



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JOCELYN HERRERA-MANAOIS,
Petitioner,

G.R. No. 188914

Present:

— versus —

SERENO, *CJ*, Chairperson
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ*.

Promulgated:

ST. SCHOLASTICA'S COLLEGE,
Respondent.

DEC 11 2013

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DECISION

SERENO, *CJ*:

The present case concerns the academic qualifications required in attaining the status of a permanent full-time faculty member in the tertiary level of a private educational institution. Petitioner Jocelyn Herrera-Manaois (Manaois) assails the judgments¹ of the Court of Appeals (CA), which reversed the Resolution² of the National Labor Relations Commission (NLRC) and ruled that respondent St. Scholastica's College (SSC) was not guilty of illegal dismissal. SSC did not extend to Manaois the position of permanent full-time faculty member with the rank of instructor because she failed to acquire a master's degree and because her specialization could no longer be maximized by the institution due to the changes in its curriculum and streamlining.

¹ Both the Decision dated 27 February 2009 and the Resolution dated 22 July 2009 in CA-G.R. SP. No. 101382 were penned by CA Associate Justice Rosmari D. Carandang. Associate Justices Teresita Dy-Liacco Flores and Apolinario D. Bruselas, Jr. concurred in the Decision, while Associate Justices Remedios Salazar-Fernando and Apolinario D. Bruselas, Jr. concurred in the Resolution. *See: rollo*, pp. 35-57.

² The Resolution dated 27 July 2007 was penned by NLRC Commissioner Gregorio O. Bilog, III and concurred in by Commissioner Tito F. Genilo. Presiding Commissioner Lourdes C. Javier took no part in the proceedings. *See: rollo*, pp. 58-67.

THE FACTS

SSC, situated in the City of Manila, is a private educational institution offering elementary, secondary, and tertiary education. Manaois graduated from SSC in October 1992 with a degree in Bachelor of Arts in English. In 1994, she returned to her alma mater as a part-time English teacher. After taking a leave of absence for one year, she was again rehired by SSC for the same position. Four years into the service, she was later on recommended by her Department Chairperson to become a full-time faculty member of the English Department.

Manaois thus applied for a position as full-time instructor for school year 2000-2001. She mentioned in her application letter³ that she had been taking the course Master of Arts in English Studies, Major in Creative Writing, at the University of the Philippines, Diliman (UP); that she was completing her master's thesis; and that her oral defense was scheduled for June 2000. In a reply letter⁴ dated 17 April 2000, the Dean of Arts and Sciences informed her of the SSC Administrative Council's approval of her application. She was then advised to maintain the good performance that she had shown for the past years and to submit the necessary papers pertaining to her master's degree. Accordingly, SSC hired her as a probationary full-time faculty member with the assigned rank of instructor for the school year 2000-2001.⁵ Her probationary employment continued for a total of three consecutive years. Throughout her service as a probationary full-time faculty member with no derogatory record, she was given above-satisfactory ratings by both the Department Chairperson and the Dean of Arts and Sciences.

Because of the forthcoming completion of her third year of probationary employment, Manaois wrote the Dean of Arts and Sciences requesting an extension of her teaching load for the school year 2003-2004. She again mentioned in her letter that she was a candidate for a master's degree in English Studies; that the schedule of her oral defense may actually materialize anytime within the first academic semester of 2003; and that she intended to fully earn her degree that year. She also furnished the school with a Certification from UP, stating that she had already finished her coursework in her master's studies. Furthermore, she indicated that it was her long-term goal to apply for a return to full-time faculty status by then and for SSC to consider the aforesaid matters.⁶

Manaois eventually received a letter from the Dean of College and Chairperson of the Promotions and Permanency Board officially informing her of the board's decision not to renew her contract. The letter provides as follows:⁷

³ CA *rollo*, p. 38.

⁴ Id. at 39.

⁵ Id. at 40-43.

⁶ Id. at 47.

⁷ Id. at 48.

The Permanency Board reviewed your case and after a thorough deliberation, the members decided not to renew your contract for school year 2003-2004.

