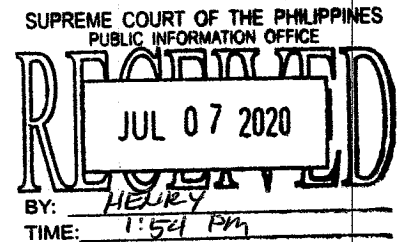




Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 11, 2020**, which reads as follows:

“G.R. No. 250023 (Randy R. Talento, Joel S. Mingua, John Harry P. David, Romeo U. Pardo, Dante M. Abante, Roy M. Cuervo and Apolinar P. Villasin v. R.E.U. Marketing and Rico E. Uy). – This is an appeal by *certiorari* assailing the Decision¹ dated March 27, 2019 and Resolution² dated October 14, 2019 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 155832.

The case stemmed from a complaint for illegal dismissal filed by Randy R. Talento, Joel S. Mingua, John Harry P. David, Romeo U. Pardo, Dante M. Abante, Roy M. Cuervo and Apolinar P. Villasin (*petitioners*) against R.E.U. Marketing and Rico E. Uy (*respondents*). Petitioners were hired as drivers and helpers (*pahinante*) who were tasked to load the goods onto the trucks they were assigned and deliver them to different customers. Respondent Rico E. Uy (*Uy*) asserts that there was valid cause for dismissal on the ground of breach of trust.

On October 3, 2016, petitioners were accused of stealing goods from the warehouse which resulted in the filing of criminal cases against them for qualified theft and their subsequent termination from employment.³

Uy became suspicious of petitioners when they kept on choosing to load the goods at night until early morning and upon discovering that there were missing goods in the warehouse. Thus, on October 3, 2016, when he saw the trucks still in town when they supposedly should have been out to deliver the goods, Uy sought the assistance of the police to inspect the trucks. Upon inventory, he discovered that there were excess goods loaded into the trucks.

¹ *Rollo*, pp. 57-63; penned by Associate Justice Edwin D. Sorongon with Associate Justices Sesinando E. Villon and Germano Francisco D. Legaspi, concurring.

² *Id.* at 65-66; penned by Associate Justice Edwin D. Sorongon with Associate Justices Ramon A. Cruz and Germano Francisco D. Legaspi, concurring.

³ *Rollo*, p. 58.

Petitioners were immediately apprehended and charged in the Office of the Provincial Prosecutor for qualified theft.⁴

The Labor Arbiter (*LA*) dismissed petitioners' complaint for lack of merit. On appeal, the National Labor Relations Commission (*NLRC*) affirmed the *LA*'s decision but with the modification of granting nominal damages to petitioners for failure of Uy to observe procedural due process. It held that loss of confidence as a just cause for dismissal is applicable to situations where the employee is routinely charged with the care and custody of the employer's money or property. Citing *Manila Midtown Commercial Corporation v. Nuwhrain*,⁵ the *NLRC* stated that with respect to petitioners, who may be considered as rank and file personnel, loss of trust and confidence as a ground for valid dismissal requires proof of involvement in the alleged events in question, and mere uncorroborated assertions and accusations by the employer is not sufficient.⁶ Thus, in this case, the *NLRC* found the inquest resolution of the prosecutor as sufficient corroborating evidence, especially since petitioners failed to defeat the presumption of regularity in the official performance of the prosecutor's duties.⁷

The *CA* likewise affirmed the decision of the *NLRC*. The *CA* held that pursuant to the Court's ruling in *Lopez v. Alturas Group of Companies and/or Uy*,⁸ petitioners' act of stealing the property owned and entrusted to them by their employer constitutes sufficient ground to terminate their employment on the ground of loss of trust and confidence. The act of stealing property of the employer constitutes serious misconduct and is a just cause for termination under Article 297 of the Labor Code. Considering that petitioners were dismissed for a just cause, there is no basis to grant their monetary claims.

Hence, this appeal.

After a careful review of the records, the Court resolves to **DENY** the petition for failure to sufficiently show that the *CA* committed any reversible error as to warrant the exercise of the Court's appellate jurisdiction.

Petitioners call upon the review of factual matters as found by the lower tribunals when they question the findings that they participated in the pilferage of goods. We emphasize, however, that the Court is not a trier of facts, and this rule applies with greater force in labor cases. Generally, We may only

⁴ *Rollo*, p. 59.

⁵ 242 Phil. 681 (1988).

⁶ *Id.* at 686.

⁷ *Rollo*, pp. 183-184.

⁸ 663 Phil. 121 (2011).

look into factual issues in labor cases when the factual findings of the LA, the NLRC, and the CA are conflicting,⁹ which is not the case here.

Considering that the LA, the NLRC, and the CA consistently found no merit on the charge of illegal dismissal, the Court sees no compelling reason to depart from their judgment on this score. Respondents had substantially proven that the termination was for a just and valid cause; and the three (3) tribunals convincingly agreed. Hence, if there is no cogent reason to hold otherwise, the Court defers to the findings of the foregoing tribunals on petitioners' question of fact. We see no reason to review again the evidence, as opposed to petitioners' mere denials and assumptions of malicious filing of complaints.

WHEREFORE, the petition is **DENIED**.

SO ORDERED."

Very truly yours,

Misael DC Batt
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Division Clerk of Court
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⁹ *HSY Marketing Ltd., Co. v. Villastique*, 793 Phil. 560, 568 (2016).