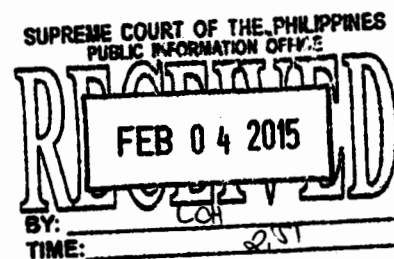




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 3, 2014** which reads as follows:*

“G.R. No. 213995 (Aurea G. Liyag, Marlon Pitao, Arra F. Balonzo, Joan Cuyo, Odelon B. Pabilonia, Amelia G. Taiño, Arnold L. Lebrilla, Efren Perez, Alfredo B. Abejar, Melchor T. Feliciano, Jr., Joel T. Tayamora, Arden T. Valente, Arnelo P. Estrellado, Sr., Merlyn Canceran, Irene B. Abijar, Anvie Rabutazo, Lucita M. Lebrilla, Rosie Ramirez, Erickson B. Custodio, Joselito V. Gojas, Lita Rodillas, and Romnick A. Mariñas v. PK Paradise Resort, Soon Shin Lee, and Jinky Lee). - The petitioners’ motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the August 30, 2013 and August 26, 2014 Resolutions¹ of the Court of Appeals (CA) in CA-G.R. SP No. 131128 for failure to sufficiently show that the CA committed any reversible error in holding respondent PK Paradise Resort solely liable for the monetary awards of petitioners.

As correctly held by the CA, no grave abuse of discretion can be attributed to the National Labor Relations Commission in absolving Soon Shin Lee and Jinky Lee from any personal liability in the absence of evidence showing that they acted maliciously and in bad faith. It is settled that the following requisites must be present in order to hold an officer personally liable for corporate obligations, *i.e.*, 1) complainant must allege

- over – two (2) pages

258

¹ Rollo, pp. 26-31 and 33-34, respectively. Penned by Associate Justice Myra V. Garcia-Fernandez with Associate Justices Magdangal M. de Leon and Stephen C. Cruz, concurring.

in the complaint that the director or officer assented to patently unlawful acts of the corporation, or that the officer was guilty of gross negligence or bad faith; and, 2) complainant must clearly and convincingly prove such unlawful acts, negligence or bad faith,² both of which are absent in this case.

Moreover, findings of fact of the labor tribunals, as affirmed by the CA, are generally binding and conclusive upon the Court,³ and are not to be disturbed unless they fall under the recognized exceptions,⁴ which do not obtain in this case.

The Court of Appeals and the National Relations Commission are **DELETED** as party respondents in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court *mmw*

258

Atty. Benito C. Torralba
Counsel for Petitioners
Blk. 61, Lot 16, Phase I
Golden City Subdivision
Sta. Rosa City 4026 Laguna

Atty. Aristotle M. Fayre
Counsel for Respondents
Suites 2503-2504, Atlanta Centre
No. 31 Annapolis St.
Greenhills, San Juan City 1503

Judgment Division (x)
Supreme Court

Court of Appeals (x)
Manila
(CA-G.R. SP No. 131128)

PK Paradise Resort
Mr. Soon Shin Lee & Jinkee Lee
Respondents
Brgy. Pinagsanjan, Pagsanjan
4008 Laguna

NATIONAL LABOR RELATIONS
COMMISSION
PPSTA Bldg., Banawe St.
1100 Quezon City
(NLRC LAC No. 10-002936-12[8];
NLRC CN RAB-IV-08-01206-11-L)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

SR

² *Francisco v. Mallen, Jr.*, G.R. No. 173169, September 22, 2010 631 SCRA 118, 123-124; citations omitted.

³ *Acevedo v. Advanstar Company, Inc.*, 511 Phil. 279, 287 (2005).

⁴ *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, G.R. No. 190515, June 6, 2011, 650 SCRA 656, 660.

