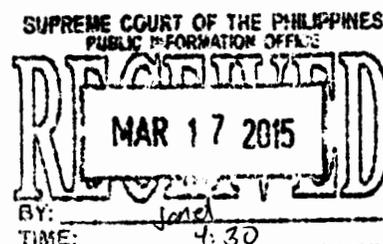




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 9, 2015** which reads as follows:*

“**G.R. No. 214280** (Francis Dexter A. De Guzman, *petitioner v. Wyeth Philippines, respondent.*) - Assailed in this Petition for Review on *Certiorari* are the Resolutions of the Court of Appeals dated 6 January 2014¹ and 17 September 2014² in CA-G.R. SP No. 119541 partially granting the motion for reconsideration of respondent Wyeth Philippines, Inc. (Wyeth) in: (1) not ordering the reinstatement to work of petitioner Francis Dexter de Guzman (De Guzman); and in *lieu* thereof, (2) ordering the payment of separation pay in the amount of ₱440,895.00, plus 12% interest computed from 27 November 2008 until 30 June 2013, and 6% interest per year, computed from 1 July 2013 until full payment thereof. The dispositive portions of the two Resolutions read:

This Court rules as follows:

- 1.) **PARTIALLY GRANTS** [Wyeth’s] Motion for Reconsideration;
- 2.) **NOTES** [De Guzman’s] Opposition

The Court amends its ruling on the matter of reinstatement of [De Guzman].

The consequences of [De Guzman’s] illegal dismissal are reinstatement without loss of seniority rights, and payment of backwages computed from the time compensation was withheld up to date of actual reinstatement.

- over - seven (7) pages

133

¹ *Rollo* in G.R. No. 214280, Vol. II, pp. 1262-1263.
² *Id.* at 1310-1311.

However, where reinstatement is no longer viable as an option, separation pay equivalent to one (1) month salary for every year of service should be awarded as an alternative.

In this case, since reinstatement is not anymore possible as [Wyeth] had validly terminated [De Guzman] on the ground of redundancy, [Wyeth] must pay [De Guzman] separation pay in lieu of reinstatement, and backwages.

Thus, the following computation for [De Guzman's] separation pay is as follows:

Ten years of service (10) x ₱44,895.00 = ₱440,895.00 (*sic*)
(1998 to 24 November 2008 [date of illegal termination])

In addition to the monetary award of ₱1,729,795.23 ordered by the NLRC in the Decision dated 26 January 2011, and which we affirmed in our Decision of 25 July 2013, the court orders [respondent] Wyeth Philippines Incorporated to pay [petitioner] Francis Dexter A. de Guzman the amount of ₱448,950.00, as separation pay, plus 12% interest computed from 27 November 2008 until 30 June 2013, and subject to 6% interest per year, computed from 1 July 2013 until fully paid³ x x x.

The Court rules as follows:

1. **DENIES** [petitioner] de Guzman's Motion for Reconsideration;
2. **NOTES** [respondent] Wyeth's Comment;
3. **NOTES** [petitioner] de Guzman's Reply.

After a careful review of the allegations in the Motion, we find no ground to reverse, modify, or set aside the Resolution promulgated on 6 June 2014.⁴

The undisputed facts as found by the appellate court in CA-GR SP No. 119541, and ultimately affirmed by this Court in G.R. No. 210769 entitled *Wyeth Philippines, Inc. v. Francis Dexter A. De Guzman*,⁵ follow:

[De Guzman] was the warehouse shift supervisor of [Wyeth] at its Terclay Canlubang Plant in Cabuyao, Laguna. In 2008, [De Guzman] was ordered to transfer to the Banay-banay warehouse in Cabuyao, Laguna. [De Guzman] refused the transfer. [Wyeth] preventively

- over -

³ Id. at 1262-1263.

⁴ Id. at 1310-1311.

