

FIRST DIVISION

[G.R. No. 112963, July 20, 1999]

PHILIPPINE WIRELESS INC. (POCKETBELL) AND/OR JOSE LUIS SANTIAGO, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND GOLDWIN LUCILA, RESPONDENTS.

D E C I S I O N

PARDO, J.:

This petition for *certiorari* is to set aside the decision of the National Labor Relations Commission^[1] on the ground that it was rendered with grave abuse of its discretion. The dispositive portion of the decision reads as follows:

"WHEREFORE, finding the appeal to be meritorious the decision appealed from is hereby REVERSED AND SET ASIDE and a new one ENTERED, declaring that the complainant has been constructively dismissed and ordering the respondent to pay him back wages from his dismissal on December 28, 1990 up to the date of the promulgation of this Resolution. And in lieu of reinstatement, respondent is likewise hereby ordered to pay complainant his separation pay at the rate of one (1) month pay for every year of service.

No Cost.

SO ORDERED."

"(s/t) EDNA BONITO-PEREZ

"Presiding Commissioner"^[2]

The facts are as follows:

On January 8, 1976, petitioner Philippine Wireless Inc. hired respondent Goldwin Lucila as operator/encoder. On January 7, 1979, he was promoted as Head Technical and Maintenance Department of the Engineering Department. On September 11, 1987, he was promoted as Supervisor, Technical Services of the same department. On October 1, 1990, he was again promoted as Superintendent, Project Management.

On December 28, 1990, he tendered his resignation.

On December 3, 1991, he filed with the Arbitration Branch, National Labor Relations Commission, a complaint for illegal/constructive dismissal. He alleged that he was constructively dismissed inasmuch as his promotion from Supervisor, Technical Services to Superintendent, Project Management is demeaning, illusory and humiliating. The basis of his allegation was the fact that he was not given any