With due consideration to your services, the institution had granted your request for a three-year extension to finish your master's degree. However, you failed to comply with the terms which you yourself had requested. In addition, your specialization cannot be maximized at SSC due to the college's curriculum changes and streamlining.

It is with your best interest in mind and deep regret on our part that we have to let you go. A new environment may be able to provide you more avenues and opportunities where you can utilize your graduate studies in Creative Writing to the fullest.

Manaois sought clarification and reconsideration of the decision of SSC to terminate her services. SSC denied her request in a letter dated 11 July 2003. Consequently, she filed a complaint for illegal dismissal, payment of 13th month pay, damages, and attorney's fees against SSC.

SSC explained that upon consideration of the written application of Manaois, the Dean of Arts and Sciences wrote the following notation at the bottom of her letter of application – "APPROVED: on the basis that she finishes her MA."⁸ The college clarified that the application for full-time faculty status of Manaois was accepted with the specific qualification that she would submit the necessary papers pertaining to her master's degree. It stressed that permanency may only be extended to full-time faculty members if they had fulfilled the criteria provided in the SSC Faculty Manual. According to SSC, the Chair of the English Department did not endorse the application for permanency of Manaois, since the latter had not finished her master's degree within the three-year probationary period. SSC then refuted the supposed performance ratings of Manaois and instead pointed out that she had merely received an average rating from her students. Finally, it asserted that her specialization was the subject of writing and not English Literature, which was the subject area that they needed a faculty member for.

THE LABOR ARBITER RULING

On 16 July 2004, the labor arbiter rendered a Decision⁹ finding the dismissal of petitioner to be illegal. In addressing the issues, he first noted the two reasons given by SSC for not renewing the contract of Manaois: (1) the failure of petitioner to finish her master's degree within the three-year probationary period; and (2) SSC's inability to maximize petitioner's specialization due to curriculum changes and streamlining.

⁸ Id. at 38.

⁹ The Decision dated 16 July 2004 was penned by labor arbiter Ramon Valentin C. Reyes. *See: rollo*, pp. 69-78.

With respect to the first reason, the labor arbiter reiterated that the alleged handwritten notation on Manaois's employment application showing that the approval thereof was premised on her completion of a master's degree had not been disclosed or made known to her at the start of her engagement. In fact, she was not given a copy of the approval until it was attached to the position paper of SSC. The labor arbiter agreed with Manaois that the only credible evidence that a precondition had been set for the acceptance of her employment application was SSC's letter expressly stating that she must (a) maintain a good performance and (b) submit the necessary papers pertaining to her master's degree. Regarding these preconditions, the labor arbiter noted that the allegation concerning the mere average performance rating of Manaois given by the students was neither made known to her nor duly substantiated with documentary proof. Even so, the labor arbiter articulated that at the very least, the performance of Manaois during her three-year probationary employment was satisfactory, as admitted by SSC itself, thereby satisfying the first condition mentioned in the letter. The labor arbiter then considered the Certification issued by UP as sufficient evidence of Manaois's compliance with the second condition set by SSC.

Next, the labor arbiter noted that under the SSC Faculty Manual, the minimum requirements for the rank of instructor, for which petitioner had been hired under the employment contract, was a bachelor's degree with at least 25% units of master's studies completed. He then found that the requirement for a master's degree actually pertained to the rank of assistant professor, a position that had not been applied for by Manaois. Thus, he ruled that failure to finish a master's degree could not be used either as a ground for dismissing petitioner or as basis for refusing to extend to her a permanent teaching status.

Anent respondent's argument citing the Manual of Regulations for Private Schools, the labor arbiter ruled that the provisions therein were inapplicable insofar as the employment status of petitioner was concerned. He explained that the manual merely referred to the requirements for tertiary schools to be accredited and not to the employment conditions of the academic personnel. Thus, he pronounced that Sections 44(c) and 45 of the manual, which required tertiary schools to hire teachers who were holders of master's degrees, could not be used as basis for dismissing Manaois.

