

FIRST DIVISION

[G.R. No. 167286, February 05, 2014]

INTERNATIONAL SCHOOL MANILA AND/OR BRIAN MCCAULEY, PETITIONERS, VS. INTERNATIONAL SCHOOL ALLIANCE OF EDUCATORS (ISAE) AND MEMBERS REPRESENTED BY RAQUEL DAVID CHING, PRESIDENT, EVANGELINE SANTOS, JOSELYN RUCIO AND METHELYN FILLER, RESPONDENTS.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

In this petition for review on *certiorari*,^[1] petitioners International School Manila (hereafter the School) and Brian McCauley seek to set aside the Decision^[2] dated November 17, 2004 and the Resolution^[3] dated February 23, 2005 of the Court of Appeals in CA-G.R. SP No. 79031. The decision of the appellate court upheld the illegality of respondent **Evangeline Santos's** termination from employment in the School, while the assailed resolution denied the petitioners' motion for reconsideration.

The complaint filed before the Labor Arbiter involved three individual complainants, aside from the International School Alliance of Educators (ISAE).^[4] However, the instant petition concerns only the case of Santos as the causes of action of the other complainants, Joselyn Rucio and Methelyn Filler, had since been dismissed by the Labor Arbiter and the Court of Appeals, respectively.

The Material Facts

Santos was first hired by the School in 1978 as a full-time Spanish language teacher. In April 1992, Santos filed for and was granted a leave of absence for the school year 1992-1993. She came back from her leave of absence sometime in August 1993.^[5] Upon Santos's return to the School, only one class of Spanish was available for her to teach. Thus, for the school year 1993-1994, Santos agreed to teach one class of Spanish and four other classes of Filipino that were left behind by a retired teacher.^[6]

Since it was Santos's first time to teach Filipino, the School's high school administrators observed the way she conducted her classes. The results of the observations on her classes were summarized in Classroom Standards Evaluation Forms accomplished by the designated observers. In accordance with said forms, Santos was evaluated in the areas of Planning, the Teaching Act, Climate, Management and Communication.

On October 26, 1993, Dale Hill, then Assistant Principal, observed Santos's Filipino II class. In the Classroom Standards Evaluation Form,^[7] Hill remarked that the

lesson plan that Santos provided "was written with little detail given." Santos was also noted as needing improvement in the following criteria: (1) uses effective questioning techniques; (2) is punctual and time efficient; (3) states and enforces academic and classroom behavior expectations in a positive manner; and (4) reinforces appropriate behavior. Hill also stated that Santos's management of the class left much to be desired. Hill added that "[t]he beginning and the end of the class were poorly structured with students both coming late and leaving early with no apparent expectations to the contrary."

On January 17, 1994, Santos submitted to the Personnel Department of the School a memorandum/form,^[8] which stated her assignment preference for the school year 1994-1995. She indicated therein that she planned to return to the School staff for the said school year and she did not prefer a change of teaching assignment.

On March 11, 1994, Hill observed Santos's Spanish I class. In the Classroom Standards Evaluation Form^[9] he accomplished, Hill stated that Santos needed improvement on the following areas: (1) uses effective questioning techniques; (2) uses appropriate praise; (3) deals with students in a fair and consistent manner; (4) is punctual and time efficient; (5) states and enforces academic and classroom behavior expectations in a positive manner; (6) reinforces appropriate behavior; (7) organizes the classroom to enhance learning and minimize disruption; and (8) states expectations and ideas clearly.

On May 30, 1994, Hill completed a Summary Evaluation Form^[10] of Santos's performance. Hill stated, among others, that Santos should improve on managing the students' punctuality and time efficiency. Hill added that instructions were not well stated and presented to the class. He said that Santos needed to identify and state positively the expectations she has for the students. In a Professional Standards Form^[11] accomplished on the same date, Santos was found to be in need of improvement in these areas: (1) has in-depth knowledge of the appropriate subject matter; and (2) clearly defines consequences of inappropriate behavior and is consistent in follow through.

In the meantime, for the school year 1994-1995, Santos agreed to teach five classes of Filipino.^[12] On November 7, 1994, Santos also informed the School of her assignment preference for the incoming school year 1995-1996. In a memorandum/form^[13] submitted to the Personnel Department of the School, Santos indicated that she did not prefer a change of teaching assignment. In the school year 1995-1996, Santos again taught five classes of Filipino.^[14]

On February 1, 1996, then Assistant Principal Peter Loy observed a Filipino IBS1 class of Santos. In the Classroom Standards Evaluation Form^[15] he completed thereafter, Loy noted that Santos needed improvement on the following aspects: (1) has daily lesson plans written out; (2) incorporates a variety of activities, resources and teaching strategies into the lesson; (3) plans for the entire instructional period; (4) provides an instructional sequence which is clear and logical, leading to stated objectives; (5) uses effective questioning techniques; (6) develops rapport with and between students by creating a supportive environment; (7) is punctual and time efficient; and (8) reinforces appropriate behavior. Loy also observed that Santos did not meet the minimum standards in these areas of concern: (1) has clearly defined

lesson objectives that tie into unit objectives as well as into the school curriculum; and (2) states and enforces academic and classroom behavior expectations in a positive manner.

