

THIRD DIVISION

[G.R. No. 122955, April 15, 1998]

**ST. THERESA'S SCHOOL OF NOVALICHES FOUNDATION AND
ADORACION ROXAS, PETITIONERS, VS. NATIONAL LABOR
RELATIONS COMMISSION AND ESTHER REYES, RESPONDENTS.**

D E C I S I O N

PURISIMA, J.:

Justitia nemini neganda est. Justice is to be denied to none. The law, while protecting the rights of the employees, authorizes neither the oppression nor destruction of the employer.^[1] When the law angles the scale of justice in favor of labor, the scale should never be so tilted if the result is an injustice to the employer.^[2]

The petition at bench seeks to modify the Resolution issued on November 29, 1994 by the National Labor Relations Commission (NLRC) and its Decision of 29 November, 1995 in NLRC NCR Case No. 00-6078-94.

Petitioners contend that the public respondent acted with grave abuse of discretion amounting to lack or excess of jurisdiction in handing down its disposition wherein, notwithstanding the finding that the dismissal of private respondent was valid, it awarded backwages for the latter, computed from November 12, 1993 up to the time of rendition of the decision under attack.

Undisputed are the following facts:

Petitioner Adoracion Roxas is the president of St. Theresa's School of Novaliches Foundation. She hired private respondent, Esther Reyes, on a contract basis, for the period from June 1, 1991 to March 31, 1992. However, private respondent commenced work on May 2, 1991. During the said period of employment, private respondent became ill. She went on a leave of absence from February 17 to 21 and from February 24 to 28, 1992, such leave of absence having been duly approved by petitioner Roxas. On March 2, 1992, private respondent reported for work, but she only stayed in her place of work from 6:48 to 9:38 a.m. Thereafter, she never returned. For what reason did private respondent stop working?

Petitioners theorize that the private respondent abandoned her work. On the other hand, the latter maintains that she was replaced. When she went back to work on February 20, 1992, she found out that her table, chair, and other belongings were moved to a corner of their office, and she was replaced by Annie Roxas, daughter of petitioner Adoracion Roxas. She tried to contact her employer but the latter could not be found within the school premises.

On March 25, 1992, petitioners sent private respondent a letter by registered mail, informing her that her contract, due to expire on March 31, 1992, would not be renewed. Prior thereto, or on March 3, 1992, to be precise, the private respondent

instituted NLRC NCR Case No. 00-03-01481-92^[3] against the herein petitioners for *“unfair labor practice based on harassment, illegal dismissal, 13th month pay, allowances, removal of desk and chair from place of work, and refusal to communicate, moral and exemplary damages.”*^[4] On November 12, 1993, absent any amicable settlement hammered out by the parties, the Labor Arbiter came out with a decision, disposing, thus:

“WHEREFORE, responsive to the foregoing, judgment is hereby ordered declaring complainant (sic) dismissal from the service illegal. Respondent is hereby ordered to reinstate complainant to her former position without loss of seniority rights and to pay for full backwages from the time of dismissal to her actual reinstatement in the amount of Seventy Six Thousand Seven Hundred One (P76,701.00) Pesos.

Respondent is hereby ordered to pay complainant P25,000 as moral damages and P10,000 by way of exemplary damages.

Respondent (sic) are further assessed attorney’s fees of 10% of the award.”

On December 7, 1993, after posting the necessary supersedeas bond, petitioners appealed the aforesaid decision to the NLRC.

On January 12, 1994, private respondent presented a Motion for Partial Execution of the reinstatement aspect of the Labor Arbiter’s decision.

On April 5, 1994, when no action was taken by the Labor Arbiter on her motion, she filed a Motion for Immediate Resolution, and, on July 13, 1994, after three months, still without any action taken by the same Labor Arbiter on her yearning, the private respondent sent in a second Motion for Immediate Resolution. However, Labor Arbiter Raul T. Aquino was appointed as Commissioner of the NLRC, thereby leaving subject motions of private respondent unresolved.

On November 29, 1994, petitioners’ appeal, docketed as NLRC NCR Case No. 006078-94, was resolved in the assailed Resolution of the of the Second Division of the NLRC; disposing, as follows:

“WHEREFORE, all premises considered, the decision of the Labor Arbiter below dated November 12, 1993 is hereby reversed and set aside and another one rendered, declaring the separation of Esther Reyes from service legal and valid.

However, respondent is directed to pay the backwages of herein complainant from November 12, 1993 up to the date of the promulgation of this Resolution.”

Therefrom, both parties moved for reconsideration; petitioners assailing the award of backwages in favor of private respondent.

On November 29, 1995, the same Second Division of NLRC rendered its challenged Decision, denying subject motions for reconsideration.

Sometime in February 1996, the private respondent filed with NLRC a Motion for Execution, through the deciding Labor Arbiter. But until now, no writ of execution issued. Unfortunately for private respondent, she never interposed any appeal from NLRC’s ruling, upholding the validity of her dismissal. It is therefore settled, beyond the reach of this court’s power of review, that private respondent’s employment was validly terminated.