The labor arbiter then focused on the second reason of SSC as a reflection of the true motive behind the dismissal of Manaois. According to the labor arbiter, the clear import of the statement "your specialization cannot be maximized at SSC due to the college's curriculum changes and streamlining" was that SSC had already decided to terminate her services, regardless of the completion of her master's degree. The labor arbiter consequently ruled that this reason was not a valid cause for dismissing a probationary employee, reiterating that probationers may only be terminated either (a) for a just cause, or (b) for failure to qualify as a regular employee

in accordance with reasonable standards made known at the time of engagement. Ultimately, the labor arbiter pronounced that Manaois had attained permanent status and that SSC's nonrenewal of her contract must be deemed as a dismissal without just cause.

THE NLRC RULING

On 27 July 2007, the National Labor Relations Commission (NLRC) issued a Resolution¹⁰ upholding the labor arbiter's Decision. The NLRC reiterated the labor arbiter's finding that the failure of petitioner to finish her master's degree within the three-year probationary period was not a valid ground for the termination of employment, as the condition was not made known to her at the time of engagement. Furthermore, it reasoned that an average rating was not one of the just causes for dismissal under the Labor Code. Consequently, it affirmed the Decision of the labor arbiter *in toto*.

THE CA RULING

On 27 February 2009, the CA issued the presently assailed Decision reversing the NLRC judgment on the ground of grave abuse of discretion and thus dismissing the complaint of Manaois. According to the appellate court, it was compelled to conduct its independent evaluation of the facts of the case, since the factual findings of the labor arbiter and the NLRC were contrary to the evidence on record.

First, the CA ruled that various pieces of evidence showed that Manaois had been, at the time of engagement, aware and knowledgeable that possession of a master's degree was a criterion for permanency as a full-time faculty member at SSC. As early as April 2000, which was the period during which Manaois applied to become a full-time faculty member, she had already sent a letter indicating that she was completing her master's degree, and that the oral defense of her thesis was scheduled for June 2000. According to the appellate court, this fact reasonably implied that she was fully aware of the necessity of a master's degree in order for her to attain permanent status at SSC. Furthermore, it noted that Manaois submitted, together with her application letter, a Certification from UP stating that she had already finished her course work for her master's degree. It then deduced that this submission was proof that she had endeavored to substantially comply with one of the requirements for permanency.

The CA then juxtaposed her letter with the reply of SSC's Dean of Arts and Sciences, who said that petitioner must submit the necessary papers pertaining to the latter's master's degree, as represented in her application letter. It treated this reply as indubitable proof of SSC's appraisal of the requirement to obtain a master's degree. Consequently, the appellate court reasoned that the disclosure of the notation on petitioner's application letter was already inconsequential, since one of the topics of the exchange of

¹⁰ *Rollo*, pp. 59-67.

correspondences between the parties in April 2000 was the submission of petitioner's papers for her master's degree. This directive proffered no other interpretation than that the completion of a master's degree had been a precondition for the conferment of Manaois's permanent employment status.

The CA also noted that the employment contract of petitioner incorporated the conditions set in the SSC Faculty Manual. The manual explicitly stated that the criteria for permanency included the completion of a master's degree. According to the CA, the labor arbiter gravely erred when he solely relied on the minimum requirements provided for the rank of instructor. It stressed that the criteria cited for the rank of instructor referred to the basis on which full-time and part-time faculty members were ranked, and not to the requirements to be fulfilled in order to become a permanent faculty member. Instead, the appellate court agreed with SSC that what happened in this case was merely the expiration of an employment contract and the nonrenewal thereof. It pointed out that, in spite of the requests of Manaois for the extension of her employment in order for her to finish her master's degree, she failed to do so. In fact, she informed SSC that there was still no fixed schedule for her oral defense.

Thus, in the light of the foregoing pieces of evidence, the CA ruled that the labor arbiter and the NLRC committed grave abuse of discretion in ruling that petitioner had not been made aware of the reasonable standards of employment at the time of her engagement. Based on her own acts, Manaois knew of the necessity of obtaining a master's degree in order to attain permanent employment status. SSC was thus well within its rights not to renew her employment contract for her failure to qualify as a permanent full-time faculty member. Consequently, her complaint was dismissed.

THE ISSUE

Whether the completion of a master's degree is required in order for a tertiary level educator to earn the status of permanency in a private educational institution.

