



Republic of the Philippines  
Supreme Court  
Manila

**SECOND DIVISION**

**FLORDALIZA LLANES GRANDE,**  
Petitioner,

**G.R. No. 213137**

- *versus* -

**PHILIPPINE NAUTICAL**  
**TRAINING COLLEGE,**  
Respondent.

**Present:**

CARPIO, J., *Chairperson*,  
PERALTA,  
MENDOZA,  
LEONEN,\* and  
JARDELEZA, JJ.

**Promulgated:**

01 MAR 2017

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**DECISION**

**PERALTA, J.:**

Before us is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court which seeks to annul and set aside the Amended Decision<sup>2</sup> dated November 7, 2013 and the Resolution dated June 25, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 125444. The CA reversed on reconsideration its Decision<sup>3</sup> dated March 27, 2013 affirming the Decision<sup>4</sup> of the National Labor Relations Commission (NLRC), Sixth Division, in NLRC Case No. LAC 08-002290-11 and the Decision<sup>5</sup> of the Labor Arbiter which held that petitioner did not voluntarily resign but was illegally dismissed by respondent.

\* On official leave.

<sup>1</sup> *Rollo*, pp. 11-41.

<sup>2</sup> Penned by Associate Justice Magdangal M. De Leon, with Associate Justices Stephen C. Cruz and Myra V. Garcia-Fernandez, concurring; *id.* at 59-73.

<sup>3</sup> *Id.* at 43-57.

<sup>4</sup> *Id.* at 79-87.

<sup>5</sup> *Id.* at 90-96.

A handwritten signature in black ink, appearing to read "Peralta".

The factual antecedents are as follows:

Respondent Philippine Nautical Training College, or PNTC, is a private entity engaged in the business of providing maritime training and education.<sup>6</sup> In 1988, respondent employed petitioner as Instructor for medical courses like Elementary First Aid and Medical Emergency.<sup>7</sup> In April 1998, she became the Course Director of the Safety Department.<sup>8</sup> Respondent was then principally engaged in providing maritime training for seafarers.<sup>9</sup>

In 2002, petitioner was appointed Course Director for the Training Department of respondent school. In November 2007, she resigned as she had to pursue graduate studies and carry on her plan to immigrate to Canada.<sup>10</sup>

In May 2009, petitioner was invited by respondent to resume teaching since it intended to offer BS Nursing and other courses for maritime training. In July 2009, petitioner was, again, employed by respondent as Director for Research and Course Department. As such, she was responsible for the development, revisions and execution of training programs.<sup>11</sup>

In September 2010, petitioner was given the additional post of Assistant Vice-President (*VP*) for Training Department. For the two positions she was holding, petitioner was given a salary of Thirty Thousand Pesos (₱30,000.00) and an allowance in the amount of Twenty Thousand Pesos (₱20,000.00).<sup>12</sup>

In February 2011, several employees of respondent's Registration Department, including the VP for Training Department were placed under preventive suspension in view of the anomalies in the enlistment of students.<sup>13</sup>

On March 1, 2011, the VP for Corporate Affairs, Frederick Pios (*Pios*), called petitioner for a meeting. Pios relayed to petitioner the message of PNTC's President, Atty. Hernani Fabia, for her to tender her resignation from the school in view of the discovery of anomalies in the

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<sup>6</sup> *Id.* at 44.

<sup>7</sup> *Id.* at 17.

<sup>8</sup> *Id.* at 90.

<sup>9</sup> *Id.* at 17.

<sup>10</sup> *Id.* at 90.

<sup>11</sup> *Id.* at 19.

<sup>12</sup> *Id.* at 80, 83.

<sup>13</sup> *Id.* at 80.



Registration Department that reportedly involved her. Pios assured petitioner of absolution from the alleged anomalies if she would resign.<sup>14</sup>

Petitioner then prepared a resignation letter, signed it and filed it with the Office of the PNTC President. The respondent accomplished for her the necessary exit clearance.<sup>15</sup> The resignation letter<sup>16</sup> of petitioner reads:

Atty. Hernani Fabia  
President  
Philippine Nautical Training Institute

Sir,

This is to officially file my resignation effective March 2, 2011 as Director for Research and Course Development/AVP.

Thank you.

