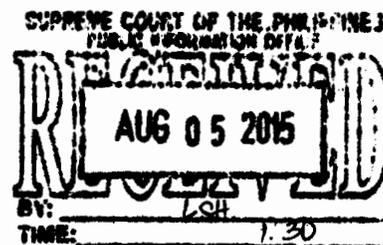




Republic of the Philippines
Supreme Court
 Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

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

“G.R. No. 214146 (Jell Transport, Inc., Johnny N. Ong, and Elena S. Ong (now San Pedro) v. United Independent Labor Union of the Philippines (UNILUP), Arnel G. Pante, Alvin Alondra, Lito Aquino, Alberto Lorca, Roger Sabaot, Reynaldo Puyo, Jeremiah Macadulay, Lomer Gregorio, Francisco Llera, Carmelo Carandang, Elias Armamento, and Roberto* Gonzales). - After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the February 25, 2014 Decision¹ and August 27, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 131628 for failure of petitioners Jell Transport, Inc., Johnny N. Ong, and Elena S. Ong (petitioners) to show that the CA committed any reversible error in ascribing no grave abuse of discretion on the part of the National Labor Relations Commission (NLRC) in finding that: (a) *res judicata* does not apply in this case; (b) individual respondents were constructively dismissed; and (c) they are entitled to separation pay equivalent to one-half (½) month salary for every year of service, as well as Emergency Cost of Living Allowance and attorney’s fees.

As correctly ruled by the CA, for *res judicata* to apply, there must be a confluence of the following requisites: (1) the judgment must be final; (2) the court that rendered judgment must have jurisdiction over the parties and

- over - two (2) pages

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* Erroneously spelled as “Roberto” in the Petition for Review; *rollo*, p. 11.

¹ Id. at 32-40. Penned by Associate Justice Hakim S. Abdulwahid with Associate Justices Romeo F. Barza and Ramon A. Cruz concurring.

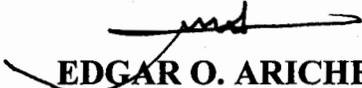
² Id. at 42-43.

June 22, 2015

the subject matter; (3) it must be a judgment on the merits; and (4) there must be between the first and second actions identity of parties, subject matter, and cause of action. As the complainants in NLRC LAC No. 09-002480-12 (NLRC Case No. 12-18271-11) decided by the NLRC³ on January 7, 2012⁴ which Decision became final on June 17, 2013⁵ involved a different set of complainants, the requirement of identity of parties for *res judicata* to apply is lacking. With respect to the other issues raised, the Court shall no longer delve upon them as findings of fact of the labor tribunals, as affirmed by the CA, are generally binding and conclusive upon this Court⁶ and are not to be disturbed unless they fall under the recognized exceptions,⁷ which do not obtain in this case.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court, Manila
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NLRC-NCR-11-16486-12)

Court of Appeals (x)
Manila
(CA-G.R. SP No. 131628)

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³ See NLRC Decision dated January 17, 2012. Penned by Commissioner Angelo Ang Palana with Presiding Commissioner Herminio V. Suelo and Commissioner Numeriano D. Villena concurring; id. at 124-131.

⁴ Erroneously dated as “January 7, 2013” in the Entry of Judgment; id. at 132.

⁵ See Entry of Judgment signed by Deputy Executive Clerk of Court II Atty. Ma. Roselette P. Gonzalo; id.

⁶ See *Acevedo v. Advanstar Company, Inc.*, 511 Phil. 279, 287 (2005).

⁷ See *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, G.R. No. 190515, June 6, 2011, 650 SCRA 656, 660.