OUR RULING

Probationary employment refers to the trial stage or period during which the employer examines the competency and qualifications of job applicants, and determines whether they are qualified to be extended permanent employment status.¹¹ Such an arrangement affords an employer the opportunity – before the full force of the guarantee of security of tenure comes into play – to fully scrutinize and observe the fitness and worth of probationers while on the job and to determine whether they would become

¹¹ *Colegio del Santisimo Rosario v. Rojo*, G.R. No. 170388, 4 September 2013; *Mercado v. AMA Computer College-Parañaque City, Inc.*, G.R. No. 183572, 13 April 2010, 618 SCRA 218; *Magis Young Achievers' Learning Center v. Manalo*, G.R. No. 178835, 13 February 2009, 579 SCRA 421; *International Catholic Migration Commission v. National Labor Relations Commission*, 251 Phil. 560 (1989).

proper and efficient employees.¹² It also gives the probationers the chance to prove to the employer that they possess the necessary qualities and qualifications to meet reasonable standards for permanent employment.¹³ Article 281 of the Labor Code, as amended, provides as follows:

Art. 281. Probationary employment. Probationary employment shall not exceed six (6) months from the date the employee started working, unless it is covered by an apprenticeship agreement stipulating a longer period. **The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement.** An employee who is allowed to work after a probationary period shall be considered a regular employee. (Emphases supplied)

We agree with the CA in setting aside the NLRC Decision and in ruling that the requirement to obtain a master's degree was made known to Manaois. The contract she signed clearly incorporates the rules, regulations, and employment conditions contained in the SSC Faculty Manual, viz:¹⁴

I. EMPLOYMENT

A. x x x x

B. After having read and understood in full the contents of the COLLEGE UNIT's current FACULTY MANUAL, **the FACULTY MEMBER agrees to** faithfully perform all the duties and responsibilities attendant to her position as PROBATIONARY FULL-TIME FACULTY MEMBER and **comply with all the rules, regulations and employment conditions of the SCHOOL, as provided in said FACULTY MANUAL including any amendment/s pertinent to her position as may be hereinafter incorporated therein.**

x x x x

IV. EFFECTIVITY

A. The **SCHOOL has the right to terminate the FACULTY MEMBER'S services for** just cause such as, among others, **failure to comply with any of the provisions of the FACULTY MANUAL pertinent to her status as FULL-TIME PROBATIONARY FACULTY MEMBER.** (Emphases supplied)

The SSC Faculty Manual in turn provides for the following conditions in order for a faculty member to acquire permanent employment status:¹⁵

¹² Id.

¹³ Id.

¹⁴ CA *rollo*, pp. 40-42.

¹⁵ Id. at 43.

B. PERMANENCY

1. Prior to the end of the probationary period, the faculty member formally applies for permanency to her/his Department Chair/Coordinator. The Department Chair/Coordinator, in consultation with the faculty member, reviews the applicant's over-all performance. If the records show that the criteria for permanency are met, the applicant is recommended for permanency to the Promotions and Permanency Board by the Department Chair/Coordinator. In certain instances (i.e., when the Department Chair/Coordinator does not give a recommendation for permanency), the Academic Dean can exercise her prerogative to recommend the applicant.

X X X X

CRITERIA FOR PERMANENCY

1. **The faculty member must have completed at least a master's degree.**
2. The faculty member must manifest behavior reflective of the school's mission-vision and goals.
3. The faculty member must have consistently received above average rating for teaching performance as evaluated by the Academic Dean, Department Chair/Coordinator and the students.
4. The faculty member must have manifested more than satisfactory fulfillment of duties and responsibilities as evidenced by official records especially in the areas of: x x x
5. The faculty member must manifest awareness of and adherence to the school's code of ethics for faculty.
6. The faculty member must be in good physical health and manifest positive well being. (Emphasis supplied)

Viewed next to the statements and actions of Manaois – *i.e.*, the references to obtaining a master's degree in her application letter, in the subsequent correspondences between her and SSC, and in the letter seeking the extension of a teaching load for the school year 2003-2004; and her submission of certifications from UP and from her thesis adviser – we find that there is indeed substantial evidence proving that she knew about the necessary academic qualifications to obtain the status of permanency.

