



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **18 January 2021** which reads as follows:*

“G.R. No. 254072 (Sandra C. Fulgado v. Telstra International Philippines, Inc. and Jo Anne Hernandez) – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Resolutions dated June 29, 2020² and October 20, 2020³ of the Court of Appeals (CA) in CA-G.R. SP No. 163734 for failure of petitioner Sandra C. Fulgado (petitioner) to sufficiently show that the CA committed any reversible error in upholding the National Labor Relations Commission’s finding⁴ that her dismissal was valid and in denying her money claims.

As correctly ruled by the CA, petitioner’s substantiated repeated commission of call avoidance in violation of the company rules and regulation was a valid cause to terminate her employment. Hence, the denial of petitioner’s claims for backwages and separation pay is sustained for lack of basis. Likewise, the claim for moral and exemplary damages is denied absent a showing of bad faith on the part of respondents Telstra International Philippines, Inc. and Jo Anne Hernandez, while the award of attorney’s fees is in accordance with Article 111⁵ of the Labor Code.⁶

¹ *Rollo*, pp. 13-36-A.

² *Id.* at 42-48. Penned by Associate Justice Myra V. Garcia-Fernandez with Associates Justice Fernanda Lampas Peralta and Ruben Reynaldo G. Roxas, concurring.

³ *Id.* at 50-51.

⁴ See Decision dated July 22, 2019 and Resolution dated October 1, 2019 of the NLRC in NLRC LAC No. 03-001223-19 penned by Commissioner Gina F. Cenit-Escoto with Presiding Commissioner Gerardo C. Nograies, concurring; *id.* at 75-102 and 104-105, respectively.

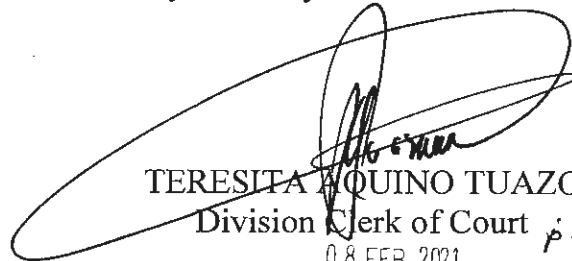
⁵ Article 111. Attorney’s fees – (a) In cases of unlawful withholding of wages, the culpable party may be assessed attorney’s fees equivalent to ten percent of the amount of wages recovered.

(b) It shall be unlawful for any person to demand or accept, in any judicial or administrative proceedings for the recovery of wages, attorney’s fees which exceed ten percent of the amount of wages recovered.

⁶ See CA Resolution, *id.* 43-47.

SO ORDERED. (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020; on official leave).”

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court *p 2/5*
08 FEB 2021

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Please notify the Court of any change in your address.
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