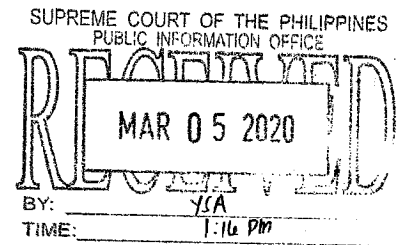




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila  
SECOND DIVISION



**NOTICE**

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2020** which reads as follows:

“G.R. No. 250692 (*Datem, Inc. vs. Honorable Court of Appeals and Joselito Delos Santos*). – The Court **NOTES** the *ex-parte* manifestation dated 28 January 2020 of counsel for petitioner, submitting two (2) additional copies of the petition.

After a careful review of the records of the case, the Court finds the petition for review on *certiorari*<sup>1</sup> to be lacking in merit. The Court finds no reversible error on the part of the Court of Appeals when it declared that the National Labor Relations Commission did not commit grave abuse of discretion in affirming the ruling of the Labor Arbiter that respondent Joselito Delos Santos is a regular employee of petitioner Datem, Inc. and that he was illegally dismissed. As such, he is entitled to backwages, separation pay, in lieu of reinstatement, and attorney’s fees. In line with well-established jurisprudence,<sup>2</sup> the Court deletes the award of nominal damages which can only be awarded in favor of an employee in a case where a valid cause for dismissal exists but the employer fails to observe procedural due process in dismissing the employee, which is not the case here. The Court sustains the imposition by the Court of Appeals of interest at the rate of six percent (6%) *per annum* on the total monetary awards, computed from the date of finality of this Resolution until fully paid.

**WHEREFORE**, the Court resolves to **DENY** the instant petition. The Decision<sup>3</sup> dated 26 June 2019 and the Resolution<sup>4</sup> dated 26 November 2019 of the Court of Appeals, 11<sup>th</sup> Division,

<sup>1</sup> *Rollo*, pp. 12-35.

<sup>2</sup> *Libcap Marketing v. Baquial*, 737 Phil. 349, 360-364 (2014).

<sup>3</sup> *Rollo*, pp. 41-54.

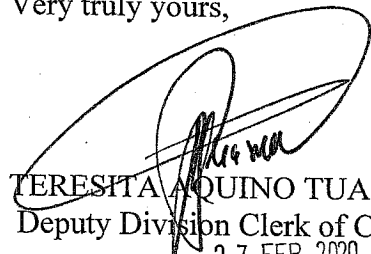
<sup>4</sup> *Id.* at 55-56.

*1/1/20*

in CA-G.R. SP No. 153652 are hereby **AFFIRMED WITH MODIFICATION** in that the award of nominal damages in favor of respondent Joselito Delos Santos is **DELETED**.

**SO ORDERED.** *Hernando, J., on official leave.*”

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
27 FEB 2020 p 2/27

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(NLRC Case No. NCR-08-10299-16)

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COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. No. 153652

\*with copy of CA Decision dated 26 June 2019 &  
CA Resolution dated 26 Nov. 2019.  
*Please notify the Court of any change in your address.*  
GR250692. 02/03/20(121 & 138)adv