We also agree with the CA that the labor arbiter and the NLRC gravely misinterpreted the section in the SSC Faculty Manual, which purportedly provided for a lower academic requirement for full-time faculty members with the rank of instructor, regardless of whether they have attained permanency or are still on probation. The labor arbiter refers to the following section in the SSC Manual:¹⁶

¹⁶ Id. at 124.

B. ACCORDING TO RANK

Only full-time and half-time faculty members are ranked. Subsidiary faculty members follow a separate ranking system. Based on academic preparation, fulfillment of duties and responsibilities, performance, research, output and/or community service, a full-time or half-time faculty member may be appointed to any of the following ranks:

1. INSTRUCTOR

There are **4 probationary ranks** and **8 permanent ranks**

a. Minimum Requirements

1. A bachelor's degree with **at least 25% masteral units completed**
2. At least 2 years of teaching experience or its equivalent (i.e., 1 year supervisory or professional experience)

b. Promotion within the Rank

1. A minimum of 1 year in the present level for promotion to Instructor 2, 3, 4, and 5; a minimum of 2 years for promotion to Instructor 6, 7 and 8.
2. An Instructor at any level may be promoted to the rank of Assistant Professor upon fulfillment of all the qualifications and requirements of the said rank. (Emphases supplied)

As correctly pointed out by the CA, the aforecited minimum requirements provided for the rank of instructor merely refer to how instructors are ranked, and not to the academic qualifications required to attain permanency. It must be noted that the section in the SSC Faculty Manual on the ranking of instructors cover those who are still on probationary employment and those who have already attained permanency. It would therefore be erroneous to simply read the section on the ranking of instructors – without taking into consideration the previously quoted section on permanency – in order to determine the academic qualifications for the position of ***permanent full-time faculty member with the rank of instructor***. Thus, to properly arrive at the criteria, the sections on both the permanency and the ranking of an instructor, as provided in the SSC Manual, must be read in conjunction with each another.

At this juncture, we reiterate the rule that mere completion of the three-year probation, even with an above-average performance, does not guarantee that the employee will automatically acquire a permanent employment status.¹⁷ It is settled jurisprudence¹⁸ that the probationer can only qualify upon fulfillment of the reasonable standards set for permanent employment as a member of the teaching personnel. In line with academic freedom and constitutional autonomy, an institution of higher learning has

¹⁷ *Lacuesta v. Ateneo de Manila University*, 513 Phil. 329 (2005); *University of Santo Tomas v. National Labor Relations Commission*, 261 Phil. 483 (1990).

¹⁸ *Colegio del Santisimo Rosario v. Rojo*, supra note 11; *Lacuesta v. Ateneo de Manila University*, supra; *La Salette of Santiago, Inc. v. National Labor Relations Commission*, G.R. No. 82918, 11 March 1991, 195 SCRA 80; *Cagayan Capitol College v. National Labor Relations Commission*, G.R. Nos. 90010-11, 14 September 1990, 189 SCRA 658.

the discretion and prerogative to impose standards on its teachers and determine whether these have been met. Upon conclusion of the probation period, the college or university, being the employer, has the sole prerogative to make a decision on whether or not to re-hire the probationer. The probationer cannot automatically assert the acquisition of security of tenure and force the employer to renew the employment contract. In the case at bar, Manaois failed to comply with the stated academic qualifications required for the position of a permanent full-time faculty member.

Notwithstanding the existence of the SSC Faculty Manual, Manaois still cannot legally acquire a permanent status of employment. Private educational institutions must still supplementarily refer¹⁹ to the prevailing standards, qualifications, and conditions set by the appropriate government agencies (presently the Department of Education, the Commission on Higher Education, and the Technical Education and Skills Development Authority). This limitation on the right of private schools, colleges, and universities to select and determine the employment status of their academic personnel has been imposed by the state in view of the public interest nature of educational institutions, so as to ensure the quality and competency of our schools and educators.

