

**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**FIRST DIVISION**

**ANNIEBEL B. YONZON,**  
 Petitioner,

**G.R. No. 226244**

Present:

**GESMUNDO, C.J.,**  
*Chairperson,*  
**CAGUIOA,**  
**CARANDANG,**  
**ZALAMEDA, and**  
**GAERLAN, JJ.**

– versus –

**COCA-COLA BOTTLERS**  
**PHILIPPINES, INC.,**  
 Respondent.

Promulgated:  
**JUN 16 2021**

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**DECISION**

**CARANDANG, J.:**

Before Us is a Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated May 23, 2016 and Resolution<sup>3</sup> dated August 2, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 142076. The CA reversed and set aside the Decision<sup>4</sup> dated May 20, 2015 of the National Labor Relations Commission (NLRC). It declared that Coca-Cola Bottlers Philippines, Inc. (Coca-Cola) validly dismissed Anniebel B. Yonzon (Yonzon) from employment on the ground of loss of trust and confidence.<sup>5</sup>

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<sup>1</sup> *Rollo*, pp. 9-19.  
<sup>2</sup> Penned by Associate Justice Agnes Reyes-Carpio, with the concurrence Associate Justices Andres B. Reyes, Jr. (former Member of this Court) and Romeo F. Barza; *id.* at 25-30.  
<sup>3</sup> *Id.* at 23-24.  
<sup>4</sup> Penned by Commissioner Angelo Ang Palaña; *id.* at 31-37.  
<sup>5</sup> *Id.* at 30.

In her Position Paper,<sup>6</sup> Yonzon alleged that Coca-Cola hired her as an HR Generalist on December 1, 2010. However, she was terminated from employment on April 30, 2011 for failure to qualify according to the company's standard, which were not made known to her. She filed a complaint for illegal dismissal, regularization, damages, and attorney's fees against Coca-Cola, its Human Resources (HR) Head Domingo Lazaro Carranza (Carranza), and its HR Executive Sarah O. Villa (Villa), docketed as NLRC-NCR-05-08155-11 (first labor case). The Labor Arbiter (LA) dismissed the complaint for lack of merit. On appeal, the NLRC reversed the LA. It declared Yonzon's dismissal from work as illegal, thus it ordered Coca-Cola to reinstate her as a regular employee and to pay her full backwages from the date of her dismissal until the finality of the decision.<sup>7</sup> Yonzon filed a Motion for Partial Reconsideration<sup>8</sup> dated July 5, 2012, seeking payment of moral and exemplary damages and attorney's fees on the ground of Coca-Cola's bad faith in effecting her termination from service. She claimed that her health condition, having myomas, precipitated her dismissal. In the meantime, Coca-Cola reinstated Yonzon to the position of HR Staff and not HR Generalist. This prompted Yonzon to file a Motion for Execution dated October 22, 2012, praying for reinstatement in her original position with corresponding salary adjustment and for a pre-execution conference to determine the correct amount of backwages that she is entitled to.<sup>9</sup>

The Motion for Partial Reconsideration and the Motion for Execution remain unacted causing Yonzon to file a Motion<sup>10</sup> dated March 14, 2014 (Third Motion). Yonzon asked the NLRC to: (1) inquire into the correctness of her reinstatement and the corresponding recomputation of her wages; (2) order Coca-Cola to pay moral and exemplary damages, attorney's fees, and litigation costs; and (3) declare Carranza and Villa in contempt for subverting and contravening the NLRC Decision and existing labor laws and jurisprudence. To substantiate her claim of discrimination, Yonzon cited the salaries of the other four HR Generalist who were her junior. While they were receiving monthly salaries ranging from ₱23,309.00 to ₱29,193.00, Yonzon was receiving only ₱18,576.00.<sup>11</sup>

On March 21, 2014, Coca-Cola issued a Notice to Explain (NTE) and Preventive Suspension<sup>12</sup> placing Yonzon to a 30-day preventive suspension without pay due to her unauthorized disclosure of her co-employees' salaries in her Motion to Resolve before the NLRC. The NTE stated that Yonzon violated Coca-Cola's Disciplinary Rules and Regulations (Red Book), Code of Business Ethics (COBE) and the Labor Code. On March 25, 2014,

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<sup>6</sup> CA rollo, pp. 47-51.

