

# Legal issues and family matters



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## Due process and two-notice rule in the termination of employment; employee must be given five (5) calendar days to answer the charges against him

The Supreme Court in the case of **Genuino vs. NLRC G.R. Nos. 142732-33, December 04, 2007** discussed the requirements for the two-notice rule which constitutes due process in the termination of employment. Citing the case of **King of Kings Transport, Inc. v. Mamac**, the Supreme Court explained:

**[A]** The first written notice to be served on the employees should contain the specific causes or grounds for termination against them, and a directive that the employees are given the opportunity to submit their written explanation within a reasonable period.

“Reasonable opportunity” under the Omnibus Rules means every kind of assistance that management must accord to the employees to enable them to prepare adequately for their defense. This should be construed as a period of **at least five (5) calendar days from receipt of the notice** to give the employees an opportunity to study the accusation against them, consult a union official or lawyer, gather data and evidence, and decide on the defenses they will raise against the complaint.

Moreover, in order to enable the employees to intelligently prepare their explanation and defenses, the notice should contain a detailed narration of the facts and circumstances that will serve as basis for the charge against the employees. A general description of the charge will not suffice. Lastly, the notice should specifically mention which company rules, if any, are violated and/or which among the grounds under Art. 282 is being charged against the employees.

**[B]** After serving the first notice, the employers should schedule and conduct a hearing or conference wherein the employees will be given the opportunity to:

- (1) explain and clarify their defenses to the charge against them;*
- (2) present evidence in support of their defenses; and*
- (3) rebut the evidence presented against them by the management. During the hearing or conference, the employees are given the chance to defend themselves personally, with the assistance of a representative or counsel of their choice. Moreover, this conference or hearing could be used by the parties as an opportunity to come to an amicable settlement.*

**[C]** After determining that termination of employment is justified, the employers shall serve the employees a written notice of termination indicating that:

- (1) all circumstances involving the charge against the employees have been considered; and*
- (2) grounds have been established to justify the severance of their employment.*

### How to be saved and go to heaven

**Accept that you are a sinner and that your good works, ethical conduct or religion cannot save you.** Romans 3:10, Romans 3:23  
**Believe on the Lord Jesus Christ that He alone can save you.**

Romans 6:23, Romans 10:13, Acts 16:31

**Confess and repent of your sins.** Luke 13:3, Isaiah 1:18

**Delay not in receiving Jesus Christ into your heart.**

2 Corinthians 6:2, Proverbs 27:1

**Pray and ask the Lord to save you now:** “Dear Lord, I believe that Christ died and shed His precious blood to save my soul. Be merciful to me a sinner, forgive my sins and save me in Jesus’ name. Lord Jesus, I now accept you as my Savior. Amen.”

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