The applicable guidebook²⁰ at the time petitioner was engaged as a probationary full-time instructor for the school year 2000 to 2003 is the 1992 Manual of Regulations for Private Schools (1992 Manual).²¹ It provides the following conditions of a probationary employment:

Section 89. Conditions of Employment. Every private school shall promote the improvement of the economic, social and professional status of all its personnel.

In recognition of their special employment status and their special role in the advancement of knowledge, the employment of teaching and non-teaching academic personnel shall be governed by such rules as may from time to time be promulgated, in coordination with one another, by the Department of Education, Culture and Sports and the Department of Labor and Employment.

Conditions of employment of non-academic non-teaching school personnel, including compensation, hours of work, security of tenure and labor relations, shall be governed by the appropriate labor laws and regulations.

Section 92. Probationary Period. **Subject in all instances to compliance with Department and school requirements, the**

¹⁹ See: *Colegio del Santisimo Rosario v. Rojo*, supra note 11; *Mercado v. AMA Computer College-Parañaque City, Inc.*, supra note 11; *Magis Young Achievers' Learning Center v. Manalo*, supra note 11; *Lacuesta v. Ateneo de Manila University*, supra note 17; *Cagayan Cagayan Capitol College v. National Labor Relations Commission*, supra; *University of Santo Tomas v. National Labor Relations Commission*, supra note 17.

²⁰ The Commission on Higher Education has issued the 2008 Manual of Regulations for Private Higher Education (CHED Memorandum Order No. 40, Series of 2008) during the pendency of this case.

²¹ Department of Education, Culture and Sports Order No. 92, S. 1992 (10 August 1992).

probationary period for academic personnel shall not be more than three (3) consecutive years of **satisfactory service** for those in the elementary and secondary levels, **six (6) consecutive regular semesters of satisfactory service for those in the tertiary level**, and nine (9) consecutive trimesters of satisfactory service for those in the tertiary level where collegiate courses are offered on the trimester basis.

Section 93. Regular or Permanent Status. **Those who have served the probationary period shall be made regular or permanent. Full-time teachers who have satisfactorily completed their probationary period shall be considered regular or permanent.** (Emphases supplied)

Considering that petitioner ultimately sought for the position of a permanent full-time instructor, we must further look into the following provisions under the 1992 Manual, which set out the minimum requirements for such status:

Section 44. Minimum Faculty Qualifications. The minimum qualifications for faculty for the different grades and levels of instruction **duly supported by appropriate credentials on file** in the school shall be as follows:

X X X X

c. Tertiary

(1) For undergraduate courses, other than vocational:

(a) **Holder of a master's degree, to teach largely in his major field;** or, for professional courses, holder of the appropriate professional license required for at least a bachelor's degree. Any deviation from this requirement will be subject to regulation by the Department.

Section 45. Full-time and Part-time Faculty. As a general rule, all private schools **shall employ full-time academic personnel consistent with the levels of instruction.**

Full-time academic personnel are those meeting all the following requirements:

a. **Who possess at least the minimum academic qualifications** prescribed by the Department **under this Manual for all academic personnel;**

b. Who are paid monthly or hourly, based on the regular teaching loads as provided for in the policies, rules and standards of the Department and the school;

c. Whose total working day of not more than eight hours a day is devoted to the school;

d. Who have no other remunerative occupation elsewhere requiring regular hours of work that will conflict with the working hours in the school; and

e. Who are not teaching full-time in any other educational institution.

All teaching personnel who do not meet the foregoing qualifications are considered part-time.

X X X X

Section 47. Faculty Classification and Ranking. At the tertiary level, the **academic teaching positions shall be classified in accordance with academic qualifications**, training and scholarship preferably into academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, without prejudice to a more simplified or expanded system of faculty ranking, at the option of the school.