⁵ Id. at 1312-1314; Minute Resolution dated 19 March 2014 and 9 July 2014, respectively.

suspended [De Guzman who continued to refuse] to work at the Banay-banay warehouse. [Wyeth] terminated [De Guzman] due to insubordination and refusal to accept work assignment or work location. [De Guzman] filed [a] Complaint [for illegal dismissal, illegal suspension, unfair labor practices (discrimination, collective bargaining agreement (CBA) violation, harassment and, illegal preventive suspension), non-payment of wages, overtime pay, holiday pay, premium pay for holiday and rest day, 13th month pay, and actual and moral and exemplary damages] against [Wyeth]. The Labor Arbiter ruled in favor of [De Guzman], and stated: [Wyeth] illegally suspended and illegally dismissed [De Guzman]; there was no basis to preventively suspend [De Guzman] because he was already stripped of his duties, and therefore, did not pose any serious threat to the life or property of [Wyeth] and its officers and employees; [De Guzman] was illegally dismissed because [he] was justified in refusing to be transferred to the Banay-banay warehouse; the transfer was a violation of the CBA, a demotion, and resulted in diminution of wages and benefits. The Labor Arbiter ordered [Wyeth] to reinstate [De Guzman] and pay full backwages, withheld benefits, wages during the time of preventive suspension, and attorney's fees. In compliance with the Labor Arbiter's Decision, [Wyeth] reinstated [De Guzman] as the warehouse supervisor of JY warehouse. On appeal, the NLRC affirmed the ruling of the Labor Arbiter and increased the monetary award.

On February 14, 2011, [Wyeth] filed [a] Motion for Reconsideration and stated [De Guzman] could no longer be reinstated because [De Guzman] was terminated on the ground of redundancy. In the letter dated 27 January 2011, [Wyeth] informed [De Guzman] he was terminated effective 28 February 2011 on the ground of redundancy and, through no fault of [De Guzman]. [De Guzman] filed Opposition and stated he was illegally terminated again effective 28 February 2011 on the ground of redundancy, although there was no basis to say there was a redundancy necessitating the dismissal of [De Guzman].

On 15 March 2011, the NLRC issued the assailed Resolution denying the motion for reconsideration filed by [Wyeth].⁶

In its Decision⁷ dated 25 July 2013, the Court of Appeals dismissed the petition for *certiorari* filed by Wyeth alleging grave abuse of discretion in the disposition of the labor tribunals granting the Complaint of de Guzman and ordering Wyeth's payment of full backwages and the reinstatement of de Guzman to work at Wyeth.

- over -

⁶ Id. at 1228-1229; CA Decision dated 25 July 2013.

⁷ Id. at 1227-1241; Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Isaias P. Dicedican and Zenaida T. Galapate-Laguilles, concurring.

Subsequently, Wyeth moved for reconsideration reiterating its previous argument before the National Labor Relations Commission (NLRC) that de Guzman can no longer be reinstated to work since he had been dismissed based on redundancy:

III. [DE GUZMAN'S] REINSTATEMENT IS NOT POSSIBLE CONSIDERING THAT HIS FORMER POSITION WAS ABOLISHED AND NO LONGER EXISTS IN LIGHT OF THE REDUNDANCY PROGRAM IMPLEMENTED BY [WYETH] WHICH WAS DECLARED VALID UNDER THE 29 NOVEMBER 2012 DECISION IN NLRC CASE NO. RAB IV-08-01223-11L AND IN TURN, AFFIRMED UNDER THE 30 APRIL 2013 AND 19 JUNE 2013 RESOLUTIONS IN NLRC LAC NO. 02-000725-13.⁸

On the other litigation front concerning the second dismissal of de Guzman, ostensibly for redundancy, de Guzman's complaint for illegal dismissal and other monetary claims, docketed as NLRC Case No. RAB IV-08-01223-11L, was dismissed by the Labor Arbiter on 29 November 2012. Essentially, the Labor Arbiter ruled that the dismissal of de Guzman pursuant to the redundancy program of Wyeth was valid and in accordance with law. The dispositive portion of the aforesaid Decision reads:

WHEREFORE, premises considered, the instant complaint is DISMISSED there being a valid redundancy. x x x Notwithstanding, respondent Wyeth Philippines, Inc. shall pay [De Guzman], as follows:

(1) SEPARATION PAY	₱1,722,084.20
09/07/98 to 02/28/11 @ 2.5 mo./yr. of service	
(2) SALARY DIFFERENTIAL	₱ 41,200.00
(₱10,300.00 each for Nov., Dec. 2010; Jan. Feb 2011)	
(3) 13th Month Pay	₱ 9,199.16
(Nov. Dec 2010; Jan. Feb 2011)	
(4) 14th Month Pay	₱ 9,199.16
(Nov, Dec. 2010; Jan. Feb. 2011)	
TOTAL	<u>₱1,781,682.52</u>

All other claims of [de Guzman] are likewise dismissed.⁹

On appeal by de Guzman, the 3rd Division of the NLRC rendered a Resolution dated 30 April 2013¹⁰ docketed as NLRC LAC Case No. 02-000725-13, affirming the Labor Arbiter's Decision with modification:

- over -

⁸ Id. at 1243.