(Sgd) Flordaliza L. Grande

In the evening of the same date, petitioner, accompanied by counsel, filed a police blotter for a complaint for unjust vexation against Pios.<sup>17</sup> The police blotter reads in full:

“One (1) Flordaliza Grande y Llanes, 36yo, M, (sic) Asst. Vice Pres. For Training and Dir. For Research and Dev’t came here in our office to lodge her [complaint] against Frederick G. Pios Vice Pres. Corporate Affairs.

NOC: UNJUST VEXATION

x x x x

Facts of the case:

On or about cited DTPO complainant was called by Ms. Luchi Banaag for meeting by Mr. Frederick G. Pios (suspect) at the office. Mr. Pios was telling her that there were some unfounded anomalies discovered and being attributed to her; complainant was shocked upon hearing the same. With this, he forced the complainant to file resignation from employment, and in return made her [assurance] to absolve from the said unfounded anomalies, complainant considering that she was being accused of unfounded anomalies, she was force (*sic*) to succumb to the order and execute her resignation letter immediately, and Mr. Pios (suspect) uttered that he was following orders from the President of PNTC Colleges, Hernani Fabia-President, as narrated by complainant.”<sup>18</sup>

<sup>14</sup> *Id.* at 80, 91.

<sup>15</sup> *Id.* at 91.

<sup>16</sup> *Id.* at 80-81.

<sup>17</sup> *Id.* at 91.

<sup>18</sup> *Id.* at 91-92.

The next day, March 2, 2011, petitioner accompanied by counsel, filed a complaint for illegal dismissal<sup>19</sup> with prayer for reinstatement with full backwages, money claims, damages, and attorney's fees against respondent.<sup>20</sup>

In her position paper, petitioner alleged that she was forced to resign from her employment. On the other hand, respondent claimed that petitioner voluntarily resigned to evade the pending administrative charge against her.<sup>21</sup>

On July 29, 2011, Labor Arbiter (*LA*) Arthur L. Amansec rendered a Decision, the dispositive portion of which states:

WHEREFORE, judgment is hereby made finding the complainant's claim of forced resignation established by substantial evidence. Concomitantly, her resignation of March 1, 2011 is hereby declared null and void, and by way of restoring the *status quo*, the respondent school is ordered to reinstate her to her former or substantially equivalent position without loss of seniority rights but without backwages. In case the complainant does not want to be reinstated, she may, upon her option, accept, in lieu of reinstatement, a separation pay amounting to ₱75,000.00 (her half month salary of ₱25,000.00 multiplied by three (3) years of service), plus ten percent (10%) thereof as attorney's fees.

Other claims are dismissed for lack of merit.

SO ORDERED.<sup>22</sup>

Thereafter, respondent elevated the case before the NLRC, Sixth Division. On February 29, 2012, the NLRC affirmed the Decision of the *LA*.

A motion for reconsideration was filed by respondent, but the same was denied by the NLRC on May 31, 2012.<sup>23</sup>

Aggrieved, respondent filed a petition for *certiorari* before the CA. In a Decision dated March 27, 2013, the CA affirmed the Decision of the NLRC. The *fallo* states:

**WHEREFORE**, the petition is **DISMISSED**. In view of the foregoing premises, the assailed *Decision* dated February 29, 2012 and Resolution dated May 31, 2012 of the National Labor Relations

<sup>19</sup> Annex "F" of the Petition, *id.* at 97-99.

<sup>20</sup> *Rollo*, pp. 44, 81.

<sup>21</sup> *Id.* at 84.

<sup>22</sup> *Id.* at 79-80.

<sup>23</sup> *Id.* at 13.



Commission in NLRC LAC No. 08-002290-11, are **AFFIRMED** with the **MODIFICATION** that Flordaliza L. Grande is **GRANTED** payment of backwages, computed from the time she was illegally dismissed on March 1, 2011 up to the time she is actually reinstated to her former or substantially equivalent position, and attorney's fees equivalent to 10% of the total monetary award.