<sup>7</sup> Rollo, pp. 59-61.

<sup>8</sup> Records, pp. 38-41.

<sup>9</sup> CA rollo, pp. 48-49.

<sup>10</sup> Id. at 63-66.

<sup>11</sup> Id. at 66. The four other HR Generalist are: Dimaano, Michelle Angeli Inigo with salary of ₱26,935.00; Postre, Leah Cereno with ₱29,193.00; Salunga, Michelle Ang with ₱26,000.00 and Reyes, Michelle Adrienne Cabayan, ₱23,309.00.

<sup>12</sup> Rollo, pp. 53-54.

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Yonzon explained that she did not disclose any trade secret or confidential information to Coca-Cola's competitors or any third party. Rather, she revealed the information to an officer of the court and embodied in a pleading filed with the NLRC.<sup>13</sup> On April 23, 2014, Coca-Cola dismissed Yonzon thru a Notice of Decision,<sup>14</sup> finding her guilty of unauthorized disclosure of confidential company information to third parties and loss of trust and confidence.<sup>15</sup>

On May 21, 2014, Yonzon filed the present complaint against Coca-Cola, Carranza, and Villa.<sup>16</sup> She argued that her disclosure of the salaries of her co-employees is not a valid ground for termination. The NLRC and her counsel are not business competitors of Coca-Cola. Yonzon maintained that she is not privy to any of the company's trade secrets, confidential materials or information, formulae, processes, or studies. The interpretation given by Coca-Cola to the pertinent portions of the Red Book and taking the same against her is absurd. Thus, Yonzon prayed that her termination be declared illegal. She also prayed for the payment of P300,000.00 moral damages, P1,000,000.00 exemplary damages, P50,000.00 attorney's fees, and P50,000.00 litigation costs.<sup>17</sup>

In their Position Paper,<sup>18</sup> Coca-Cola, Carranza, and Villa alleged that Yonzon was occupying the position of HR Administration Analyst tasked to perform various HR Services processes within her Region including the sensitive duty of employment data management and masterfile accuracy. As such, she was inevitably exposed to the business and operations of the company, including employee data which are either confidential or commercially sensitive and which are not readily available to competitors, third parties, or the general public.<sup>19</sup> In her Third Motion to the NLRC, Yonzon, without the consent of the company and her co-employees, disclosed and appropriated for her own benefit, the sensitive and confidential information regarding employee salary, which she obtained by virtue of her position. She did so wilfully and maliciously to further her own interest and to disturb the final resolution of the NLRC's Third Division in the first labor case. This prompted Coca-Cola to issue an NTE requiring Yonzon to explain in writing why she should not be terminated for potential violations of the following:

- a.) Rule 3, Section 31 of the Red Book: "Giving of, supplying, and disclosing to the unauthorized person or the competitors, classified trade secrets, and other confidential materials, information, data or documents relating to the Company's operations, programs formulae, processes, market studies, surveys, and other Company classified/restricted/confidential information,

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<sup>13</sup> Id. at 55.

<sup>14</sup> Id. at 46.

<sup>15</sup> Id.

<sup>16</sup> CA *rollo*, pp. 45-46.

<sup>17</sup> Id. at 50-51.

<sup>18</sup> Id. at 75-87.

<sup>19</sup> Id. at 77.



or other data, documents information similar to those enumerated herein.