⁹ Id at 1328-1329.

¹⁰ Id. at 1330-1345.

WHEREFORE, premises considered, the 29 November 2012 Decision of Labor Arbiter Remedios Tirad-Capinig is **AFFIRMED with MODIFICATION**. Wyeth is further ordered to pay [De Guzman] the following:

Unused Vacation Leaves (17 leave credits) ₱55,195.00/26 = ₱2,122.88 x 17 -----	Php36,088.96
Unused Sick Leaves (9 leave credits) ₱55,195.00/26 = ₱1,122.99 x 9 -----	Php19,105.92
Christmas Package Monthly Equivalent -----	Php 5,000.00
Rice Ration Monetary Equivalent -----	Php 7,200.00
Out-Patient Claims/Benefits	
Filed 30 Nov. 2010 -----	Php 1,816.00
Filed 20 Jan. 2011 -----	Php 2,634.55
Filed 20 January 2011 -----	Php 3,451.25
Filed 08 February 2011 -----	<u>Php 1,946.50</u>
TOTAL	<u>Php77,243.18</u> ¹¹

Returning to the Motion for Reconsideration filed by Wyeth before the appellate court in CA-G.R. SP No. 119541 on the 1st case of illegal dismissal, Wyeth invoked the Decision of the Labor Arbiter and Resolution of the NLRC finding valid the 2nd dismissal of De Guzman based on redundancy. Thus, the appellate court (in CA-G.R. SP No. 119541) issued the herein assailed Resolutions dated 6 January 2014 and 17 September 2014.

As clarification, we note that the validity of the 2nd dismissal of De Guzman based on redundancy is **not yet final and executory** and remains pending before the appellate court docketed as CA-G.R. SP No. 131564.

To obviate confusion, the petition herein filed by De Guzman only questions the two Resolutions of the Court of Appeals in CA-G.R. SP No. 119541 which ordered the payment of separation pay to De Guzman in *lieu* of reinstatement. Effectively, with our Minute Resolution dated 9 July 2014¹² in G.R. No. 210769, the ruling of the appellate court (in CA-G.R. SP No. 119541) and the labor tribunals granting De Guzman's 1st complaint for illegal dismissal, is already final.

Article 279 of the Labor Code provides the twin reliefs afforded an illegally dismissed employee:

- over -

¹¹ Id. at 1344-1345.

¹² Id. at 1314.

Art. 279. Security of tenure. In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to **reinstatement without loss of seniority rights and other privileges and to his full backwages**, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement. (Emphasis supplied)

Given the factual *milieu* obtaining herein, and the pendency of the 2nd dismissal of De Guzman based on redundancy before the appellate court in CA-G.R. SP No. 131564, we affirm the finality of our ruling in G.R. No. 210769 entitled *Wyeth v. De Guzman* and the consequences of the illegal 1st dismissal of De Guzman which is his reinstatement to work without loss of seniority rights and the payment of full backwages.

The appellate court in CA-G.R. SP No. 131564 has yet to resolve the validity of the 2nd dismissal of De Guzman, albeit the labor tribunals have held such to be valid. In fact, the impending ruling by the appellate court in CA-G.R. SP No. 131564 may still be brought up to this Court on appeal by the aggrieved party. We, therefore, find no basis for the declaration of the appellate court in its 6 January 2014 Resolution in CA-G.R. SP No. 119541 that “reinstatement is not anymore possible as [Wyeth] had validly terminated [De Guzman] on the ground of redundancy, the [Wyeth] must pay [De Guzman] separation pay in lieu of reinstatement and backwages.”¹³

IN VIEW OF ALL THE FOREGOING, without giving due course to the present petition, we:

1. **ISSUE a STATUS QUO ANTE ORDER** requiring the parties to observe the *status quo* of Francis Dexter A. De Guzman’s reinstatement to work at Wyeth Philippines, Inc. given the finality of our ruling in G.R. No. 210769, in order to maintain and effect the final ruling of this Court that the 1st dismissal of De Guzman was illegal, and so as not to render the issues raised in this Petition moot and academic and to allow the Court of Appeals in CA-G.R. SP No. 131564 to rule on the validity of De Guzman’s 2nd dismissal; and

- over -

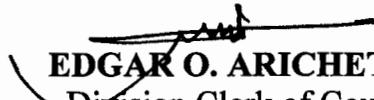
133

¹³ Id. at 1263.