SO ORDERED.<sup>24</sup>

A motion for reconsideration was filed by the respondent which was granted by the CA on November 7, 2013 and reversed its Decision dated March 27, 2013. The *decretal* portion of the Amended Decision states:

**WHEREFORE**, the motion for reconsideration is **GRANTED**. The Court *Decision* dated March 27, 2013 is **RECONSIDERED AND SET ASIDE**. Accordingly, the complaint of respondent Flordaliza L. Grande is **DISMISSED**.

SO ORDERED.<sup>25</sup>

Hence, this petition, raising the following errors:

I

x x x The Court of Appeals seriously erred in issuing CONFLICTING DECISIONS (Decision dated 27 March 2013 and Amended Decision dated 7 November 2013) composed by the same set of Division Members although the Motion for Reconsideration filed by the private respondent did not present new arguments and/or facts (rather merely reiterating the arguments in the Petition for Certiorari) warranting a re-examination and re-evaluation of its earlier Decision.

II

x x x The Court of Appeals seriously erred in considering the Petition for Certiorari filed by the private respondents despite the absence of any grave abuse of discretion on the part of the Labor Arbiter *a quo* and NLRC, Sixth Division.<sup>26</sup>

In the petition, petitioner averred that respondent did not present any new argument in its motion for reconsideration before the CA as to warrant the reversal of the Decision of the CA dated March 27, 2013. She stressed that she had no real intention of leaving her employment. She was really surprised and shocked when she was forced to resign despite having "wholeheartedly" served the school for years. Her resignation letter which she described as "simply worded" signified her involuntariness in the execution of the document. It was the "undue influence and pressure" exerted upon her by respondent that compelled her to submit the resignation

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<sup>24</sup> *Id.* at 56.

<sup>25</sup> *Id.* at 72-73. (Emphasis in the original)

<sup>26</sup> *Id.* at 30.



letter. That was the reason why she immediately filed the case for illegal dismissal the day after she tendered her resignation letter. Also, petitioner attached in her petition the Special Cash Audit Report dated March 11, 2011<sup>27</sup> which was the result of the audit conducted on the PNTC upon its request. The report shows that it is the VP for Training/Registrar who was made to account for the irregularity in the collection reports.

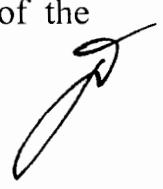
In the Comment<sup>28</sup> of respondent to the petition, it maintained that petitioner voluntarily resigned from employment. As her resignation was voluntary, she was not dismissed from her employment. According to respondent, the acts of petitioner – the resignation, the blotter with the police, the continued processing of clearance the day after the resignation and the filing of the illegal dismissal case - showed that she used “calculated reasoning to protect herself from possible charges that PNTC may file against her.” Respondent added that, notwithstanding the absence of liability of petitioner in the Special Cash Audit Report, it filed criminal complaints against petitioner.

In the Comment<sup>29</sup> of petitioner to Respondent’s Motion to Admit Rejoinder with Rejoinder, she countered that the two complaints filed against her before the Prosecutor’s Office by respondent were both dismissed. She reiterated that she had been consistent in all her pleadings that her clearance was processed on the very day that she tendered her resignation letter, and did not extend the day after, since she was then with the NLRC for the filing of the instant complaint.

We grant the petition.

It is well settled that in labor cases, the factual findings of the NLRC are accorded respect and even finality by this Court when they coincide with those of the LA and are supported by substantial evidence.<sup>30</sup>

In the same vein, factual findings of the CA are generally not subject to this Court’s review under Rule 45. However, the general rule on the conclusiveness of the factual findings of the CA is also subject to well-recognized exceptions such as where the CA’s findings of facts contradict those of the lower court, or the administrative bodies, as in this case. All these considered, we are compelled to make a further calibration of the evidence at hand.<sup>31</sup>



<sup>27</sup> Annex “G” of the Petition, *id.* at 100-106.

<sup>28</sup> *Rollo*, pp. 109-116.

<sup>29</sup> *Id.* at 141-143.

<sup>30</sup> *Mobile Protective & Detective Agency v. Ompad*, 497 Phil. 621, 628 (2005).

<sup>31</sup> *Vicente v. Court of Appeals*, (Former 17<sup>th</sup> Div.), 557 Phil. 777, 785 (2007).

