation letter is inconsistent with genuine resignation.^[5] It would make sense only if, as Malig-on claims, the company tricked her into filing for resignation upon a promise to give her a new