- b.) Rule 5, Section 2 of the Red Book: Other acts of negligence or inefficiency in the performance of duties or in the care, custody, and/or use of Company of property, funds, and/or equipment;
- c.) Rule 5, Section 3 of the Red Book: Disregard or deviation from established control and other policies and procedures including but not limited to the care, custody, and/or use of Company property, funds, and/or equipment; or similar acts of omission;
- d.) KOF COBE, General Rules of Ethics Number 14: Obligation not to disclose confidential information regarding processes, methods, strategies, plans, projects, technical or market data, or information of any kind;
- e.) Article 282 of the Labor Code Breach of Trust and Confidence.<sup>20</sup>

Considering the gravity of the offenses committed and to avert further breach of proprietary information, Coca-Cola placed Yonzon to a preventive suspension of 30 days upon her receipt of the NTE. Yonzon filed an answer but did not attend the administrative hearings set by the company. Finding more than sufficient evidence to conclude that Yonzon was guilty of the charges against her, the company dismissed her from employment through a Notice of Decision.<sup>21</sup>

Coca-Cola, Carranza, and Villa asserted that Yonzon was dismissed with just cause and with due process. Yonzon's act of disclosing salary information without authorization or consent from the company or her co-employees constitutes serious misconduct and willful breach of the company's trust and confidence which are valid grounds for termination under Article 282 of the Labor Code. As an HR Administration Analyst entrusted with the handling, safekeeping, and management of confidential and otherwise commercially sensitive proprietary information, Coca-Cola has every reason to always require of her utmost diligence, dedication, and care in handling such information.<sup>22</sup> Accordingly, Yonzon is not entitled to her money claims and for damages. Carranza and Villa cannot also be held liable as corporate employees absent any proof that they acted maliciously or in bad faith.<sup>23</sup>

### **Ruling of the Labor Arbiter**

In her Decision<sup>24</sup> dated December 29, 2014, the LA dismissed the complaint for lack of merit as well as the claim for underpayment of salary for lack of basis.<sup>25</sup>

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<sup>20</sup> Id. at 77-78.

<sup>21</sup> Id. at 78.

<sup>22</sup> Id. at 83-84.

<sup>23</sup> Id. at 85-86.

<sup>24</sup> Penned by Labor Arbiter Beatriz T. De Guzman; *rollo*, pp. 58-70.

<sup>25</sup> Id. at 69.

The LA ruled that while no company trade secret was divulged by Yonzon, she, nonetheless, had no authority to disclose confidential information such as the salary of her co-employees. At the very least, she should have sought the consent of her co-employee before using the information for personal use. That she submitted the information to the NLRC to buttress her stance in her first labor case, was unacceptable. Her act of securing the information of her co-employees and using it without authorization, not only violated the company rules but also the right of her co-employees.<sup>26</sup>

The LA held that proof beyond reasonable doubt of an employee's misconduct is not required when loss of confidence is the ground for dismissal. It is sufficient if the employer has some basis to lose confidence or that the employer has reasonable ground to believe or to entertain the moral conviction that the employee concerned is responsible for the misconduct and that the nature of his/her participation therein rendered him/her unworthy of the trust and confidence demanded by his position. Here, Coca-Cola had a basis to lose trust and confidence with Yonzon.<sup>27</sup>

With respect to the claim of underpayment of salary, the LA noted that during the hearing held on September 16, 2014, Yonzon admitted that her claim refers to her compensation not being commensurate with her work. However, the LA has no basis to evaluate such allegation.<sup>28</sup>

Yonzon appealed to the NLRC.

### **Ruling of the National Labor Relations Commission**

In its Decision<sup>29</sup> dated May 20, 2015, the NLRC reversed the LA and declared Yonzon illegally suspended/dismissed from her job. It ordered Coca-Cola to reinstate Yonzon to her post and pay her backwages and other benefits to be computed from the time she was preventively suspended on March 21, 2014 until her actual reinstatement and attorney's fees equivalent to 10% of the total judgment award. All the other claims of Yonzon were denied for lack of legal and factual bases. Per computation of the NLRC as of May 13, 2015, the total monetary award of Yonzon is ₱313,152.52.<sup>30</sup>

The NLRC held that Yonzon's disclosure of her co-employees' salary in her Motion to Resolve did not violate Rule 3, Section 31 of Coca-Cola's Red Book. It noted that the only criterion to guide the exercise of the employer's management prerogative to discipline or to dismiss its erring employees is that the policies, rules and regulations or work-related

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<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> Id.