2. Require respondent Wyeth Philippines, Inc. to **COMMENT** on the petition within ten (10) days from notice hereof.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

133

MENDOZA ARZAGA-MENDOZA
LAW FIRM
Counsel for Petitioner
Suite 1205, South Center Tower
Madrigal Business Park
Ayala Alabang
1780 Muntinlupa City

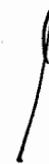
Clerk of Court (x)
Court of Appeals
Manila)
(CA-G.R. SP No. 119541)

LAGUESMA MAGSALIN CONSULTA
& GASTARDO LAW OFFICES
Counsel for Respondent
705 Prestige Tower
F. Ortigas, Jr. Road
Ortigas Center 1605 Pasig City

NATIONAL LABOR RELATIONS
COMMISSION
PPSTA Bldg., Banawe St.
1100 Quezon City
(NLRC LAC No. 07-001496-10;
NLRC RAB-IV-11-27808-08-L)

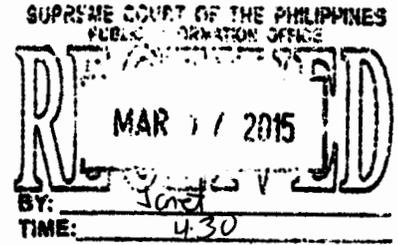
Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

SR
3/13/15





Republic of the Philippines
Supreme Court
Manila



FIRST DIVISION

FRANCIS DEXTER A. DE GUZMAN,
Petitioner,

G.R. No. 214280

-versus-

STATUS QUO ANTE ORDER

WYETH PHILIPPINES, INC.,
Respondent,

X-----X

TO: PRESIDING JUSTICE
Court of Appeals
Manila
(CA G.R. SP No. 119541)

LAGUESMA MAGSALIN CONSULTA
& GASTARDO LAW OFFICES
Counsel for Respondent
705 Prestige Tower
F. Ortigas, Jr. Road
Ortigas Center 1605 Pasig City

NATIONAL LABOR RELATIONS
COMMISSION
PPSTA Bldg., Banawe St.
1100 Quezon City
(NLRC LAC No. 07-001496-10;
NLRC RAB-IV-11-27808-08-L)

GREETINGS:

WHEREAS, the Supreme Court on March 9, 2015 adopted a resolution in the above-entitled case, to wit:

“G.R. No. 214280 (Francis Dexter A. De Guzman, *petitioner v. Wyeth Philippines, respondent*). - Assailed in this Petition for Review on *Certiorari* are the Resolutions of the Court of Appeals dated 6 January 2014¹ and 17 September 2014² in CA-G.R. SP No. 119541 partially granting the motion for reconsideration of respondent Wyeth Philippines, Inc. (Wyeth) in: (1) not ordering the reinstatement to work of petitioner Francis Dexter de Guzman (De Guzman); and in *lieu* thereof, (2) ordering the payment of separation pay in the amount of ₱440,895.00, plus 12% interest computed from 27 November 2008 until 30 June 2013, and 6% interest per year, computed from 1 July 2013 until full payment thereof. The dispositive portions of the two Resolutions read:

This Court rules as follows:

- 1.) **PARTIALLY GRANTS** [Wyeth’s] Motion for Reconsideration;
- 2.) **NOTES** [De Guzman’s] Opposition

The Court amends its ruling on the matter of reinstatement of [De Guzman].

The consequences of [De Guzman’s] illegal dismissal are reinstatement without loss of seniority rights, and payment of backwages computed from the time compensation was withheld up to date of actual reinstatement.

However, where reinstatement is no longer viable as an option, separation pay equivalent to one (1) month salary for every year of service should be awarded as an alternative.

