

## Awards and Reliefs of Illegally Dismissed Employees: What the Law States and What Jurisprudence Grants

*Clariesse Jami Mari A. Chan*

*59 ATENEO L.J. 810 (2014)*

*SUBJECT(S): ILLEGALLY DISMISSED EMPLOYEES,*

*KEYWORD(S): ILLEGALLY DISMISSED EMPLOYEES, SECURITY OF TENURE, BACK WAGES, REINSTATEMENT*

The Labor Code is the codification of the labor laws of the Philippines, and is the primary basis for resolving issues on labor relations and disputes. It was promulgated and took effect in 1974. From its promulgation until the present, it has undergone numerous amendments through Republic Acts Nos. 6715 and 10151, among others.

However, no other provision, aside from Article 294 [279], in the Labor Code addresses the issue of reliefs and remedies to be granted to illegally dismissed employees. This results to inconsistencies in the decisions of the Supreme Court in awarding reliefs to illegally dismissed employees. Such arbitrariness in the reliefs and remedies awarded violates the employees' right to security of tenure, as granted by both the Constitution and the Labor Code.

This Note discusses the following points: (1) security of tenure as defined by Constitution and the Labor Code, and how the due process defined in both laws is reconciled to safeguard such right; (2) the violation of illegally dismissed employees' rights to security of tenure due to the limitation of remedies granted by law, resulting to inconsistencies in jurisprudence; and (3) the granting of back wages and other monetary remedies to illegally dismissed employees, and how the Court determines their amount. Due to the lack of laws catering to the reliefs and remedies that can be availed by illegally dismissed employees, the right to security of tenure of these employees are constrained by the interpretation and application of the Court of Article 294 [279].

While the Author acknowledges the two remedies currently granted by Article 294 [279] and the different rulings of the Court, she proposed in her Conclusion some amendments to make the law clear, consistent, and updated in addressing the different situations of illegally dismissed employees.