Respondent claimed that petitioner voluntarily resigned from employment. For the resignation of an employee to be a viable defense in an action for illegal dismissal, an employer must prove that the resignation was voluntary, and its evidence thereon must be clear, positive and convincing. The employer cannot rely on the weakness of the employee's evidence.<sup>32</sup>

Quite notable in the instant case is the fact that respondent was silent as to the alleged meeting with petitioner on March 1, 2011. As in fact, as found by the LA and the NLRC, "*neither Pios nor Fabia came forth through an Affidavit to deny*" the meeting.<sup>33</sup> All that respondent could say is that on March 1, 2011, petitioner "*suddenly and without reason tendered her resignation*". And that, respondent then became suspicious of the "*abruptness*" of the resignation, such that, it conducted an investigation and discovered that petitioner was the one who signed the Enrollment Report, submitted to the Maritime Training Council, which contained names of students who were not officially enrolled with the school.<sup>34</sup>

From the aforesaid statement of respondent, it can be deduced that on March 1, 2011, when petitioner "suddenly" resigned, there was no discovery yet as to the alleged anomaly involving petitioner. This is quite contrary to the statements of respondent in its Comment to the petition, thus:

12.7. The action of **Grande** was premeditated. There was no threat employed upon her. **Prior to her resignation, PNTC found out that there were discrepancies in the enrollment reports signed by Grande** and the system database of PNTC as to the list of enrollees. Likewise, there were enrollment reports signed by GRANDE stating that her husband, Nelson Grande, was the assigned professor to a particular course when the latter was, actually, abroad. **When confronted with these discrepancies, GRANDE resigned from work and even filed a complaint for unjust vexation apparently to avoid any legal suit to be filed by PNTC against her and to cover up for her misdeeds and that of her husband.** x x x.<sup>35</sup>

There was, therefore, an admission by respondent that a confrontation occurred **before** petitioner "**suddenly**" **tendered her resignation**. And that, it was not true that respondent became "suspicious" of the "abruptness" in the resignation which prompted the respondent to conduct an investigation.

Also, quite interesting is the statement of respondent that it was in February 2011 when it discovered that there were questionable transactions involving registration of enrollees, and that respondent found that aside from the employees in the Registration Department, there were also high-ranking

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<sup>32</sup> *D.M. Consunji Corporation v. Bello*, 715 Phil. 335, 338 (2013).

<sup>33</sup> *Rollo*, p. 93.

<sup>34</sup> *Id.* at 82.

<sup>35</sup> *Id.* at 114. (Emphasis ours)

officers who were probably involved in the anomalous transaction. And according to respondent, they then discreetly started an investigation on the possible involvement of the officers.<sup>36</sup> If these were true, why did respondent immediately granted clearance to petitioner in a day, if there was then an ongoing investigation on the involvement of high-ranking officers. We should not disregard the fact that petitioner is the Assistant Vice-President for the Training Department.

We do not, therefore, believe the statement of respondent in its comment to the petition that it had no reason to deny clearance to petitioner because the investigation was still ongoing, thus:

12.4. The clearance obtained by GRANDE is of no moment. At the time GRANDE resigned and obtained her clearance, the investigation as to those who are liable for the anomalous activities was still ongoing. x x x<sup>37</sup>

As observed by the NLRC, if petitioner was being investigated for an administrative charge, why was she cleared from liabilities. The more logical thing to do is to hold her clearance until all the liabilities have been settled. The haste by which she was cleared by all departments would reveal that respondent really wanted petitioner to go. And it was even admitted by respondent that petitioner still had accountabilities in terms of borrowed books.<sup>38</sup> Why was then petitioner cleared? The logical answer is respondent really wanted petitioner to go.

Hence, We echo the ruling of the CA in its Decision dated March 27, 2013:

x x x. Not a scintilla of evidence was adduced to convinced the labor tribunal that respondent was not illegally terminated. While petitioner argued that the excerpt on the conversation which transpired between respondent and Pios is untrue, this however, was not effectively refuted. The failure of Pios or Fabia to submit an affidavit to disprove that a conversation had actually taken place is fatal, for the burden to prove the fact of resignation lies with the employer.

x x x x

It is also worthy to note that after respondent tendered her resignation, petitioner immediately approved her clearance form. This is totally incompatible with petitioner's claim that respondent was one of the high-ranking officials who may have participated in the anomalies at school. The more logical and acceptable approach would have been to

<sup>36</sup> NLRC Decision, *id.* at 82.

