

FIRST DIVISION

[G.R. NO. 174644, August 10, 2007]

**GLOBE TELECOM AND MA. CARIDAD D. GONZALES,
PETITIONERS, VS. JENETTE MARIE B. CRISOLOGO,
RESPONDENT.**

D E C I S I O N

CORONA, J.:

This petition for review on certiorari^[1] seeks to set aside the decision of the Court of Appeals (CA) in CA-G.R. SP No. 85679^[2] and its resolution denying reconsideration.^[3] The CA nullified and set aside the resolution of the National Labor Relations Commission (NLRC) in NLRC-NCR-CA No. 037102-03^[4] which in turn affirmed the decision of the labor arbiter in NLRC-NCR-Case No. 07-04818-2002.^[5]

Respondent Jenette Marie B. Crisologo, a lawyer, joined Globe Telecom (Globe) on November 3, 1998 as a manager in its corporate legal services department.^[6] Her tasks included negotiating, drafting and reviewing the company's supply contracts.^[7]

On April 5, 2002, respondent (who was then pregnant) was rushed to the Makati Medical Center due to profuse bleeding. It was later diagnosed as a possible miscarriage.^[8]

After a week-long absence, respondent reported back to work on April 12, 2002.^[9] On the same day, she tendered her resignation letter explaining that she was advised by her doctor to rest for the duration of her pregnancy.^[10] She also requested permission to exhaust her unused leaves until the effective date of her resignation on May 30, 2002.^[11] Globe accepted her resignation.

On April 30, 2002, respondent called on her immediate supervisor, petitioner Ma. Caridad Gonzales.^[12] In the course of their conversation, petitioner Gonzales casually informed respondent of an e-mail circulating within the company^[13] to the effect that she (respondent) allegedly solicited money from one of the company's suppliers.^[14] Because the e-mail was not forwarded to her (being its subject), respondent requested a copy and an opportunity to confront the person(s) responsible. Petitioner Gonzales declined as there was no longer any reason to pursue the matter.^[15]

On May 2, 2002, respondent sent petitioner Gonzales a letter complaining of her "ill-treatment" by the company after she submitted her resignation letter.^[16] She also confided that she resigned only because the e-mail damaged her name and

reputation.^[17] For that reason, she requested petitioner Gonzales to issue a certification clearing her of "any wrongdoing, misconduct or transgression."^[18]

Petitioner Gonzales reminded respondent that, as a former executive, she should have been familiar with the company's standard operating procedure with regard to former employees. All employees basically undergo the same procedure upon separation from the company.^[19] Gonzales also requested respondent to settle her debts and accountabilities to the company.^[20] Meanwhile, Globe issued a certification attesting to respondent's employment in the company from November 3, 1998 to May 30, 2002.^[21]

On May 2, 2002, respondent sent petitioners another letter. She insinuated that petitioners forced her to resign and reiterated her demand that Globe clear her name.^[22] Petitioner Gonzales informed respondent that she had to settle her obligations to Globe first before it could issue the requested clearance.^[23]

Believing that Globe would not comply with her demands, respondent filed a complaint for illegal dismissal against petitioners on July 3, 2002.^[24] According to respondent, petitioners fired her on the basis of a rumor whose veracity was never proven.^[25] She was neither furnished a copy of the e-mail nor allowed to confront the person(s) who circulated it. Petitioner Gonzales immediately closed the matter with finality without conducting any inquiry.^[26] Furthermore, petitioners failed not only to adduce clear and substantial proof of loss of confidence but also to observe due process^[27] as petitioner Gonzales summarily forced her to resign.^[28]

Petitioners, on the other hand, contended that respondent's clear and unequivocal resignation letter showed her unconditional desire to resign.^[29]

The labor arbiter dismissed the complaint. He found respondent's claim contrary to logic and human experience because an experienced lawyer like her could not possibly be coerced into signing her rights away.^[30]

The NLRC, on appeal,^[31] affirmed the decision of the labor arbiter. It did not believe that a mere rumor could force a lawyer to resign from her high-paying job.^[32] Moreover, respondent could not have been forced to resign by Gonzales on April 30, 2002 because she had already submitted her resignation on April 12, 2002.^[33]

Aggrieved, respondent filed a petition for certiorari in the CA. The appellate court granted the petition and nullified the resolution of the NLRC in the absence of sufficient proof that respondent voluntarily resigned.^[34] According to the CA:

Petitioner was already receiving a hefty paycheck as director of Globe's legal department. On top of this, she was receiving other corporate perks and had outstanding obligations with Globe. Petitioner would certainly not risk unemployment, especially at a time when she was having health problems brought about by her pregnancy. Indeed a resignation at that stage of her career runs counter to human conduct and experience.^[35]

It concluded that respondent resigned only because petitioner Gonzales forced her to.^[36]

Petitioners moved for reconsideration but the motion was denied. Thus, this petition.^[37]

According to petitioners, the decision of the CA was based on speculative suppositions^[38] that were contrary to human experience and logic.^[39] It was not impossible for an employee to resign despite a high salary. Moreover, the CA erred in finding that respondent was forced to resign.^[40] The evidence on record, particularly respondent's letter, sufficiently established her voluntary resignation from Globe.^[41]

Respondent, however, contends that her circumstances at the time of her resignation forced her to resign.^[42] Poor health and financial distress reduced her to the level of an "average and ordinary employee" at the mercy of her employer.^[43]

We agree with the labor arbiter and NLRC.

Circumstances Warrant a Review Of the Factual Findings of the CA

This Court ordinarily reviews only questions of law in a Rule 45 petition. In labor cases, the factual findings of the labor arbiter and NLRC are generally respected and, if supported by substantial evidence, accorded finality.^[44] This rule, however, is not absolute. When the factual findings of the CA conflict with those of the labor arbiter and the NLRC, this Court is constrained to review the evidence on record.^[45]

In this case, the factual findings of the labor arbiter and NLRC differ from those of the CA. The labor arbiter and the NLRC found that respondent voluntarily resigned. The CA, on the other hand, concluded that she did not resign voluntarily but was terminated illegally.

Respondent's Resignation Letter Proves She Voluntarily Resigned

To support their contention that respondent voluntarily resigned, petitioners presented her resignation letter dated April 12, 2002^[46]:

This is to inform you that **as per my doctor's advice, I have to take a long rest due to a very difficult pregnancy and other health reasons.** I am therefore tendering my resignation effective 30 May 2002 and would like to request that I be allowed to exhaust all leaves due to me until such date. Furthermore, I hereby undertake to turn over all my pending work to other lawyers until said effective date of my termination.

Thank you very much.^[47] (emphasis supplied)

Respondent personally drafted her resignation letter in a clear, concise and categorical language. Its content, as quoted above, confirmed her unequivocal

intent to resign.

An employee of respondent's accomplished educational background and professional standing will not easily relinquish her legal rights unless she intends to.^[48] Respondent's resignation letter without doubt proved petitioners' assertion that she voluntarily resigned from her job.

Moreover, the resignation letter was submitted by respondent and was accepted by Globe on April 12, 2002. This fact alone completely negated her claim that petitioners coerced her to resign on April 30, 2002. Indeed, how could she have been forced to resign on that date when she had already tendered her resignation more than two weeks earlier?

Human Experience Confirms Respondent's Voluntary Resignation

Resignation is the voluntary act of an employee who finds herself in a situation where she believes that personal reasons cannot be sacrificed in favor of the exigency of the service and that she has no other choice but to disassociate herself from employment.^[49]

Employees resign for various reasons. A big salary is certainly no hindrance to a voluntary cessation of employment. Human resource studies reveal that various factors (in and out of the workplace) affect an employee's employment decision.^[50] In this instance, respondent would have suffered a miscarriage had she continued to work. She obviously resigned for the sake of her child's well-being, motherhood clearly taking precedence over her job.

Respondent Could Not Have Been Coerced or Intimidated

Coercion exists when there is a reasonable or well-grounded fear of an imminent evil upon a person or his property or upon the person or property of his spouse, descendants or ascendants.^[51] No such situation existed in this case.

As a matter of fact, respondent's resignation letter^[52] and May 2, 2002 letter^[53] both contained expressions of gratitude. In her May 2, 2002 letter, she told petitioner Gonzales:

I wish to express my appreciation for the training you readily gave me while I was under your supervision.^[54]

In *St. Michael Academy v. NLRC*,^[55] we held that expressions of gratitude cannot possibly come from an employee who is just forced to resign as they belie allegations of coercion.^[56] Moreover, the May 2, 2002 letter was sent after respondent's April 30, 2002 conversation with petitioner Gonzales. Indeed, if something untoward really took place in the course of that conversation, experience dictates that respondent would not have bothered to thank petitioner Gonzales. Therefore, respondent's assertion that she was forced to resign was simply not true.