<sup>29</sup> Supra note 4.

<sup>30</sup> *Rollo*, pp. 38-39.

activities of the employees must always be fair and reasonable and the corresponding penalties, when prescribed, should be commensurate to the offense involved and to the degree of infraction.<sup>31</sup>

Coca-Cola classified the disclosure of employee salary as giving or supplying to unauthorized persons or competitors “other company classified/restricted/confidential information” because it is evident that it does not fall under “trade secret, data or document, formulae, processes, market studies, or surveys relating to the company’s operation.” However, such classification is too generic or vague which gives Coca-Cola ample room or leeway to categorize any information that it may desire and label the same as classified/restricted/confidential. The Red Book did not provide a specific list of data, information, or document nor does it given parameters which can be used in determining that such data, information, or document is indeed classified/restricted/confidential in nature. Coca-Cola did not state what makes the salaries of rank-and-file employees so sensitive and confidential such that the disclosure of the same to unauthorized persons or competitors would merit Yonzon’s dismissal from her job. The disclosure did not pose any threat nor put in Coca-Cola’s interest in jeopardy.<sup>32</sup>

The NLRC found that Rule 3, Section 31 of the Red Book is unfair and unjust for the employees because it can be used conveniently to categorize any data, document, or information as classified/restricted/confidential to the company’s advantage, but to the detriment of its employees. Hence, no violation was committed by Yonzon. Consequently, the charges of serious misconduct and willful breach of trust and confidence have no leg to stand on. The NLRC declared Yonzon’s preventive suspension and dismissal from service as illegal.<sup>33</sup>

Coca-Cola moved for reconsideration which the NLRC denied in its Resolution<sup>34</sup> dated July 8, 2015. It elevated the case to the CA *via* a petition for *certiorari*.

### **Ruling of the Court of Appeals**

In its Decision<sup>35</sup> dated May 23, 2016, the CA annulled and set aside the NLRC’s ruling and reinstated the Decision of the LA dismissing the complaint.<sup>36</sup>

The CA held that there is enough reason for Coca-Cola to dismiss Yonzon for loss of trust and confidence since she used her position to secure a favor for herself against the company. Yonzon cannot be allowed to use procedural shortcuts by using the data available to her to further her cause. The CA clarified that it is not saying that Yonzon cannot and should not use

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<sup>31</sup> Id. at 36.

<sup>32</sup> Id. at 35-36.

<sup>33</sup> Id. at 36.

<sup>34</sup> CA *rollo*, pp. 43-44.

<sup>35</sup> *Supra* note 2.

<sup>36</sup> *Rollo*, pp. 30.

the information about her co-employees' salary but she could have obtained the consent of the company or her co-employees.<sup>37</sup>

The CA explained that loss of trust and confidence is a just cause for termination of employment premised on the fact that the employee concerned holds a position of responsibility or trust and confidence. He/she must be invested with confidence on delicate matters, such as the custody, handling, or care and protection of the property and assets of the employer. In order to constitute a just cause for dismissal, the act complained of must be: (1) work-related; (2) must show that the employee is unfit to continue to work for the employer; and (3) founded on clearly established facts sufficient to warrant the employee's separation from employment.<sup>38</sup>

Yonzon filed a motion for reconsideration but the CA denied it in its Resolution<sup>39</sup> dated August 2, 2016.

Aggrieved, Yonzon filed this petition before Us. She reiterated the ruling of the NLRC that Rule 3, Section 31 of the Red Book is not fair and reasonable since it neither provided a specific list of data, information, or document nor indicated parameters in determining that a data, information, or document is classified/restricted/confidential in nature. She maintained that she did not disclose any company trade secret or confidential information or studies to any competitor or entity that may even be remotely interested in the salaries of rank-and-file employees for gain or whatever mercantile or sinister purpose which may put Coca-Cola, its employees, processes, products, or patronage in any possible jeopardy. The NLRC and Yonzon's counsel are not business competitors of Coca-Cola. They are not interested in any pursuit to take advantage of any information gained on the salaries of Coca-Cola's rank-and-file beyond the merits of the subject labor case.<sup>40</sup>

