



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 June 2020** which reads as follows:*

“G.R. No. 239463 (Romulo S. Cruz v. Republic Corrugated Cartons and Alcohol, Inc. [formerly Republic Corrugated Cartons] and Marcelo Tan). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the August 31, 2017 Decision² and the April 10, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 09119 for failure of petitioner Romulo S. Cruz (petitioner) to sufficiently show that the CA committed any reversible error in upholding the validity of his dismissal and in awarding the amount of ₱30,000.00 as nominal damages.

As correctly ruled by the CA, petitioner was validly dismissed from employment on the ground of gross and habitual neglect of duty. The frequent and repeated tardiness committed by petitioner from 1999 to 2013 is tantamount to gross and habitual neglect of duty, considering that: (a) his acts evince a thoughtless disregard of consequences without exerting any effort to avoid them;⁴ and (b) he repeatedly committed the same for a period of time.⁵ In this regard, it is settled that an employee may be dismissed based on the totality of infractions or the number of violations committed during the period of employment, since the fitness for continued employment cannot be compartmentalized into tight little cubicles of aspects of character, conduct, and ability separate and independent of each other,⁶ as in this case.

Finally, the amount of ₱30,000.00 as nominal damages is warranted, since petitioner was not given a reasonable opportunity to answer the charges against him. As aptly noted by the CA, petitioner was already dismissed from employment

¹ Rollo, pp.

² Id. at 18-27. Penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap, concurring.

³ Id. at 29-30.

⁴ See *Acebedo Optical v. NLRC*, 554 Phil. 524 (2007).

⁵ See *Mansion Printing Center v. Bitara, Jr.*, 680 Phil. 43 (2012).

⁶ See *Cebu People's Multi-Purpose Cooperative v. Carbonilla, Jr.*, 779 Phil. 563 (2016), citing *Realda v. New Age Graphics, Inc.*, 686 Phil. 1110 (2012).

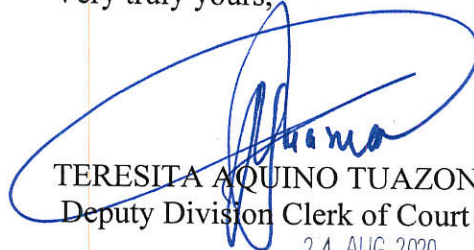
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even prior to the receipt of his notice to explain. Accordingly, he was not given a real opportunity to be heard before he was terminated from employment.

SO ORDERED. (Gaerlan, J., designated Additional Member per Special Order No. 2780 dated May 11, 2020, on leave.)”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *11/25/24*
24 AUG 2020

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RAB Case No. VII-02-0449-2014)

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