<sup>37</sup> *Rollo*, p. 113.

<sup>38</sup> *Id.* at 85.

hold respondent's clearance until she has settled her accountability with the company.<sup>39</sup>

Resignation is the voluntary act of an employee who is in a situation where one believes that personal reasons cannot be sacrificed in favor of the exigency of the service, and has no other choice but to disassociate from employment. Resignation is a formal pronouncement or relinquishment of an office, and must be made with the intention of relinquishing the office accompanied by the act of relinquishment. A resignation must be unconditional and with the intent to operate as such.<sup>40</sup>

In voluntary resignation, the employee is compelled by personal reason(s) to disassociate himself from employment. It is done with the intention of relinquishing an office, accompanied by the act of abandonment. To determine whether the employee indeed intended to relinquish such employment, the act of the employee before and after the alleged resignation must be considered.<sup>41</sup>

We concur with the findings of the NLRC that the acts of petitioner before and after she tendered her resignation would show that undue force was exerted upon petitioner: (1) the resignation letter of petitioner was terse and curt, giving the impression that it was hurriedly and grudgingly written; (2) she was in the thick of preparation for an upcoming visit and inspection from the Maritime Training Council; it was also around that time that she had just requested for the acquisition of textbooks and teaching aids, a fact which is incongruent with her sudden resignation from work;<sup>42</sup> (3) in the evening, she filed an incident report/police blotter before the Intramuros Police Station; and (4) the following day she filed a complaint for illegal dismissal.

In order to withstand the test of validity, resignations must be made voluntarily and with the intention of relinquishing the office, coupled with an act of relinquishment. Therefore, in order to determine whether the employees truly intended to resign from their respective posts, we must take into consideration the totality of circumstances in each particular case.<sup>43</sup>

We emphasize that petitioner filed her complaint against the respondent in the NLRC the day after she tendered her resignation. Indeed, voluntary resignation is difficult to reconcile with the filing of a complaint for illegal dismissal. The filing of the complaint belies respondent's claim that petitioner voluntarily resigned. As held by this Court in *Valdez v.*

<sup>39</sup> *Id.* at 51-52. (Underscoring ours.)

<sup>40</sup> *Fortuny Garments/Johnny Co v. Castro*, 514 Phil. 317, 323 (2005).

<sup>41</sup> *Vicente v. Court of Appeals*, *supra* note 31, at 785-786.

<sup>42</sup> *Rollo*, p. 51.

<sup>43</sup> *SME Bank Inc. v. De Guzman*, 719 Phil. 103, 121 (2013).

NLRC<sup>44</sup> which was reiterated in the case of *Fungo v. Lourdes School of Mandaluyong*:<sup>45</sup>

x x x It would have been illogical for herein petitioner to resign and then file a complaint for illegal dismissal. Resignation is inconsistent with the filing of the said complaint.<sup>46</sup>

Petitioner's intention to leave the school, as well as her act of relinquishment, is not present in the instant case. On the contrary, she vigorously pursued her complaint against respondent. It is a clear manifestation that she had no intention of relinquishing her employment.<sup>47</sup> The element of voluntariness in petitioner's resignation is, therefore, missing.<sup>48</sup>

By vigorously pursuing the litigation of her action against respondent, petitioner clearly manifested that she has no intention of relinquishing her employment, which act is wholly incompatible to respondent's assertion that she voluntarily resigned.<sup>49</sup>

In termination cases, burden of proof rests upon the employer to show that the dismissal is for a just and valid cause, and failure to do so would necessarily mean that the dismissal was illegal. In *Mobile Protective & Detective Agency v. Ompad*,<sup>50</sup> We ruled that should the employer interpose the defense of resignation, it is incumbent upon the employer to prove that the employee voluntarily resigned.<sup>51</sup> On this point, respondent failed to discharge the burden.

In its Amended Decision, the CA did not believe that a conversation took place between petitioner and Pios, the excerpt of which is hereunder reproduced:

**Pios:** Flor, do you have any idea on why I need to talk to you now?  
Actually, yung mga nangyayaring gayon, medyo nainvolve ka eh.  
**Grande:** Ako, may involvement sa nangyayari? Well, direct me to the point.