On February 2, 1996, Loy wrote a memo^[16] to Santos, calling her attention to the deficiencies in her planning, to wit:

Good teaching is not something that happens spontaneously all the time. Good teaching is the result, in part, of hard work and planning. **Clearly the planning for your classes, as indicated by the absence of detailed lesson plans, has resulted in below standard instruction. This is simply not acceptable.** A review of your planning book shows less-than-skeletal entries with no detail or unification of direction of syllabus. You said that you had other written plans, but these were not visible nor used for reference during class. Relying solely on memory is not always the best approach. Although you are a veteran teacher with three decades of experience, you have been teaching Filipino for only two years during which time there have been important changes in the International Bacc[al]aureate structure. It is crucial that your plans, both medium and long range, be well constructed and written and then utilized. (Emphasis ours.)

In a memo^[17] dated March 25, 1996, Loy commented on the outline of goals and activities of Santos as follows:

1. You do not address any of the comments made in the Classroom Standards Evaluation Form, nor how you plan to address those concerns. At present, your outline of activities for this semester is sketchy. That is, your general lesson topics are listed, but without any daily substance or sequence. One example, the area of planning, along with objectives and activities, is an area of major concern for us. It is vital to your growth plan that you submit your detailed lesson plans to Mrs. Villajuan daily and discuss these with her before the lesson and after to ensure direction and implementation. Thus, a daily meeting with your department chair is required.

On March 29, 1996, Loy sent another memo^[18] to Santos, which required her to undergo the remediation phase^[19] of the evaluation process through a Professional Growth Plan. Thus:

Given that planning is one of the areas of major concern, it is all the more disturbing that you have shown virtually no written planning for this quarter.

For the record, please note that we met on February 2, 1996, the day after I observed your class for the second time this school year. At that meeting, you were given a draft of my comments and concerns, along with a two[-] page memo. Since that date, I have received a mere outline of your fourth quarter syllabus which contains virtually no specific plan of activity, action, or means of addressing the concerns. My memo of March 25 reiterates some of the concerns, while elaborating on the shortcomings of the outline you submitted that same day.

x x x x

The impression you are creating is that planning for your classes is not taking place, nor is there any immediate movement towards improvement. This lack of attention on your part only serves to heighten our concern. Please find attached, therefore, my draft of your Growth Plan.

The March 29, 1996 Professional Growth Plan^[20] of Santos, which she signed with then Principal Jeffrey Hammett, Assistant Principal Peter Loy, and Modern Languages Department Chair Normelita Villajuan, reads:

Goals:

Improve classroom instruction through the implementation of the areas marked as "does not meet minimum standards," "needs improvement," or "not observed" in classroom observations from October 1993 through February 1996, as well as concerns noted in your Summary Evaluation of May 30, 1994. These areas include PLANNING, THE TEACHING ACT, CLIMATE, MANAGEMENT as specified and dated below.

Initial focus for the first part of this GROWTH PLAN, namely the fourth quarter of SY 1995-96 will be on PLANNING. By focusing on planning first, other issues relative to climate and management may also be assisted. This Growth Plan will be reviewed and revised as necessary for SY 1996-97.

Actions:

1. Write daily lesson plans (2/96)
2. Have clearly defined lesson objectives that tie into unit objectives as well as into the school curriculum (2/96)
3. Incorporate a variety of activities, resources and teaching strategies into the lesson (2/96)
4. Plan for the entire instructional period (2/96)
5. Provide an instructional sequence which is clear and logical, leading to stated objectives (2/96)
6. Use effective questioning techniques (2/96, 3/94, 10/93)
7. Provide sufficient guided practice and modeling to ensure success, particularly homework assignments (11/95)
8. Develop rapport with and between students by creating a supportive environment (2/96, 11/95)
9. Be punctual and time efficient (2/96, 3/94, 10/93)

10. State and enforce academic and classroom behavior expectations in a positive manner (2/96, 3/94, 10/93)

[11.] Reinforce appropriate behavior (2/96, 3/94, 10/93)

[12.] Organize the classroom to enhance learning and minimize disruption (11/95, 3/94)

In the memo^[21] to Santos dated April 18, 1996, Loy commented that since the implementation of Santos's Professional Growth Plan, it was observed that there was noticeable improvement in the writing of her lesson plans and the same had a clearer sense of direction for her classes. Likewise, in the memo^[22] dated April 26, 1996, Loy noted that Santos was observed to be taking steps to address the concerns in her Professional Growth Plan. In the succeeding memos to Santos dated May 10, 1996^[23] and May 16, 1996,^[24] Loy expressed his gladness at the progress of Santos and the positive effect of the Professional Growth Plan on her performance. Accordingly, in a memo^[25] dated May 24, 1996, Loy advised Santos that her Professional Growth Plan had been revised as a result of her efforts and improvements.

The May 24, 1996 Revised Professional Growth Plan^[26] of Santos states:

Goals:

Improve classroom instruction through the implementation of the areas marked as "does not meet minimum standards," "needs improvement," or "not observed" in classroom observations from October 1993 through February 1996, as well as concerns noted in your Summary Evaluation of May 30, 1994. These areas include PLANNING, THE TEACHING ACT, CLIMATE, MANAGEMENT as specified and dated below.

Initial focus for the first part of this GROWTH PLAN was on PLANNING. Ms. Santos has shown improvement in areas #1-4 under Short Term Planning during the fourth quarter of SY 1995-1996. Having focused on planning first, other issues relative to climate and management may also have assisted and can now be directly addressed in the 1996-97 school year.

Actions:

I. Continue the following, which was an area of focus in SY 1995-96:

A. Short Term Planning

1. Write daily lesson plans (2/96)

2. Have clearly defined lesson objectives that tie into unit objectives as well as into the school curriculum (2/96)

3. Incorporate a variety of activities, resources and teaching strategies