In this case, since reinstatement is not anymore possible as [Wyeth] had validly terminated [De Guzman] on the ground of redundancy, [Wyeth] must pay [De Guzman] separation pay in lieu of reinstatement, and backwages.

Thus, the following computation for [De Guzman’s] separation pay is as follows:

Ten years of service (10) x ₱44,895.00 = ₱440,895.00 (*sic*)
(1998 to 24 November 2008 [date of illegal termination])

In addition to the monetary award of ₱1,729,795.23 ordered by the NLRC in the Decision dated 26 January 2011, and which we affirmed in our Decision of 25 July 2013, the court orders [respondent] Wyeth Philippines Incorporated to pay [petitioner] Francis Dexter A. de Guzman the amount of ₱440,895.00, as separation pay, plus 12% interest computed from 27 November 2008 until 30 June 2013, and subject to 6% interest per year, computed from 1 July 2013 until fully paid”³ x x x.

The Court rules as follows:

¹ *Rollo* in G.R. No. 214280, Vol. II, pp. 1262-1263.
² *Id.* at 1310-1311.
³ *Id.* at 1262-1263.

The Court rules as follows:

1. **DENIES** [petitioner] de Guzman's Motion for Reconsideration;
2. **NOTES** [respondent] Wyeth's Comment;
3. **NOTES** [petitioner] de Guzman's Reply.

After a careful review of the allegations in the Motion, we find no ground to reverse, modify, or set aside the Resolution promulgated on 6 June 2014.⁴

The undisputed facts as found by the appellate court in CA-GR SP No. 119541, and ultimately affirmed by this Court in G.R. No. 210769 entitled *Wyeth Philippines, Inc. v. Francis Dexter A. De Guzman*,⁵ follow:

[De Guzman] was the warehouse shift supervisor of [Wyeth] at its Terclay Canlubang Plant in Cabuyao, Laguna. In 2008, [De Guzman] was ordered to transfer to the Banay-banay warehouse in Cabuyao, Laguna. [De Guzman] refused the transfer. [Wyeth] preventively suspended [De Guzman who continued to refuse] to work at the Banay-banay warehouse. [Wyeth] terminated [De Guzman] due to insubordination and refusal to accept work assignment or work location. [De Guzman] filed [a] Complaint [for illegal dismissal, illegal suspension, unfair labor practices (discrimination, collective bargaining agreement (CBA) violation, harassment and, illegal preventive suspension), non-payment of wages, overtime pay, holiday pay, premium pay for holiday and rest day, 13th month pay, and actual and moral and exemplary damages] against [Wyeth]. The Labor Arbiter ruled in favor of [De Guzman], and stated: [Wyeth] illegally suspended and illegally dismissed [De Guzman]; there was no basis to preventively suspend [De Guzman] because he was already stripped of his duties, and therefore, did not pose any serious threat to the life or property of [Wyeth] and its officers and employees; [De Guzman] was illegally dismissed because [he] was justified in refusing to be transferred to the Banay-banay warehouse; the transfer was a violation of the CBA, a demotion, and resulted in diminution of wages and benefits. The Labor Arbiter ordered [Wyeth] to reinstate [De Guzman] and pay full backwages, withheld benefits, wages during the time of preventive suspension, and attorney's fees. In compliance with the Labor Arbiter's Decision, [Wyeth] reinstated [De Guzman] as the warehouse supervisor of JY warehouse. On appeal, the NLRC affirmed the ruling of the Labor Arbiter and increased the monetary award.

On February 14, 2011, [Wyeth] filed [a] Motion for Reconsideration and stated [De Guzman] could no longer be reinstated because [De Guzman] was terminated on the ground of redundancy. In the letter dated 27 January 2011, [Wyeth] informed [De Guzman] he was terminated effective 28 February 2011 on the ground of redundancy and, through no fault of [De Guzman]. [De Guzman] filed Opposition and stated he was illegally terminated again effective 28 February 2011 on the

⁴ Id. at 1310-1311.

⁵ Id. at 1312-1314; Minute Resolution dated 19 March 2014 and 9 July 2014, respectively.

ground of redundancy, although there was no basis to say there was a redundancy necessitating the dismissal of [De Guzman].

