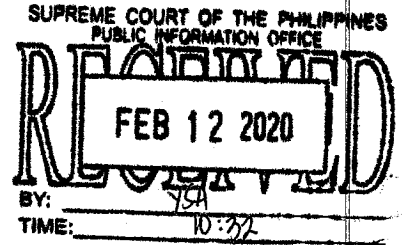




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **22 January 2020** which reads as follows:

“**G.R. No. 245942 (Primepower Manpower Services v. Marivic A. Mondejar)**. – The Court resolves to **NOTE**: (a) the letter dated August 6, 2019 of Atty. Maria Ricasion B. Tugade, Director II, Research and Legal Department, Department of Labor and Employment, National Labor Relations Commission (NLRC), Quezon City, elevating the entire record of NLRC RAB-X-08-00612-2016, MAC No. 04-014904-2017; (b) the letter dated July 29, 2019 of Ms. Nelsie D. Loja, Chief, Archives Section, Court of Appeals (CA)-Mindanao Station, Cagayan De Oro City, forwarding the CA *rollo* of CA-G.R. SP No. 08555-MIN; and (c) the comment on the petition for review on *certiorari* dated July 31, 2019 of respondent Marivic A. Mondejar (respondent), all in compliance with the Resolution dated June 3, 2019.

After a judicious study of the case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the October 18, 2018 Decision² and the March 5, 2019 Resolution³ of the CA in CA-G.R. SP No. 08555-MIN for failure of petitioner Primepower Manpower Services (petitioner) to sufficiently show that the CA committed any reversible error in affirming the NLRC ruling⁴ that respondent was constructively dismissed by petitioner, and thus entitling her to claims for backwages, separation pay, 13th month pay, and attorney’s fees. However, in light of prevailing jurisprudence,⁵ the Court deems it proper to impose legal interest on the monetary awards due to respondent at the rate of six percent (6%) per annum from finality of this Resolution until full payment.

¹ *Rollo*, pp. 3-17.

² *Id.* at 24-34. Penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Edgardo T. Lloren and Walter S. Ong, concurring.

³ *Id.* at 35-37.

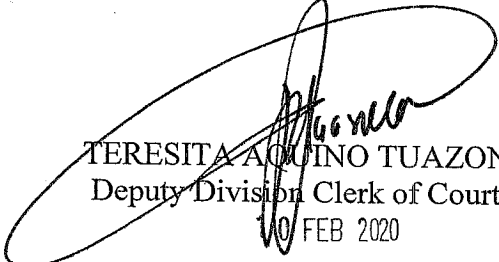
⁴ Not attached to the *rollo*.

⁵ See *Pelagio v. Philippine Transmarine Carriers, Inc.*, G.R. No. 231773, March 11, 2019, citing *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

As correctly ruled by the CA, petitioner's act of placing respondent on floating status after being relieved as a room attendant in a client's workplace, without reassigning her to a new post or recalling her back to work within six (6) months thereafter constituted constructive dismissal, entitling her to backwages and separation pay.⁶ The award of respondent's proportionate 13th month pay is also sustained for failure of petitioner to prove payment of the same.⁷ Likewise, the award of attorney's fees is in order, considering that respondent was forced to litigate, and thus, incurred expenses to protect her rights and interest.⁸

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *with 2/7*
10 FEB 2020

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Cagayan de Oro City
CA-G.R. SP No. 08555-MIN

*with copy of CA Decision dated 18 October 2018

**For this resolution only

Please notify the Court of any change in your address.
GR245942. 01/22/2020(167)URES

⁶ *Malig-on v. Equitable General Services, Inc.*, 636 Phil. 330, 336 (2010). See also *rollo*, pp. 31-32.

⁷ See *Symex Security Services, Inc. v. Rivera, Jr.*, G.R. No. 202613, November 8, 2017, 844 SCRA 416, 439.

⁸ *Alva v. High Capacity Security Force, Inc.*, G.R. No. 203328, November 8, 2017, 844 SCRA 444, 459.