



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 10, 2023**, which reads as follows:

“G.R. No. 265264 (Renante C. Rodriguez, Petitioner, versus Plant Fuel Development Corp., formerly Carica Herbal Health Products, Inc., and Florentina Tan, Respondents) — Considering the allegations, issues, and arguments, adduced in the Petition for Review on *Certiorari*,¹ the Court resolves to DENY it for failure of petitioner Renante C. Rodriguez (petitioner) to show that the Court of Appeals (CA) committed any reversible error in its assailed Decision² dated July 22, 2022, and Resolution³ dated January 13, 2023, in CA-G.R. SP No. 165055. The CA did not err when it: (1) affirmed the Decision⁴ dated August 30, 2019, of the National Labor and Relations Commission (NLRC) in NLRC LAC No. 05-001994-19 (NLRC Case No. SRAB-IV 06-06453-16-Q) that reversed the Decision⁵ dated April 8, 2019 of the Labor Arbiter (LA) and (2) ruled that respondent Plant Fuel Development Corp (PFDC) validly dismissed petitioner from employment.

The Court stresses that a petition for review on *certiorari* under Rule 45 of the Rules of Court is limited only to questions of law. Factual questions are not the proper subject of an appeal by *certiorari*. The Court will not review facts, as it is not its function to analyze or weigh all over again evidence already considered in the proceedings below.⁶ However, the Court may review factual issues in a labor case when the factual findings of the LA on one hand and the NLRC and the CA on the other are contradictory, such as in the case.⁷

¹ Rollo, pp. 11-38.

² Id. 40-57. Penned by Associate Justice Rex Bernardo L. Pascual and concurred in by Associate Justices Myra V. Garcia-Fernandez and Tita Marilyn B. Payoyo-Villordon.

³ Id. 59-61. Penned by Associate Justice Rex Bernardo L. Pascual and concurred in by Associate Justices Myra V. Garcia-Fernandez and Tita Marilyn B. Payoyo-Villordon.

⁴ Id. 89-115. Penned by Commissioner Leonard Vinz O. Ignacio and concurred in by Commissioners Grace M. Venus and Mary Ann F. Plata-Daytia.

⁵ Id. at 183-189. Penned by Labor Arbiter Melchisedek A. Guan.

⁶ *Rogelia R. Gatan and the Heirs of Bernardino Gatan, namely: Rizalino Gatan and Ferdinand Gatan v. Jesusa Vinarao, and Spouses Mildred Cabauatan and Nomar Cabauatan*, 820 Phil. 257 (2017).

⁷ See *Lufthansa Technik Philippines, Inc. v. Cuizon*, 870 Phil. 573 (2020).

Nevertheless, it is also important to stress that “in a Rule 45 review in labor cases, the Court examines the CA’s Decision from the prism of whether [in a petition for certiorari], the latter had correctly determined the presence or absence of grave abuse of discretion in the NLRC’s Decision,”⁸ and “not on the basis of whether the NLRC decision on the merits of the case was correct.”⁹

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, and it must be shown that the discretion was exercised arbitrarily or despotically.¹⁰ There is grave abuse of discretion on the part of the NLRC when its findings and conclusions are not supported by substantial evidence, *i.e.*, that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. Such grave abuse of discretion on the part of the NLRC warrants the grant of the extraordinary remedy of *certiorari*.¹¹

Guided by the foregoing, the Court finds that the CA was correct when it denied the petition and ruled that the NLRC did not commit any grave abuse of discretion.

Jurisprudence has defined misconduct as “a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, willful in character, and implies wrongful intent and not mere error in judgment.”¹² As a ground for dismissal, the following requisites must concur: (1) the misconduct must be serious; (2) it must relate to the performance of the employee’s duties, showing that the employee has become unfit to continue working for the employer; and (3) it must have been performed with wrongful intent.¹³

In the case, the CA correctly agreed with the NLRC that the acts of petitioner constituted serious misconduct. As the supervisor assigned to PFDC’s Virgin Coconut Oil (VCO) department, he was tasked, among others, to supervise the workers assigned to the department; check the quality of filtered coconut oil; approve production reports; and prepare the payroll of those assigned in his department. However, instead of ensuring the smooth operations of the VCO department, petitioner, expressly instructed his subordinates to stop and walk-out of PFDC’s premises. Petitioner’s act resulted in the contamination and wastage of hundreds of kilos of split-opened coconuts and raw materials which were the primary ingredients used in the VCO department. Further, as aptly observed by the CA, petitioner’s acts were performed in front of his co-employees which evidently showed

⁸ *Slord Development Corp. v. Noya*, 846 Phil. 380 (2019).

⁹ *Fuji Television Network, Inc. vs. Espiritu*, 749 Phil. 388 (2014).

¹⁰ *Leonis Navigation Co., Inc. v. Villamater*, 629 Phil. 81 (2010).

¹¹ *Ace Navigation Co. v. Garcia*, 760 Phil. 924, 932 (2015); *Mercado v. AMA Computer College-Parañaque City, Inc.*, 632 Phil. 228, 248 (2010).

¹² *Empas v. Mariwasa Siam Ceramics, Inc.*, G.R. No. 246176 (Notice), December 7, 2021, citing *Sterling Paper Products Enterprises, Inc. v. KMM-Katipunan*, 815 Phil. 425, 435 (2017).

¹³ *G & S Transport Corp. v. Medina*, G.R. No. 243768, September 5, 2022.

his intention to disrespect, humiliate, and disrupt PFDC's business.

Undoubtedly, petitioner's acts were (1) serious in nature as they were committed against the property of PFDC; (2) related to his position as the supervisor of the VCO department for which he is no longer fit to continue; and (3) performed with wrongful intent.

Thus, having been dismissed for a just cause, petitioner is not entitled to his claims for backwages and separation pay.

However, while there was a valid ground for the dismissal of petitioner, PFDC failed to comply with the twin requirements of notice and hearing. The record is bereft of evidence that PFDC served petitioner with the required first notice apprising him of the particular acts or omissions for which his dismissal was sought. Indubitably, PFDC immediately terminated petitioner's services through a "Notice of Termination and Notice of Closure of the VCO Production" dated March 7, 2016.

Following *Agabon v. NLRC*,¹⁴ the Court agrees with the NLRC and the CA that PFDC is liable to pay nominal damages of ₱30,000.00 to petitioner for disregarding his right to statutory due process. Thus, the Court imposes legal interest on such monetary award in favor of petitioner at the rate of 6% *per annum* reckoned from the finality of this Resolution until its full payment.¹⁵

WHEREFORE, the petition is **DENIED**. The Decision dated July 22, 2022 and Resolution dated January 13, 2023, of the Court of Appeals in CA-G.R. SP No. 165055 are **AFFIRMED** with **MODIFICATION** in that the total judgment award shall be subject to legal interest at the rate of 6% *per annum* from the finality of this Resolution until its full satisfaction.

The case is **REFERRED** to the Labor Arbiter for determination of whether the total monetary award has already been fully or partially satisfied. Any unpaid amount should be further satisfied or any excess payment returned to petitioner Renante C. Rodriguez.

SO ORDERED."

By authority of the Court:

MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
10/10/23

¹⁴ 485 Phil. 248 (2004).

¹⁵ See *Lara's Gifts and Decors, Inc. v. Midtown Industrial Sales, Inc.*, 860 Phil. 744,764 (2019).

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(NLRC Case No. SRAB-IV 06-06453-16-Q)

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