**Pios:** I was talked by [sic]Atty. Fabia and gave me instructions to talk to you and ask you to resign.

**Grande:** For what reasons?

<sup>44</sup> 349 Phil. 760, 767 (1998).

<sup>45</sup> 555 Phil. 225 (2007).

<sup>46</sup> *Fungo v. Lourdes School of Mandaluyong*, *supra*, at 233.

<sup>47</sup> *Id.*

<sup>48</sup> *San Miguel Properties Philippines, Inc. v. Gucaban*, 669 Phil. 288, 300 (2011).

<sup>49</sup> *Molave Tours Corporation v. NLRC*, 320 Phil. 398, 405 (1995).

<sup>50</sup> *Supra* note 30, at 634-635.

<sup>51</sup> *Vicente v. Court of Appeals*, *supra* note 31.



**Pios:** Ok, sabihin ko na sa yo, it came to our knowledge that you went to the office of Ricky Ty and asked for a legal advice on what was [sic] happened to Nita.

**Grande:** Haah! What di totoo yan!

**Pios:** Well unang nakarating sa amin na balita, and you are even asking Ricky Ty for an employment.

**Grande:** That's a big lie. Actually red, kilala mo ba ako talaga? Why do I need to seek legal assistance to [sic] other people eh samantalang I have a sister and a nephew who are lawyers? That is not fair. Halatang ploy mo ito sa akin para idawit mo ako sa nangyayari kay Mam Nitz!

**Pios:** Well, madami pa kasing lumutang na resulta sa investigation. Like this one (showing an Enrollment List Form). Is this your signature?

**Grande:** O. why?

**Pios:** Kais [sic] it was noticed that your husband's name was declared here as Instructor for Basic Safety Course. Eh nag check kami ng records sa accounting, the inclusive dates declared eh on board mister mo.

**Grande:** Hala, buti pa kayo alam nyo ung schedule ng mister ko. Hindi mo kasi alam kung pano ang reporting nyan. Ang ginagawang registration they have to out [sic] a name on that Instructor and Assessor portion ung name ng taong declared officially sa maritime Training Council. Eh wala na sila na malagay na pangalan ng qualified and accredited instructor, that is why nilagay pangalan nya. Hay naku, lahat ng training center ganyan gawa and dating ginagawang PNTI yan due to lack of qualified Instructor. Kung tutuusin nga eh, dapat binayaran nyo pa si Nelson kasi ginagamit ninyo pangalan nya kahit di nya alam. Actually, we did a favor for the company, kulang kayo sa Qualified Instructor eh, so kami na gagawa ng paraan para may ma-declare na Instructor.

**Pios:** Yeah, we have checked on accounting, di naman sya nabayaran sa ganyan period. Saka I understand what you are trying to say, na iintindihan ko ang proseso.

**Grande:** Kaya nga Red eh, ang dami nyong accusations sa akin and yet, wala kayang [sic] mapakitang evidence.

**Pios:** Saka why did you sign?

**Grande:** Ha? Syempre, wala si Mam Nitz. Saka nag forge ba ako ng pirma ni Mam Nitz? Di ba nakalagay dyan for? Saka ako ang next in line na pipirma pag wala sya. Kelangan ngi-submit ang form sa MTC.

**Pios:** Another thing Flor, dib a [sic] may na send sa yong text si Nita regarding sa text ni Leah Fabia, na she is not putting her weight around para mapaalis ka dito. Kaso di nya talaga gusto na nandito ka.

**Grande:** Well, that's not my problem anymore, kayo ang kumontak sa akin then all of a sudden ganyan nyo ako. Tell me honestly, influence ni Leah Fabia itong usapan natin noh?

