

## **TWENTY-SECOND DIVISION**

**[ CA-G.R. SP NO. 04438-MIN, January 23, 2014 ]**

**FATHER SATURNINO URIOS UNIVERSITY (FORMERLY URIOS COLLEGE) AND/OR FR. JOHN CHRISTIAN U. YOUNG, IN HIS CAPACITY AS PRESIDENT, PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION (8TH DIVISION, CAGAYAN DE ORO CITY) AND REDENTOR M. BRIONES, RESPONDENTS.**

### **JUDGMENT BASED ON COMPROMISE AGREEMENT**

**INTING, J.:**

Before Us is a Petition for Certiorari<sup>[1]</sup> under Rule 65 of the 1997 Rules of Civil Procedure assailing the Resolution<sup>[2]</sup> dated March 30, 2011, as well as the Resolution<sup>[3]</sup> dated May 27, 2011 denying petitioners' motion for reconsideration rendered by the National Labor Relations Commission (NLRC) 8<sup>th</sup> Division. The dispositive portion<sup>[4]</sup> of the Resolution dated March 30, 2011, reads:

IN VIEW OF ALL THE FOREGOING, the appeal is DISMISSED for lack of merit and the appealed decision is accordingly AFFIRMED in toto.

SO ORDERED.

The facts are as follows:

Private respondent Redentor M. Briones was hired by petitioner Father Saturnino Urios University as a faculty member on June 1, 1998.

Sometime in May 2009, petitioner University through HRMD Director Lyndon T. Buque sent a written notice to the private respondent informing him of his new assignment as Custodial Services Coordinator in University's high school department which is even kilometers away from the campus.

Private respondent wrote a letter to petitioner Father John Christian Young, president of petitioner University, declining his new assignment and requesting a reconsideration of such order by asserting that he was already a full time faculty member of the BSBA Department of the University and that he was not even qualified for the new assignment. Petitioner University refused and reiterated its earlier directive that private respondent should accept the new assignment.

Petitioner took a leave of absence for two (2) months to think about what possible options to take. After which, he sought the aid of the school Union which immediately took action by creating a Grievance Committee. However, petitioner University refused to attend the hearings despite several notices.

In July 2009, the petitioner University through the HRMD Director Lyndon T. Buque sent a show cause memo to private respondent directing him to explain why he should not be meted administrative sanctions.

On November 4, 2009, petitioner University furnished private respondent a written notice terminating his employment. On October 6, 2009, private respondent filed a case for constructive dismissal and other money claims with the NLRC Regional Arbitration Branch XIII in Butuan City.

On July 29, 2010, the NLRC Regional Arbitration Branch XIII, through Executive Labor Arbiter Noel Augusto S. Magbanua rendered a decision in favor of private respondent Briones and against the petitioners.

Dissatisfied with the Executive Labor Arbiter's decision, petitioners filed an appeal before the public respondent NLRC Eighth Division in Cagayan de Oro City. On March 30, 2011, the public respondent rendered a Resolution dismissing the appeal for lack of merit and affirming entirely the decision of the Executive Labor Arbiter. Subsequently, petitioners filed a motion for reconsideration but it was denied by the NLRC, Eighth Division on May 27, 2011.

Aggrieved, petitioners interposed the present petition and raised the lone issue of:

DID THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION (EIGHTH DIVISION, CAGAYAN DE ORO CITY) ERR AND COMMIT "GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION" IN ITS RESOLUTIONS IN NLRC CASE NO. MAC-09-011685-10 (RAB-XIII-11-00309-09), PROMULGATED ON MARCH 30, 2011 AND MAY 27, 2011.

On September 12, 2013, this Court issued a Resolution<sup>[5]</sup> referring the instant controversy to the Philippine Center for Mediation (PMC) pursuant to A.M. No. 04-3-15 SC PHILJA dated March 23, 2004 (Resolution No. 04-04), the Revised Guidelines for the Implementation of Mediation in the Court of Appeals.

Subsequently, on December 12, 2013, Court of Appeals-Mindanao Station PMC Coordinator Melody Ugang Salise filed an Appellate Court Mediation's Report.<sup>[6]</sup> The relevant portion of which states:

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"On the said mediation conference, the case was successfully mediated.

WHEREFORE, the PMC prays of this Honorable Court of Appeals to render judgment pursuant to the terms of the Compromise Agreement.

The case is hereby submitted to the Twenty-Second Division and back to appellate court proceedings."

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The attached Compromise Agreement<sup>[7]</sup> between petitioners Father Satutnino Urios University and Father John Christian U. Young, represented by Lyndon T. Buque and private respondent Redentor M. Briones before the Court of Appeals, Mindanao Station, Philippine Mediation Center (PMC) executed by the parties with the assistance of Appellate Court Mediator, Atty. Benjamin E. Pelaez, reads:

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