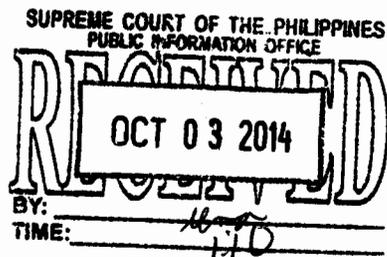




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

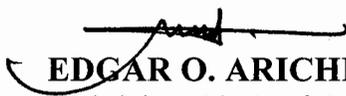
*Please take notice that the Court, First Division, issued a Resolution dated September 1, 2014 which reads as follows:*

**“G.R. No. 212799 (Top Rate Construction and General Services, Inc. v. Napoleon F. Gadia, Jr.).** - After a judicious perusal of the records, the Court resolves to **DENY** the petition and **AFFIRM** the December 20, 2013 Decision<sup>1</sup> and May 27, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 128489 for failure of Top Rate Construction and General Services, Inc. (petitioner) to sufficiently show that the CA committed any reversible error in ruling that Napoleon F. Gadia, Jr. (respondent) was illegally dismissed from his employment.

As correctly held by the CA, respondent – who is deemed to be a regular employee in view of: (a) the absence of any substantial evidence to show that he was engaged as a project employee; and (b) the fact that he worked for petitioner from 2003 to 2011 – was entitled to security of tenure and, hence, can only be removed for a just or authorized cause. Since the existence of such cause was not proven, then it cannot be denied that respondent was illegally dismissed.

**SO ORDERED.” SERENO, C.J.** on leave; **VELASCO, JR., J.**, acting member per S.O. No. 1772 dated August 28, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

107

<sup>1</sup> Rollo, pp. 34-43. Penned by Associate Justice Hakim S. Abdulwahid with Associate Justices Manuel M. Barrios and Socorro B. Inting, concurring.  
<sup>2</sup> Id. at 44-44A.

GANAN MANLANGIT  
LAW OFFICE  
Counsel for Petitioner  
Unit 403, Maga Center  
1016 San Antonio St.  
Paseo de Magallanes  
1232 Makati City

Judgment Division (x),  
Supreme Court

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 128489)

PUBLIC ATTORNEY'S OFFICE  
Counsel for Respondent  
DOJ Agencies Bldg.  
1128 Diliman, Quezon City

NATIONAL LABOR RELATIONS  
COMMISSION  
PPSTA Bldg., Banawe St.  
1100 Quezon City  
(NLRC LAC No. 07-002079-12;  
NLRC NCR No. 00-11-16691-11)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

107

SR