**Pios:** No, it was Atty. Fabia who wants it.

**Grande:** You don't know what you are talking about. It's not fair to me to get this kind of treatment.

**Pios:** Kaya nga Flor eh, there is no point of staying. Mabait pa nga ako say o [sic] eh, coz I believe in you, kaya lang Flor, utos ng Management eh. Alam mo naman na okay naman tayo, maski ako, di ko gusto itong sinasabi ko say o [sic], kaso I have to obey. I just want to carry out the order.<sup>52</sup>

However, the CA relied on the said conversation excerpt to show that no threat or force was exerted by respondent on petitioner for her to resign from employment, thus:

It is unfathomable how respondent could actually recount every word that was said by her and Pios. To be able to quote such a detailed conversation that was not even recorded or transcribed is absurd, to say the least. As memory is, most often than not, fleeting and momentary, evidentiary weight cannot as easily be accorded to it.

x x x x

Again, even assuming that the quoted conversation actually took place, no indication of threat or force can be adduced from the language used by Pios. He did not even warn respondent that she will be terminated if she refused to resign. Quite telling, the conversation between Pios and respondent may well be regarded as a discussion on the irregularities that took place in the company rather than a confrontation to force respondent to resign. There was no clear act of discrimination, insensibility or disdain on the part of Pios so as to force respondent to resign and sever her employment from the company. x x x.

Respondent's eventual act of resigning and thereafter causing the matter to be recorded in the police blotter are appreciated as a well thought-out plan carried out in order to preempt the investigation conducted by petitioner. In fact, right after she tendered her resignation, respondent wasted no time in obtaining a clearance from the different offices of petitioner which left the latter with no sufficient time to verify if she had a hand in the illegal schemes.<sup>53</sup>

We are not persuaded by the reasoning of the CA. While indeed there was no employment of force from the language used by Pios, We are convinced that there was the presence of undue influence exerted on petitioner for her to leave her employment. The conversation showed that respondent wanted to terminate petitioner's employment but would want it to appear that she voluntarily resigned. Undue influence is defined under Article 1337 of the Civil Code, thus:

Art. 1337. There is undue influence when a person takes improper advantage of his power over the will of another, **depriving the latter of a reasonable freedom of choice.** The following circumstances shall be considered: the confidential, family, spiritual, and **other relations**

<sup>52</sup>

Rollo, pp. 68-70. (Emphasis ours.)

<sup>53</sup>

Id. at 70-72.

**between the parties**, or the fact that the person alleged to have been unduly influenced was suffering from mental weakness, or was ignorant or in financial distress.<sup>54</sup>

As correctly observed by the LA, petitioner's resignation immediately tendered after the conversation is not voluntary. With an order coming from the President of PNTC, no less, undue influence and pressure was exerted upon petitioner.

Petitioner declared in her petition that she "felt lambasted" when she was told about the order of PNTC President for her to resign considering her exemplary performance in the school. She narrated that when she returned to the school in July 2009 as Director for Research and Course Department, the offered courses of the school rose from 29 to 48 courses. As in fact in 2010, she was offered the position of Assistant Vice-President for Training Department.<sup>55</sup> These statements of petitioner were not disputed by respondent in its comment to the petition.

Indeed, it is very unlikely that petitioner who was in the thick of preparation for an upcoming visit and inspection from the Maritime Training Council and who had just requested for the acquisition of textbooks and teaching aids, and had just submitted a Master Plan to the corporate officers would simply resign voluntarily. She was in the process of compiling the necessary documents and library holdings for submission to the Maritime Training Council. Clearly, her consent was vitiated.<sup>56</sup>

It must be noted that she was not among those preventively suspended in February 2011, which include the Vice-President for Training, in view of the ongoing investigation in the Registration Department. We, therefore, believe that petitioner felt the undue pressure exerted on her to resign from employment despite her "exemplary performance" and having served the school for years. We agree with petitioner that she was then without "proper discernment" when she prepared the one-liner resignation letter.

Also, as a sign that respondent really wanted petitioner to go is the fact that the former immediately issued the latter her clearance showing the signatures from different departments of the school.<sup>57</sup> If petitioner was being investigated for an administrative charge, why was she cleared from liabilities.



<sup>54</sup> Emphasis ours.

<sup>55</sup> *Id.* at 20-21.

<sup>56</sup> *Fungo v. Lourdes School of Mandaluyong*, *supra* note 45.

<sup>57</sup> *Rollo*, p. 22.

