



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 31, 2022** which reads as follows:*

“**G.R. No. 247433** (*Ruben Anguac Yamilao, Petitioner v. Global Toledo & Alquino Security Agency, Inc. and Rolando T. Toledo, Respondents*). —This Court resolves a Motion for Reconsideration¹ filed by petitioner Ruben Anguac Yamilao (*Yamilao*) assailing this Court’s Resolution² dated September 2, 2019, denying his Petition for Review on *Certiorari* for failure to show any reversible error in the challenged decision and resolution of the Court of Appeals (*CA*) as to warrant the exercise of the Court’s discretionary appellate jurisdiction.³

Yamilao was employed as a security guard of Global Toledo & Alquino Security Agency, Inc. (*GTASAI*) from February 15, 2012 until May 16, 2013. His last assignment was at New Haven Village Homeowners Association, Inc. (*NHVAI*). Yamilao averred that he had been placed on floating status on May 16, 2013. Still eager to work, Yamilao allegedly continued to report for work almost every week and asked for his new assignment but was never given one. Believing that he had been dismissed from service, he filed a Complaint for illegal dismissal and payment of his monetary benefits against *GTASAI*, and its chairman and chief executive officer, Rolando T. Toledo (*Toledo*).⁴

GTASAI and *Toledo* countered that *NHVAI* terminated its service contract effective April 30, 2013, which caused Yamilao to be displaced.⁵ As a result, *GTASAI* issued a Memorandum⁶ dated September 19, 2013 informing him to choose his assignment. However, instead of replying, he opted to file a complaint for illegal dismissal and payment of monetary benefits.⁷

¹ *Rollo*, pp. 175-181.

² *Id.* at 173. (Minute Resolution)

³ *Id.*

⁴ *Id.* at 39, 107-109.

⁵ *Id.* at 138.

⁶ *Id.* at 139.

⁷ *Id.* at 39.

On June 30, 2014, the Labor Arbiter (*LA*) rendered its Decision⁸ dismissing Yamilao's complaint.⁹

On appeal, the National Labor Relations Commission (*NLRC*) issued its Decision¹⁰ dated November 25, 2014 affirming with modification the ruling of the *LA*. The *NLRC* awarded the payment of 13th month pay and service incentive leave pay reckoned from the date of his employment on February 15, 2012 until May 16, 2013.¹¹ In a Resolution¹² dated January 9, 2015, the *NLRC* denied the motion for reconsideration Yamilao filed.¹³

In a Decision¹⁴ dated October 17, 2018, the *CA* denied the petition of Yamilao and affirmed *in toto* the ruling of the *NLRC*. Yamilao sought reconsideration¹⁵ which was denied in a Resolution¹⁶ dated May 15, 2019.

Undaunted, Yamilao filed the Petition for Review on *Certiorari* before this Court. In a Resolution¹⁷ dated September 2, 2019, this Court denied his petition for failure to show any reversible error in the challenged decision and resolution as to warrant the exercise of the Court's discretionary appellate jurisdiction.¹⁸ Hence, Yamilao filed a motion for reconsideration.

In Yamilao's Motion for Reconsideration,¹⁹ he argues that: (1) he did not receive any new job assignment offer;²⁰ (2) he was effectively placed on floating status because after the lapse of six months, he was not given any duty;²¹ and (3) *GTASAI* failed to prove that Yamilao was correctly paid in accordance with labor standards.²²

The Motion for Reconsideration must be denied. This Court finds no compelling reason to warrant the reversal of the Resolution dated September 2, 2019 affirming the ruling of the *CA*. The arguments petitioner raised in

⁸ Penned by Labor Arbiter Romelita N. Rioflorida; id. at 144-149.

⁹ Id. at 149.

¹⁰ Penned by Commissioner Angelo Ang Palaña with Presiding Commissioner Herminio V. Suelo and Commissioner Numeriano D. Villena, concurring; id. at 76-81.

¹¹ Id. at 81.

¹² Penned by Commissioner Angelo Ang Palana with Presiding Commissioner Herminio V. Suelo and Commissioner Numeriano D. Villena, concurring; id. at 87-88.

¹³ Id.

¹⁴ Penned by Associate Justice Maria Elisa Scipio Diy with Presiding Justice Romeo F. Barza and Associate Justice Elihu A. Ybanez, concurring; id. at 38-45.

¹⁵ Id. at 50.

¹⁶ Id. at 47-50.

¹⁷ Id. at 173.

¹⁸ Id.

¹⁹ Id. at 175-179.

²⁰ Id. at 175-176.

²¹ Id. at 176.

²² Id. at 176-178.

the present motion are not materially different from those he raised in his petition that have already been considered and passed upon by this Court.

As have been explained by the CA, petitioner was unable to refute the offer of respondent GTASAI to give him a new assignment. Instead, he merely berated his employer for failing to attach the registry return card as proof that he received a copy of the memorandum sent to him. Petitioner's claim was belied by the observation of the NLRC that "respondents were able to attach the registry receipt showing that the abovementioned memorandum was sent to complainant on September 20, 2013, through registered mail."²³ Hence, petitioner was unable to prove that he was constructively dismissed from his employment.²⁴

Under ordinary circumstances, petitioner's reinstatement would have been ordered. However, Section 5 of Republic Act No. 5487²⁵ specifically states that the age requirement for a security guard should be "not less than 21 nor more than 50 years of age." Here, petitioner no longer fits the age requirement for a security guard, and thus, could no longer be reinstated.²⁶

Anent petitioner's money claims, the CA properly denied the same for lack of substantiation. Except for the 13th month pay and service incentive leave pay already awarded, petitioner failed to state with particularity any other labor standard benefit which the employer failed to pay him.²⁷

Nevertheless, in accordance with the ruling in *Nacar v. Gallery Frames*,²⁸ legal interest at the rate of six percent (6%) *per annum* must be imposed on the total monetary award from the finality of this Resolution until full payment.

FOR THESE REASONS, the Motion for Reconsideration is **DENIED**. The Resolution of this Court dated September 2, 2019 is **AFFIRMED** with **MODIFICATION**. Respondents Global Toledo & Alquino Security Agency, Inc. and Rolando T. Toledo are jointly and severally ordered to pay petitioner Ruben Anguac Yamilao 13th month pay, and service incentive leave pay reckoned from the date of his employment on February 15, 2012 until May 16, 2013.

The foregoing monetary award shall earn six percent (6%) legal interest *per annum* from the finality of this Resolution until fully paid.

²³ Id. at 80.

²⁴ Id. at 43.

²⁵ Otherwise known as "The Private Security Agency Law".

²⁶ *Rollo*, pp. 43-44.

²⁷ Id. at 80-81, 148.

²⁸ 716 Phil. 267 (2013).

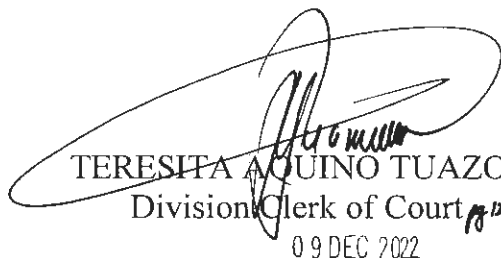
This Court remands the case to the Computation Department of the Labor Arbiter for the proper computation of the monetary award due to petitioner Ruben Anguac Yamilao.

The case is hereby **CLOSED** and **TERMINATED**. No further pleadings or motions should be allowed.

Let entry of final judgment be issued immediately.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
09 DEC 2022

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*with a copy of the Resolution dated September 2, 2019

Please notify the Court of any change in your address.

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