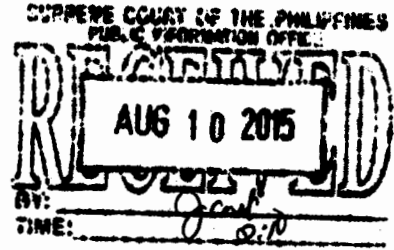




Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 22, 2015 which reads as follows:

“G.R. No. 217683 (Benjamin M. Parilla, Jr. v. Gillimac’s Marketing, Inc.). – The petitioner’s 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 review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the August 29, 2013 Decision¹ and March 17, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 05956 for failure of petitioner Benjamin M. Parilla, Jr. to show that the CA committed any reversible error in upholding his transfer to respondent Gillimac’s Marketing, Inc.’s Lipa City Branch, with the same position as collector.

As correctly found by the CA, the act of an employer in directing the transfer of an employee to other branches when necessity demands is a valid exercise of management prerogative. In *Mojar v. Agro Commercial Security Service Agency, Inc.*,³ the Court ruled that an employer has the right to transfer or assign its employees from one office or area of operation to another in pursuit of its legitimate business interest, provided there is no demotion in rank or diminution of salary, benefits, and other privileges; and the transfer is not motivated by discrimination or bad faith, or effected as a form of punishment or demotion without sufficient cause,⁴ which exceptions do not obtain in this case.

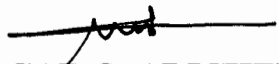
- over - two (2) Pages

¹ *Rollo*, pp. 39-49. Penned by Associate Justice Maria Elisa Sempio Diy with Associate Justices Edgardo L. Delos Santos and Pamela Ann Abella Maxino concurring.
² *Id.* at 57-58. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. Delos Santos and Renato C. Francisco concurring.
³ G.R. No. 187188, June 27, 2012, 675 SCRA 323, 337; citation omitted.
⁴ *Id.* at 339. See also *Herida v. F & C Pawnshop and Jewelry Store/Florete, Jr.*, 603 Phil. 385, 391 (2009); citations omitted.

FW

SO ORDERED.” SERENO, C.J., on official leave; PERALTA, J., acting member per S.O. No. 2103 dated July 13, 2015. LEONARDO-DE CASTRO, J., on official leave; LEONEN, J., acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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(NLRC Case No. VAC-11-000679-10;
RAB Case No. VIII-04-00113-2010)

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