Any academic teaching personnel who does not fall under any of the classes or ranks indicated in the preceding paragraph shall be classified preferably as professorial lecturer, guest lecturer, or any other similar academic designation on the basis of his qualifications. (Emphases supplied)

Thus, pursuant to the 1992 Manual, private educational institutions in the tertiary level may extend “full-time faculty” status only to those who possess, *inter alia*, a master’s degree in the field of study that will be taught. This minimum requirement is neither subject to the prerogative of the school nor to the agreement between the parties. For all intents and purposes, this qualification must be deemed impliedly written in the employment contracts between private educational institutions and prospective faculty members. The issue of whether probationers were informed of this academic requirement before they were engaged as probationary employees is thus no longer material, as those who are seeking to be educators are presumed to know these mandated qualifications. Thus, all those who fail to meet the criteria under the 1992 Manual cannot legally attain the status of permanent full-time faculty members, even if they have completed three years of satisfactory service.

In the light of the failure of Manaois to satisfy the academic requirements for the position, she may only be considered as a part-time instructor pursuant to Section 45 of the 1992 Manual. In turn, as we have enunciated in a line of cases,²² a part-time member of the academic personnel cannot acquire permanence of employment and security of tenure under the Manual of Regulations in relation to the Labor Code. We thus quote the ruling of this Court in *Lacuesta*, viz:²³

²² *Lacuesta v. Ateneo de Manila University*, supra note 17; *Cagayan Capitol College v. National Labor Relations Commission*, supra note 18; *University of Santo Tomas v. National Labor Relations Commission*, supra note 17.

²³ Supra note 17, at 336-337.

Section 93 of the 1992 Manual of Regulations for Private Schools provides that full-time teachers who have satisfactorily completed their probationary period shall be considered regular or permanent. Moreover, for those teaching in the tertiary level, the probationary period shall not be more than six consecutive regular semesters of satisfactory service. **The requisites to acquire permanent employment, or security of tenure, are (1) the teacher is a full-time teacher; (2) the teacher must have rendered three consecutive years of service; and (3) such service must have been satisfactory.**

As previously held, a part-time teacher cannot acquire permanent status. **Only when one has served as a full-time teacher can he acquire permanent or regular status.** The petitioner was a part-time lecturer before she was appointed as a full-time instructor on probation. **As a part-time lecturer, her employment as such had ended when her contract expired.** Thus, **the three semesters she served as part-time lecturer could not be credited to her** in computing the number of years she has served to qualify her for permanent status.

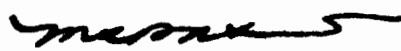
Petitioner posits that after completing the three-year [full-time instructor on] probation with an above-average performance, she already acquired permanent status. On this point, we are unable to agree with petitioner.

Completing the probation period does not automatically qualify her to become a permanent employee of the university. Petitioner could only qualify to become a permanent employee upon fulfilling the reasonable standards for permanent employment as faculty member. Consistent with academic freedom and constitutional autonomy, an institution of higher learning has the prerogative to provide standards for its teachers and determine whether these standards have been met. **At the end of the probation period, the decision to re-hire an employee on probation, belongs to the university as the employer alone.** (Emphases supplied)

For the foregoing reasons, we rule that there is no legal obligation on the part of SSC to reappoint Manaois after the lapse of her temporary appointment. We thus affirm *in toto* the findings of fact of the CA and rule that SSC is not guilty of illegal dismissal.

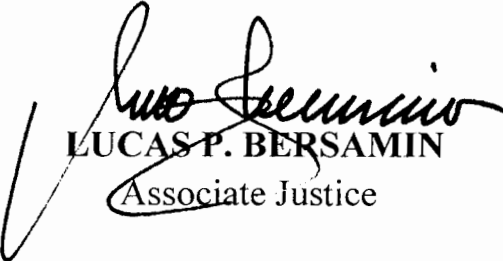
WHEREFORE, the petition is **DENIED** for lack of merit. Accordingly, the Court of Appeals Decision dated 27 February 2009 and the Resolution dated 22 July 2009 in CA-G.R. SP. No. 101382 are hereby **AFFIRMED.**

SO ORDERED.

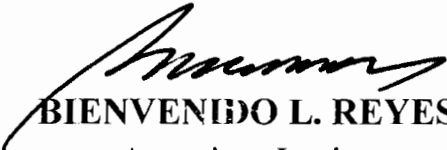

MARIA LOURDES P. A. SERENO
Chief Justice, Chaiperson

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

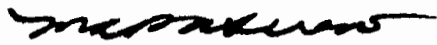

LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice