



Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 8, 2014 which reads as follows:

“G.R. No. 213515 (Emelia Ancajas v. Phoenix Publishing House, Inc., Pilar Balbin, Modesto Lumban, Roy Rabor, and Tessa Denilla).

After a judicious perusal of the records, the Court resolves to **DENY** the petition and **AFFIRM** the March 19, 2014 Decision¹ and July 3, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 06293 for failure of Emelia Ancajas (petitioner) to sufficiently show that the CA committed any reversible error in holding that respondent Phoenix Publishing House, Inc. (Phoenix) validly dismissed her from service.

As correctly ruled by the CA, Phoenix clearly and convincingly established the concurrence of the two requisites for a valid dismissal on the ground of loss of trust and confidence,³ considering that: (a) as an Accounting Head, petitioner occupied a position of trust and confidence; and (b) aside from her previous infractions, petitioner was also responsible for the tampering of time cards and the disbursement of overtime pay without proper substantiation, resulting in monetary prejudice on the part of Phoenix and ultimately the latter’s loss of trust and confidence in her.

- over – two (2) pages

¹ Rollo, pp. 19-28. Penned by Associate Justice Gabriel T. Ingles with Associate Justices Marilyn B. Lagura-Yap and Ma.Luisa C. Quijano-Padilla, concurring.

² Id. at 40-41.

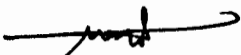
³ “The first requisite for dismissal on the ground of loss of trust and confidence is that the employee concerned must be one holding a position of trust and confidence. x xxThe second requisite is that there must be an act that would justify the loss of trust and confidence. Loss of trust and confidence to be a valid cause for dismissal must be based on a wilful breach of trust and founded on clearly established facts. The basis for the dismissal must be clearly and convincingly established but proof beyond reasonable doubt is not necessary.” (*Prudential Guarantee and Assurance Employee Labor Union v. National Labor Relations Commission*, G.R. No. 185335, June 13, 2012, 672 SCRA 375, 387; citations omitted.)

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The Court further resolves to ***DIRECT*** the Cash Collection and Disbursement Division to ***RETURN*** to the petitioner the excess amount of ₱470.00 paid for filing fees under O.R. No. 0099547 dated August 12, 2014.

SO ORDERED.” ***SERENO, C.J.***, on leave; ***VELASCO, JR., J.***, acting member per S.O. No. 1772 dated August 28, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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Judgment Division (x)
Supreme Court

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RAB Case No. VII-05-0969-2010)

Cash Collection and Disbursement
Division (x)
Supreme Court

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