

## THIRD DIVISION

[ G.R. No. 110396, September 25, 1998 ]

**ANITA Y. SALAVARRIA, PETITIONER, VS. LETRAN COLLEGE, FR. ROGELIO ALARCON, FR. EDWIN LAO AND NATIONAL LABOR RELATIONS COMMISSION**

**[FIRST DIVISION], RESPONDENTS.**

### DECISION

**ROMERO, J.:**

On June 1, 1982, petitioner Anita Y. Salavarría was employed by respondent Colegio de San Juan de Letran as a teacher in its High School Department. Sometime in the second semester of school year 1990-1991, the second year students of her Religion classes requested her if they could initiate a special project in lieu of the submission of the required term papers. The students explained that the project consisted in collecting contributions from each of them, which amount shall be used to purchase religious articles such as bibles, chalice, crucifix and similar items to be distributed among the several churches in Metro Manila and nearby rural areas. Furthermore, they claimed that in doing so, it would involve them in charity work in connection with their lesson on "Love of God and Neighbor" and that such activity would entail a much lesser expense than the completion of the term papers. After continuous proddings, petitioner was finally prevailed upon to accede to their proposal.

Even before the project could be executed, however, petitioner received a memorandum dated January 29, 1991 from Assistant Principal Erlinda A. Arguelles, directing her to explain why she should not be disciplined for violation of a school policy against illegal collections from students. In reply, she denied initiating the project, arguing that it was her students who proposed the said undertaking, so, she could not have transgressed any school policy. In spite of her written explanation, another memorandum dated February 1, 1991 was issued requiring her to attend a dialogue with the High School Council, which proceedings were conveyed to co-respondent Fr. Rogelio B. Alarcon, as Rector and President of Letran College, for a final determination of the case. Instead of ruling on the matter, Fr. Alarcon deferred his decision thereon and instead created an Ad Hoc Committee that would further look into the matter. On September 30, 1991, petitioner was found guilty of the offense charged and consequently terminated from the service.

In a complaint for illegal dismissal filed by complainant against respondent Letran College, Labor Arbiter Eduardo J. Carpio rendered a decision dated August 19, 1992, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered:

- 1) Ordering respondents to reinstate complainant herein with full backwages (P5,000 x 10 months) P50,000.00 plus related employment

benefits from the time she was dismissed up to the time she is actually reinstated.

2) Finding complainant to have been unlawfully suspended and that she should be paid her salary and related benefits during her 2-week suspension.

3) Awarding moral and exemplary damages to complainant herein in the sum of P50,000.00 and P15,000.00, respectively, and to be assessed against the respondents herein.

4) Awarding attorney's fees of ten (10%) percent to complainant herein based on her total monetary award.

SO ORDERED."<sup>[1]</sup>

On appeal, however, the said decision was reversed by the National Labor Relations Commission (NLRC) in a decision dated February 22, 1993, thus:

"WHEREFORE, premises considered, the Decision under review is REVERSED and set aside. Judgment is hereby rendered dismissing the complaint for illegal dismissal and illegal suspension, as well as the rest of complainant's claims. However, considering the equities of this case, respondent school is ordered to pay the complainant severance compensation in the amount of Forty Five Thousand Pesos (P45,000.00), equivalent to her salary for one month for every year of her nine (9) years service.

SO ORDERED."<sup>[2]</sup>

Petitioner's motion for reconsideration having been denied on May 7, 1993, hence, this appeal.

We affirm the findings of the NLRC.

Petitioner contended that her dismissal was arbitrarily carried out, having been effected without just cause, on the premise that the solicitation of funds necessary to purchase the religious articles was initiated by the students and that her participation therein was merely limited to approving the same. In support of this claim, petitioner relied principally on a letter written by one of her students, Redentor Salonga, who attested to the veracity of the former's assertion, maintaining that he was responsible, not only for the collection of the contributions, but for the canvass of the price of the religious items as well. Moreover, petitioner pleaded that she never misappropriated the money collected and whatever was left of it, after initial purchases were made, were immediately returned to the student-leaders for proper reimbursement to the students concerned. The evidence proffered, though cogent, do not warrant a reversal of the assailed decision.

If there is one person more knowledgeable of respondent's policy against illegal exactions from students, it would be petitioner Salavarria. The records show that she had been meted out a two-week suspension in 1988 for having solicited contributions without the requisite school approval with a final warning that