Yonzon further alleged that her disclosure of the salaries of her co-employees did not violate the Data Privacy Act of 2012 since under Section 13 thereof, the processing of personal information and privileged information is allowed if it concerns "personal information necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority."<sup>41</sup>

In its Comment, Coca-Cola repleaded its arguments before the LA that Yonzon held a position of trust and confidence and that she substantially committed a breach of trust when she disclosed employee salary, which is either confidential or commercially sensitive information.<sup>42</sup> Salaries of employees and other employee data are vital components of every business

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<sup>37</sup> Id. at 29.

<sup>38</sup> Id. at 29.

<sup>39</sup> Supra note 3.

<sup>40</sup> *Rollo*, pp. 16-17.

<sup>41</sup> Id. at 18.

<sup>42</sup> Id. at 193.



operations. Not only do they represent a large portion of the company's operating budget, but they also hugely contribute to the success and downfall of an enterprise. Thus, this kind of information are not readily available to competitors, third parties, or the public.<sup>43</sup>

Coca-Cola countered that Rule 3, Section 31 is not vague. Its negative covenant refers to confidential information, secrets, or data other than that which is within the public domain concerning the organization, finances, or transactions of affairs of the company, its employees, or its clients. It is absurd to require that every kind of information must be specifically categorized as confidential or sensitive before it can be classified as such. The ascertainable standard is whether the salary information of Yonzon and her co-employees is readily available to other persons.<sup>44</sup> Coca-Cola furthermore alleged that employee salary is protected by Data Privacy Act of 2012. Only salaries of government employees are excluded from the law's coverage. Also, contrary to the claim of Yonzon, processing of personal information is subject to the requirement that the data subject has given his or her consent.<sup>45</sup>

### Issue

The issue in this case is whether Yonzon was validly dismissed.

### Ruling of the Court

The petition is meritorious.

Yonzon was terminated from employment due to loss of trust and confidence. For her termination to be valid, two conditions must concur: (1) she must occupy a position of trust and confidence; and (2) there must be some basis for the loss of trust and confidence, that is, the employer must establish the existence of an act justifying the loss of trust of trust and confidence.<sup>46</sup> The first condition is missing.

Case law teaches that there are two classes of positions in which trust and confidence are reposed by the employer, namely, managerial employees and fiduciary rank-and-file employees. The first class are those vested with the powers or prerogatives to lay down management policies and to hire, transfer, suspend, lay-off, recall, discharge, assign or discipline employees or effectively recommend such managerial actions. The second class includes those who in the normal and routine exercise of their functions regularly handle significant amounts of money or property. Examples are cashiers, auditors, and property custodians.<sup>47</sup> Nevertheless, it is the nature

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<sup>43</sup> Id. at 196.

<sup>44</sup> Id. at 196-197.

<sup>45</sup> Id. at 198-199.

<sup>46</sup> *Coca-Cola Femsa Philippines, Inc. v. Alpuerto*, G.R. No. 226089, March 4, 2020, citing *Bravo v. Urios College*, 810 Phil. 603 (2017).

<sup>47</sup> *University of Manila v. Pinera*, G.R. No. 227550, August 14, 2019, citing *Wesleyan University Phils. v. Reyes*, 740 Phil. 297, 311 (2014).





and scope of the work and not the job title or designation which determines whether an employee holds a position of trust and confidence.<sup>48</sup> Thus, We held that a finance clerk, who is positioned at the gates of a warehouse and whose duties include goods receipt inventory, full goods verification, and encoding and recording duties of assets trafficked in and out of the warehouse, holds a position of trust and confidence.<sup>49</sup>

In this case, We rule that Yonzon does not fall in either classes of positions of trust and confidence. She is neither a managerial employee nor a fiduciary rank-and-file employee. Per the job description form attached in the Position Paper of Coca-Cola, the functions of an HR Administration Analyst are as follows:

- a.) handles all relevant information of the company through the generation and monitoring of communication campaigns and media used locally
- b.) supports the implementation of the activities derived from organizational climate survey
- c.) preparation and dissemination of Communications Campaigns/Specific Media
- d.) supports Social Development Plan and Social Responsibility activities
- e.) ontime and accurate HR Services processes for the Region
  - i. Payroll and benefits administration
  - ii. Timekeeping, absenteeism (and establish programs to help reducing the absenteeism justified and unjustified by the operational units), leave availments
  - iii. Employee Data Management/Masterfile Accuracy
  - iv. Tools of trade administration<sup>50</sup>

Clearly, Yonzon, in the normal and routine exercise of her functions, does not handle significant amount of money or property. Coca-Cola asserted that Yonzon holds a confidential position because she has access to the company's payroll system. However, in *San Miguel Foods, Inc. v. San Miguel Corp. Supervisors and Exempt Union*,<sup>51</sup> We declared that a payroll master and other employees who has access to salary and compensation data are not confidential employees since the nature of their work do not pertain to company rules and regulations and confidential labor relations.

In fine, the CA erred in ruling that Yonzon was validly dismissed from employment based on loss of trust and confidence.

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<sup>48</sup> *Coca-Cola Femsá Philippines, Inc. v. Alpuerto*, supra note 46, citing *Bravo v. Urios College*, 810 Phil. 603 (2017).

<sup>49</sup> *Coca-Cola Femsá Philippines, Inc. v. Alpuerto*, supra note 46.

<sup>50</sup> CA rollo, p. 94.

<sup>51</sup> 670 Phil. 421 (2011). In *San Miguel Foods*, We held that a payroll master and employees who has access to salary and compensation data cannot be excluded from the bargaining unit because the nature of their work do not pertain to company rules and regulations and confidential labor relations.



Meanwhile, We also find that Yonzon did not violate Section 3, Rule 31 of Coca-Cola's Red Book, which prohibits the following:

Giving of, supplying, and disclosing to the unauthorized person or the competitors, classified trade secrets, and other confidential materials, information, data or documents relating to the Company's operations, programs formulae, processes, market studies, surveys, and other Company classified/restricted/confidential information, or other data, documents information similar to those enumerated herein.<sup>52</sup>

As correctly noted by the NLRC, the prohibition stated above pertains to three different categories of information, which are:

- a) Classified trade secrets and other confidential materials, information, data or documents relating to the company's operations, program formulae, processes, market studies, surveys;
- b) Other company classified/restricted/confidential information; or
- c) Other data, documents information similar to those enumerated herein.<sup>53</sup>

Evidently, data on employee salary does not fall in the first category. It may pertain to the second or third category because they are broad enough to accommodate any information which Coca-Cola may deem or treat as confidential/classified/restricted. For this very reason, Rule 3, Section 31 of the Red Book is unfair and unreasonable. It suffers from vagueness. While the adoption and enforcement of the provisions of the Red Book is a valid exercise of Coca-Cola's management prerogative, such exercise is not absolute and unbridled. An employer must ensure that its rules and regulations on work-related activities of the employees must be fair and reasonable and the corresponding penalties, when prescribed is commensurate to the offense involved and to the degree of the infraction.<sup>54</sup>

In *Mirant (Philippines) Corp. v. Caro*,<sup>55</sup> We find that the term "unjustified refusal" is unclear with respect to the policy of the employer providing that an employee's "unjustified refusal" to submit to a random drug testing shall be punishable by the penalty of termination for the first offense. There, the management did not clarify to its employees what types of acts would fall under the purview of "unjustified refusal." Similarly, here, Coca-Cola did not give any examples or standards on how an information may be considered as confidential/classified/restricted leaving the same subject to the company's whims and caprices. As such, it is unreasonable to hold Yonzon liable for violation of Rule 3, Section 31 of the Red Book.

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<sup>52</sup> *Rollo*, p. 34.

<sup>53</sup> *Id.* at 35.

<sup>54</sup> *Mirant (Philippines) Corp. v. Caro*, 734 Phil. 160 (2014).