On 15 March 2011, the NLRC issued the assailed Resolution denying the motion for reconsideration filed by [Wyeth].⁶

In its Decision⁷ dated 25 July 2013, the Court of Appeals dismissed the petition for *certiorari* filed by Wyeth alleging grave abuse of discretion in the disposition of the labor tribunals granting the Complaint of de Guzman and ordering Wyeth's payment of full backwages and the reinstatement of de Guzman to work at Wyeth.

Subsequently, Wyeth moved for reconsideration reiterating its previous argument before the National Labor Relations Commission (NLRC) that de Guzman can no longer be reinstated to work since he had been dismissed based on redundancy:

III. [DE GUZMAN'S] REINSTATEMENT IS NOT POSSIBLE CONSIDERING THAT HIS FORMER POSITION WAS ABOLISHED AND NO LONGER EXISTS IN LIGHT OF THE REDUNDANCY PROGRAM IMPLEMENTED BY [WYETH] WHICH WAS DECLARED VALID UNDER THE 29 NOVEMBER 2012 DECISION IN NLRC CASE NO. RAB IV-08-01223-11L AND IN TURN, AFFIRMED UNDER THE 30 APRIL 2013 AND 19 JUNE 2013 RESOLUTIONS IN NLRC LAC NO. 02-000725-13.⁸

On the other litigation front concerning the second dismissal of de Guzman, ostensibly for redundancy, de Guzman's complaint for illegal dismissal and other monetary claims, docketed as NLRC Case No. RAB IV-08-01223-11L, was dismissed by the Labor Arbiter on 29 November 2012. Essentially, the Labor Arbiter ruled that the dismissal of de Guzman pursuant to the redundancy program of Wyeth was valid and in accordance with law. The dispositive portion of the aforesaid Decision reads:

WHEREFORE, premises considered, the instant complaint is DISMISSED there being a valid redundancy. x x x Notwithstanding, respondent Wyeth Philippines, Inc. shall pay [De Guzman], as follows:

(1) SEPARATION PAY	₱1,722,084.20
09/07/98 to 02/28/11 @ 2.5 mo./yr. of service	
(2) SALARY DIFFERENTIAL	₱ 41,200.00
(₱10,300.00 each for Nov., Dec. 2010; Jan. Feb 2011)	
(3) 13th Month Pay	₱ 9,199.16
(Nov. Dec 2010; Jan. Feb 2011)	
(4) 14th Month Pay	₱ 9,199.16
(Nov, Dec. 2010; Jan. Feb. 2011)	
TOTAL	<u>₱1,781,682.52</u>

⁶ Id. at 1228-1229; CA Decision dated 25 July 2013.

⁷ Id. at 1227-1241; Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Isaias P. Dicedican and Zenaida T. Galapate-Laguilles, concurring.

⁸ Id. at 1243.

All other claims of [de Guzman] are likewise dismissed.⁹

On appeal by de Guzman, the 3rd Division of the NLRC rendered a Resolution dated 30 April 2013¹⁰ docketed as NLRC LAC Case No. 02-000725-13, affirming the Labor Arbiter’s Decision with modification:

WHEREFORE, premises considered, the 29 November 2012 Decision of Labor Arbiter Remedios Tirad-Capinig is **AFFIRMED with MODIFICATION**. Wyeth is further ordered to pay [De Guzman] the following:

Unused Vacation Leaves (17 leave credits)	
₱55,195.00/26 = ₱2,122.88 x 17 -----	Php36,088.96
Unused Sick Leaves (9 leave credits)	
₱55,195.00/26 = ₱1,122.99 x 9 -----	Php19,105.92
Christmas Package Monthly Equivalent -----	Php 5,000.00
Rice Ration Monetary Equivalent -----	Php 7,200.00
Out-Patient Claims/Benefits	
Filed 30 Nov. 2010 -----	Php 1,816.00
Filed 20 Jan. 2011 -----	Php 2,634.55
Filed 20 January 2011 -----	Php 3,451.25
Filed 08 February 2011 -----	<u>Php 1,946.50</u>
TOTAL	<u>Php77,243.18</u> ¹¹

Returning to the Motion for Reconsideration filed by Wyeth before the appellate court in CA-G.R. SP No. 119541 on the 1st case of illegal dismissal, Wyeth invoked the Decision of the Labor Arbiter and Resolution of the NLRC finding valid the 2nd dismissal of De Guzman based on redundancy. Thus, the appellate court (in CA-G.R. SP No. 119541) issued the herein assailed Resolutions dated 6 January 2014 and 17 September 2014.

