



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **21 June 2021** which reads as follows:*

“**G.R. No. 256171 (Meralco Industrial Engineering and Services Corporation [MIESCOR] v. Rizaldy L. Pangilinan)**. – Petitioner Meralco Industrial Engineering and Services Corporation (petitioner) is **INFORMED** that its authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱1,300.00 (₱300.00 for sheriff’s fee and ₱1,000.00 for SAJ) under O.R. No. 0291764 dated May 10, 2021.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the Decision<sup>2</sup> dated March 12, 2020 and the Resolution<sup>3</sup> dated February 19, 2021 of the Court of Appeals (CA) in CA-G.R. SP No. 155582 for failure of petitioner to sufficiently show that the CA committed any reversible error in finding that the National Labor Relations Commission (NLRC) did not gravely abuse its direction when it found that respondent Rizaldy L. Pangilinan (respondent) was a regular employee, and was illegally dismissed by petitioner.

As the CA correctly observed, the NLRC did not err in holding that petitioner could no longer assail respondent’s status as a regular employee given its failure to appeal the Labor Arbiter’s Decision. It is well-settled that a decision becomes final as against a party who does not appeal the same.<sup>4</sup> Thus, petitioner’s failure to appeal the Labor Arbiter’s Decision renders the issue on respondent’s status as a regular employee final and executory.<sup>5</sup> Moreover, the CA likewise correctly found that petitioner had the burden of proving that respondent’s dismissal was for a just or authorized cause. Undoubtedly, this burden lies with the employer, and failure to discharge said burden leads to the inevitable conclusion that the dismissal was illegal.<sup>6</sup> Both the NLRC and the CA concurred that no proof

<sup>1</sup> See Petition for Review on *Certiorari* dated May 7, 2021; *rollo*, pp. 3-48.

<sup>2</sup> *Id.* at 56-64. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Mariflor P. Punzalan Castillo and Walter S. Ong, concurring.

<sup>3</sup> *Id.* at 66-68.

<sup>4</sup> *Javines v. Xlibris*, 810 Phil. 872, 878-879 (2017); and *SMI Fish Industries, Inc. v. National Labor Relations Commission*, 288 Phil. 329, 334 (1992).

<sup>5</sup> See *Manese v. Jollibee Foods Corporation*, 697 Phil. 322, 338 (2012).

<sup>6</sup> *Roxas v. Baliwag Transit, Inc.*, G.R. No. 231859, February 19, 2020.

was adduced by petitioner to show that the dismissal was for a just or authorized cause. Hence, the finding on illegal dismissal must stand. To be sure, both the status of an employee, as well as the legality of his dismissal, are questions of fact that are normally beyond the ambit of a petition for review on *certiorari*, unless there is a clear showing of palpable error or arbitrary disregard of evidence,<sup>7</sup> which does not obtain in this case.

**SO ORDERED.** (Lopez, J., *J.*, designated additional member per Special Order No. 2822 dated April 7, 2021).”

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:

  
MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *by 7/6*  
07 JUL 2021

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<sup>7</sup> See *New Philippine Skylanders, Inc. v. Dakila*, 695 Phil. 762 (2012).

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(NLRC LAC No. 07-002399-17;  
NLRC NCR Case No. 12-14980-16)

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CA-G.R. SP No. 155582

\*For this resolution only

*Please notify the Court of any change in your address.*  
GR256171. 6/21/2021(217)URES *mlc*