<sup>55</sup> *Id.*



Article 1702 of the New Civil Code states that “[i]n case of doubt, all labor legislation and all labor contracts shall be construed in favor of the safety and decent living for the laborer.” Hence, the ambiguous provision of the Red Book should not prejudice the rights of Yonzon against an illegal dismissal.<sup>56</sup>

Notably, even assuming that Coca-Cola has a legitimate company policy against disclosure of employee salary, still Yonzon cannot be held liable because she revealed the salary of her co-employees to the NLRC for the sole purpose of comparison, that is, to show the court that she was unjustly discriminated against by her employer, notwithstanding the order of reinstatement without loss of seniority rights in her favor in the first labor case. Yonzon had no sinister motive in disclosing the salaries of her co-employees who she alleged to be her junior in rank but whose salaries are higher than hers.

Since Yonzon was illegally dismissed, she is entitled to reinstatement without loss of seniority rights and other privileges and to her full backwages, inclusive of allowances, and other benefits or their monetary equivalent computed from the time her compensation was withheld from her up to the time of her actual reinstatement. However, Yonzon’s reinstatement is rendered impossible and unreasonable given the length of time that passed since the controversy started on March 21, 2014. Thus, separation pay equivalent to one month salary for every year of service, in lieu of reinstatement, is proper.<sup>57</sup>

Since Yonzon was compelled to litigate her case to protect her rights and interest, she is entitled to attorney’s fees equivalent to 10% of the total monetary award. The total monetary awards shall be subject to legal interest at the rate of six percent (6%) *per annum* from the date of the finality of this Decision until full payment.<sup>58</sup>

As regards the claim for moral and exemplary damages, Yonzon failed to prove by clear and convincing evidence that Coca-Cola was motivated with bad faith in effecting her termination.

**WHEREFORE**, the petition is **GRANTED**. The Decision dated May 23, 2016 and the Resolution dated August 2, 2016 of the Court of Appeals in CA-G.R. SP No. 142076 are **REVERSED** and **SET ASIDE**, and the Decision dated May 20, 2015 of the National Labor Relations Commission is **REINSTATED with MODIFICATION** in that petitioner Anniebel B. Yonzon is awarded separation pay equivalent to one (1) month salary for every year of service in lieu of reinstatement. The total monetary awards shall be subject to a legal interest at the rate of six percent (6%) *per annum* from the finality of this Decision until full satisfaction.

<sup>56</sup> *Id.*  
<sup>57</sup> *Doctor v. NII Enterprises*, 821 Phil. 251, 270 (2017).

<sup>58</sup> *PNO Development and Management Corp. v. Gomez*, G.R. Nos. 220526-27, July 29, 2019

**SO ORDERED.**

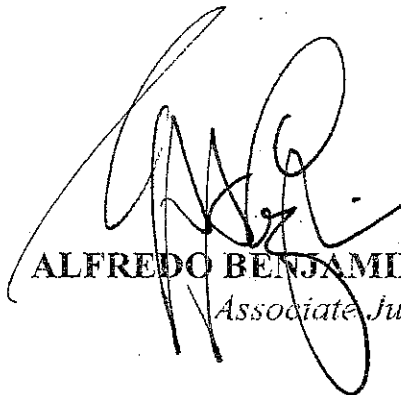


**ROSMARID D. CARANDANG**  
*Associate Justice*

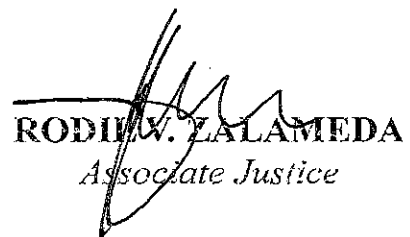
**WE CONCUR:**




**ALEXANDER G. GESMUNDO**  
*Chief Justice*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**RODIL W. ZALAMEDA**  
*Associate Justice*



**SAMUEL H. GAERLAN**  
*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.



**ALEXANDER G. GESMUNDO**  
*Chief Justice*