ABSTRACT

Title of the Research: Legal Issues Involving Dismissal of Private School Teachers vis-à-vis Module Development on School Operations

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This is a qualitative study utilizing documentary analysis involving 12 annotated cases on legal issues involving dismissal of private school teachers decided by the Supreme Court for the last six years, that is, 1998-2003. The conceptual framework evolved from the Just and Authorized Causes for dismissal of teachers guided by the provisions in the Labor Code of the Philippines specifically on grounds for dismissal as outlined in the Manual of Regulations for Private Schools. The Just and Authorized causes were grounds relied upon by the administrators in the dismissal of their faculty and contested by faculty reaching the Labor Department up to the Supreme Court. Hence, these annotated cases were analyzed, utilized as springboard auxiliary in the development of specific instructional modules for faculty of Legal Education course and students enrolled in the course. Consequently the learning gained from the course may be applied by these
graduate students who will be future administrators and be involved in the school operations.

Based on the findings of the study the following legal issues on dismissal of teachers reaching the Supreme Court were: a) illicit relationship between two married teachers vis-à-vis immorality; b) issues on backlages for legally and illegally dismissed teachers; c) attainment of permanent status by probationary teachers in private schools; d) expiration of teacher’s contract and its renewal; e) issues on serious misconduct among teachers; f) due process in the dismissal of teachers; g) right of the school in general to discipline erring teachers; and h) issues on abandonment of teachers of their employment.

As to remedies to the legal controversies, the following procedure were observed by the appellants or the petitioners: a) appeal to the Labor Arbiter; b) if not satisfied with the decision of the Arbiter, proceed to the National Labor Relations Commission (NLRC); c) if not satisfied with the decision of the NLRC, proceed to the Court of Appeals; and finally d) form the adverse decision of the Court of Appeals, the appellant can file the petition for review to the Supreme Court.

The Supreme Court resolved the cases by any of the following decisions: 1) Affirmation (decision of the Court of Appeals prevail); 2) Reversal (the Supreme Court sets aside/dishonors the decision of the Court of Appeals and in its place pronounces the new ruling/decision); 3)
Modifications (the Supreme Court partly adopts the objective decision of the Court of Appeals and adds pertinent matters that will clarify the court’s decision).

The twelve annotated cases were analyzed based on the nature of the controversy and the level i.e., elementary, secondary, and tertiary representing the locale of the case. As to the nature of controversy, the following were noted: a) immorality; b) abandonment; c) serious misconduct; and d) security of tenure. While as to the locale of the case, 4 were cases in the primary level; 6 were cases in the secondary level, and 2 were cases in the tertiary level.

Finally, after the thorough analyses of the cases, the study proposed instructional modules primarily based on the common grounds found in the 12 annotated cases deemed appropriate for a module development namely: Security of Tenure; Serious Misconduct; Due Process; and Willful Disobedience.

The study had the following conclusions: that 1) dismissal of teachers in the private schools may be caused by immorality, expiration of contract, serious misconduct, absence of due process, disobedience to school discipline and abandonment of employment in the case of tenured teachers; 2) the remedies to the legal controversies followed a distinct procedure: a) appeals to the Labor Arbiter; b) proceed to the National Labor Relations Commissions (NLRC) if not satisfied; c) proceed to the Court of Appeals if
not in agreement with NLRC; and finally d) the Supreme Court for review of the case; 3) the Supreme Court resolved the cases by any of the following decisions: a) Affirmation; b) Reversal; and c) Modification; 4) the twelve annotated cases were analyzed based on the nature of the controversy which were found as: a) immorality; b) abandonment; c) serious misconduct; and d) security of tenure while according to level majority were cases involving the secondary level and the least, tertiary level; 5) finally, based on the analysis of the cases 4 instructional modules deemed appropriate for study were proposed.

The study forwarded the following recommendations: 1) School administrators should clarify with their employees the legal issues on dismissal of teachers, issues that may affect the security of their tenure, their entitlements as to backwages, serious misconduct that can be grounds for dismissal and the rights of teachers to due process whether they are probationary or permanent status; 2) School Administrators must in any ways possible resolve issues before it reaches the Supreme Court; 3) Private Schools must revisit their Manual of Regulations to ensure the safety of both party, the school and the teachers and make adjustment in the policies if and when necessary favorable to both administrators and teachers; 4) Conduct orientation seminars to both permanent and probationary teachers on School Discipline and how they are governed by such policies and guidelines and the consequence of non-observance to the same, either in the form of
sanctions or, the worse dismissal; 5) Other legal grounds and issues may be studied by other researchers to come up with other sets of modules on Legal Education that will help current administrators, future administrators, graduate faculty and students and other teachers in school operations.