



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 25, 2022, which reads as follows:

“UDK No. 17479 (*Jeannette C. Lagaras v. Punta De Fabian Resort, Incorporated and Maria Teresita Fabian Pamintuan*). – Petitioner Jeanette C. Lagaras’ prayer to litigate as an indigent party is GRANTED.

After a careful review of the records, the Court resolves to DENY the petition for review on *certiorari* for failure of petitioner to sufficiently show that the Court of Appeals (CA) committed a reversible error in finding that she was validly dismissed from employment on the ground of loss of trust and confidence. Albeit, respondents Punta De Fabian Resort, Incorporated and Maria Teresita Fabian Pamintuan failed to observe procedural due process, warranting the award to petitioner of nominal damages in the amount of ₱30,000.00. The CA also correctly sustained the courts *a quo*’s award to petitioner of proportionate 13th month pay in the amount of ₱31,269.58 as well as the denial of the payment for service incentive leave pay and commission for lack of factual and legal basis.

Meanwhile, conformably with *Nacar v. Gallery Frames*,¹ the assailed Decision² of the CA is modified in that legal interest at the rate of six percent (6%) *per annum* is imposed on the total monetary award from the finality of this Resolution until full payment.

WHEREFORE, the petition for review on *certiorari* is **DENIED** for lack of merit. The Decision dated May 25, 2021 and the Resolution dated February 23, 2022 of the Court of Appeals in CA-G.R. SP No. 152466 are **AFFIRMED with MODIFICATION** in that legal interest at the rate of six percent (6%) *per annum* is imposed on the total monetary award from the finality of this Resolution until full payment.

¹ 716 Phil. 267 (2013).

² *Rollo*, pp. 52-66; penned by Associate Justice Louis P. Acosta with Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua concurring.

SO ORDERED.”

By authority of the Court:

MisPOC Beth
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Division Clerk of Court *10/19/22*

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