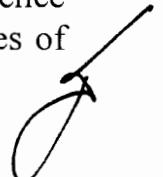
In administrative proceedings, the quantum of proof required is substantial evidence, which is more than a mere scintilla of evidence, but such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. The Court of Appeals may review the factual findings of the NLRC and reverse its ruling if it finds that the decision of the NLRC lacks substantial basis.<sup>58</sup>

In the case at bar, petitioner's letter of resignation and the circumstances antecedent and contemporaneous to the filing of the complaint for illegal dismissal are substantial proof of petitioner's involuntary resignation. Taken together, the above circumstances are substantial proof that petitioner's resignation was voluntary.

Factual findings of labor officials who are deemed to have acquired expertise in matters within their respective jurisdictions are generally accorded not only respect, but even finality, and are binding on the Us. Verily, their conclusions are accorded great weight upon appeal, especially when supported by substantial evidence. Consequently, We are not duty-bound to delve into the accuracy of their factual findings, in the absence of a clear showing that the same were arbitrary and bereft of any rational basis.<sup>59</sup> Accordingly, the finding of illegal dismissal by both the LA and the NLRC, as affirmed by the CA in its Decision dated March 27, 2013, must be upheld.

We reiterate that it is axiomatic in labor law that the employer who interposes the defense of voluntary resignation of the employee in an illegal dismissal case must prove by clear, positive and convincing evidence that the resignation was voluntary; and that the employer cannot rely on the weakness of the defense of the employee. The requirement rests on the need to resolve any doubt in favor of the working man.<sup>60</sup>

Furthermore, in an illegal dismissal case, the *onus probandi* rests on the employer to prove that the dismissal of an employee is for a valid cause. Having based its defense on resignation, it is incumbent upon respondent, as employer, to prove that petitioner voluntarily resigned. From the totality of circumstances and the evidence on record, it is clear that respondent failed to discharge its burden. We have held that if the evidence presented by the employer and the employee are in equipoise, the scales of justice must be tilted in favor of the latter.<sup>61</sup>



<sup>58</sup> *Vicente v. Court of Appeals*, *supra* note 31, at 784-785.

<sup>59</sup> *Aujero v. Philippine Communications Satellite Corporation*, 679 Phil. 463, 481 (2012).

<sup>60</sup> *D. M. Consunji Corporation v. Rogelio P. Bello*, *supra* note 32, at 347.

<sup>61</sup> *Mobile Protective & Detective Agency v. Ompad*, *supra* note 30, at 635.

Under Article 279 of the Labor Code, an employee unjustly dismissed from work is entitled to reinstatement and backwages, among others. Reinstatement restores the employee who was unjustly dismissed to the position from which he was removed, that is, to his *status quo ante* dismissal, while the grant of backwages allows the same employee to recover from the employer that which he had lost by way of wages as a result of his dismissal. These twin remedies – reinstatement and payment of backwages – make the dismissed employee whole who can then look forward to continued employment. Thus, do these two remedies give meaning and substance to the constitutional right of labor to security of tenure.<sup>62</sup> Petitioner is, therefore, entitled to reinstatement with full backwages.

**WHEREFORE**, the Petition for Review on *Certiorari* is hereby **GRANTED**. The assailed Amended Decision dated November 7, 2013 and Resolution dated June 25, 2014 of the Court of Appeals in CA-G.R. SP No. 125444, respectively, are hereby **SET ASIDE**. The Decision dated February 29, 2012 and Resolution dated May 31, 2012 of the National Labor Relations Commission in NLRC Case No. LAC 08-002290-11 are **AFFIRMED** with **MODIFICATION** that Flordaliza L. Grande is **GRANTED** payment of backwages, computed from the time she was illegally dismissed on March 1, 2011 up to the time she is actually reinstated to her former or substantially equivalent position, and attorney's fees equivalent to 10% of the total monetary award. Legal interest shall be computed at the rate of six percent (6%) *per annum* of the total monetary award from date of finality of this Decision until full satisfaction

**SO ORDERED.**



**DIOSDADO M. PERALTA**  
Associate Justice

**WE CONCUR:**



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

<sup>62</sup> *Verdadero v. Barney Autolines Group of Companies Transport, Inc., et al.*, 693 Phil. 646, 659 (2012).

  
**JOSE CATRAL MENDOZA**  
Associate Justice

On official leave  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**FRANCIS H. JARDELEZA**  
Associate Justice

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ANTONIO T. CARPIO**  
Acting Chief Justice