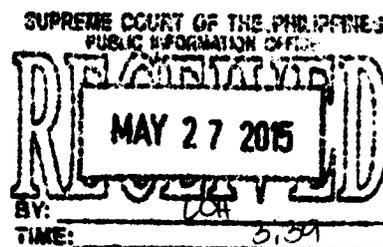




Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:

“G.R. No. 216620 (B.S. Simbajon Construction v. Rejino Carilloso, Emireto Carilloso, Adonis Carilloso, Armando Carilloso, Joel Carilloso, Roland Echavez, Ramil Echavez, and Cornelio Traya). – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period; and the Cash Collection and Disbursement Division is hereby **DIRECTED** to **RETURN** to the petitioner the excess amount of ₱270.00 paid for filing fees under O.R. No. 0108965-SC-EP dated February 23, 2015.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the November 22, 2013 Decision¹ and December 16, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 05676 for failure of B.S. Simbajon Construction (petitioner) to show any reversible error committed by the CA in: (a) declaring Rejino Carilloso, Emireto Carilloso, Adonis Carilloso, Armando Carilloso, Joel Carilloso, Roland Echavez, Ramil Echavez, and Cornelio Traya (respondents) to be regular employees of petitioner; (b) finding respondents to have been illegally dismissed; and (c) ordering petitioner to pay respondents full backwages, separation pay, in lieu of reinstatement, holiday pay, service incentive leave pay, and attorney’s fees.

- over - two (2) pages

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¹ *Rollo*, pp. 125-139. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. delos Santos and Marilyn B. Lagura-Yap, concurring.

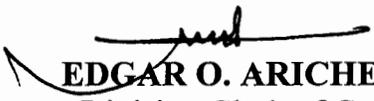
² *Id.* At 141-144.

April 20, 2015

As correctly ruled by the CA, petitioner failed to present substantial evidence to prove its claim that respondents were project employees. Settled is the rule that employers claiming that their workers are project employees should not only prove that the duration and scope of their employment were specified at the time they were engaged, but also that there was indeed a project,³ which petitioner failed to do. The determination that respondents are regular and not merely project employees resultantly means that their services could not have been validly terminated at the expiration of the purported project on October 15, 2008. As such, it was incumbent upon petitioner to establish that respondents had been dismissed for a just and/or authorized cause, failing in which, respondents were correctly found to have been illegally dismissed.⁴ Accordingly, the CA's Decision finding the National Labor Relations Commission's conclusion to be bereft of any substantial evidence, and accordingly, tainted with grave abuse of discretion, must stand.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
 Division Clerk of Court

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Cash Collection and
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 Supreme Court

Judgment Division (x)
 Supreme Court

Court of Appeals
 6000 Cebu City
 (CA-G.R. SP No. 05676)

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NATIONAL LABOR RELATIONS
 COMMISSION
 Seventh Division
 6000 Cebu City
 (NLRC Case No. VAC-04-000203-2010;
 NLRC Case No. RAB VII 05-1261-2009)

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SR

³ *Omni Hauling Services, Inc. v. Bon*, G.R. No. 199388, September 3, 2014.

⁴ *Id.*