As clarification, we note that the validity of the 2nd dismissal of De Guzman based on redundancy is **not yet final and executory** and remains pending before the appellate court docketed as CA-G.R. SP No. 131564.

To obviate confusion, the petition herein filed by De Guzman only questions the two Resolutions of the Court of Appeals in CA-G.R. SP No. 119541 which ordered the payment of separation pay to De Guzman in *lieu* of reinstatement. Effectively, with our Minute Resolution dated 9 July 2014¹² in G.R. No. 210769, the ruling of the appellate court (in CA-G.R. SP No. 119541) and the labor tribunals

⁹ Id at 1328-1329.
¹⁰ Id. at 1330-1345.
¹¹ Id. at 1344-1345.
¹² Id. at 1314.



granting De Guzman's 1st complaint for illegal dismissal, is already final.

Article 279 of the Labor Code provides the twin reliefs afforded an illegally dismissed employee:

Art. 279. Security of tenure. In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to **reinstatement without loss of seniority rights and other privileges and to his full backwages**, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement. (Emphasis supplied)

Given the factual *milieu* obtaining herein, and the pendency of the 2nd dismissal of De Guzman based on redundancy before the appellate court in CA-G.R. SP No. 131564, we affirm the finality of our ruling in G.R. No. 210769 entitled *Wyeth v. De Guzman* and the consequences of the illegal 1st dismissal of De Guzman which is his reinstatement to work without loss of seniority rights and the payment of full backwages.

The appellate court in CA-G.R. SP No. 131564 has yet to resolve the validity of the 2nd dismissal of De Guzman, albeit the labor tribunals have held such to be valid. In fact, the impending ruling by the appellate court in CA-G.R. SP No. 131564 may still be brought up to this Court on appeal by the aggrieved party. We, therefore, find no basis for the declaration of the appellate court in its 6 January 2014 Resolution in CA-G.R. SP No. 119541 that "reinstatement is not anymore possible as [Wyeth] had validly terminated [De Guzman] on the ground of redundancy, the [Wyeth] must pay [De Guzman] separation pay in lieu of reinstatement and backwages."¹³

IN VIEW OF ALL THE FOREGOING, without giving due course to the present petition, we:

1. **ISSUE a STATUS QUO ANTE ORDER** requiring the parties to observe the *status quo* of Francis Dexter A. De Guzman's reinstatement to work at Wyeth Philippines, Inc. given the finality of our ruling in G.R. No. 210769, in order to maintain and effect the final ruling of this Court that the 1st dismissal of De Guzman was illegal, and so as not to render the issues raised in this Petition moot and academic and to allow the Court of Appeals in CA-G.R. SP No. 131564 to rule on the validity of De Guzman's 2nd dismissal; and

¹³ Id. at 1263.

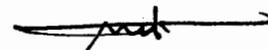
2. Require respondent Wyeth Philippines, Inc. to **COMMENT** on the petition within ten (10) days from notice hereof.

SO ORDERED.”

NOW, THEREFORE, you (respondents), your officers, agents, representatives, and/or persons acting upon your orders or, in your place or stead, are hereby directed to maintain the ***STATUS QUO ANTE*** of Francis Dexter A. De Guzman’s reinstatement to work at Wyeth Philippines, Inc. given the finality of the Court’s ruling in G.R. No. 210769, in order to maintain and effect the final ruling of this Court that the 1st dismissal of De Guzman was illegal, and so as not to render the issues raised in this Petition moot and academic and to allow the Court of Appeals in CA-G.R. SP No. 131564 to rule on the validity of De Guzman’s 2nd dismissal.

GIVEN by the ***Hon. Chief Justice LOURDES P. A. SERENO,*** Chairperson of the First Division, Supreme Court of the Philippines, this 9th day of March, two thousand and fifteen.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

133

Copy furnished:

MENDOZA ARZAGA-MENDOZA
LAW FIRM
Counsel for Petitioner
Suite 1205, South Center Tower
Madrigal Business Park
Ayala Alabang
1780 Muntinlupa City

Clerk of Court(x)
Court of Appeals
Manila
(CA-G.R. SP No. 119541)

