



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 15, 2022** which reads as follows:*

**“G.R. No. 249747 (LBP Service Corporation, petitioner v. Felipe V. Tuppil, Eulogio C. Mallillin,\* Greggo N. Alilin\*\* and Pablo L. Galano, respondents).**

After a review of the records, the Court resolves to **DENY** the motion for reconsideration for being a mere rehash of the arguments in the petition.

However, there is a need to **DELETE** the Court of Appeals’ award of nominal damages for lack of basis.

Under the Civil Code, nominal damages are adjudicated in order that a right of a plaintiff, which has been violated or invaded by another, may be vindicated or recognized without having to indemnify the plaintiff for any loss he suffered. In labor cases, nominal damages are awarded when an employer removes an employee for a just or authorized cause but without complying with the requirements of due process.<sup>1</sup>

In this case, respondents were illegally dismissed. As the fact of illegal dismissal had already been established, respondents are entitled to two (2) separate and distinct reliefs, namely: 1) backwages;

- over – three (3) pages ...

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\* Also referred to as “Eulogio C. Mallillin” in some parts of the *rollo*.

\*\* Also referred to as “Greggo N. Alilin” in some parts of the *rollo*.

<sup>1</sup> See *Agabon v. National Labor Relations Commission*, 485 Phil. 248, 288 (2004); citing *Viernes v. National Labor Relations Commission*, 448 Phil. 690, 703-704 (2003); and *Navotas Shipyard Corporation v. Montallana*, 730 Phil. 279, 290 (2014). See also *Distribution & Control Products, Inc. v. Santos*, 813 Phil. 423, 433 (2017), and *Monsanto Philippines, Inc. v. National Labor Relations Commission*, G.R. No. 230609-10, August 27, 2020 where the Court affirmed the Court of Appeals’ Decision which deleted the award of nominal damages by the National Labor Relations Commission for lack of basis given that the employees’ were found to be illegally dismissed by their respective employers.

and 2) reinstatement or the payment of separation pay if reinstatement is no longer viable.<sup>2</sup> The Court of Appeals accordingly awarded respondents backwages, separation pay, and attorney's fees, with legal interest.<sup>3</sup>

The finding of illegal dismissal is clearly discordant with the award of nominal damages.

**WHEREFORE**, premises considered, the motion for reconsideration is **DENIED**. The December 5, 2019 Resolution<sup>4</sup> of the Court is **AFFIRMED** with **MODIFICATION** that the award of nominal damages is **DELETED**.

The respondents' manifestation and comment (on petitioners' motion for reconsideration) praying, among others, that the petitioner's motion for reconsideration be denied for utter lack of merit is **NOTED**.

**NO FURTHER** pleadings, motions, letters or other communications shall be entertained herein.

Let an **ENTRY** of judgment in this case be issued immediately.

**SO ORDERED.**"

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court  
941B

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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- over -



<sup>2</sup> *Fabricator Philippines, Inc. v. Estolas*, 818 Phil. 1035, 1044 (2017).

<sup>3</sup> Pursuant to *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

<sup>4</sup> *Rollo*, pp. 365-366.

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(NLRC Case Nos. RAB II 09-00266-2015  
& RAB II 09-00267-2015)

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