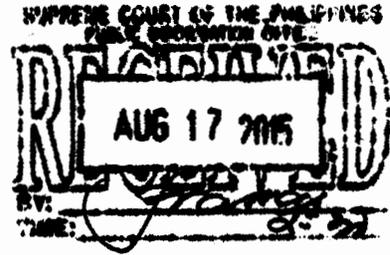




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 13, 2015 which reads as follows:

“G.R. No. 216826 (Iloilo-Negros Employees Labor Union represented by Generoso Julieto D. Sevilla v. Negros Navigation, Inc.). – The petitioner’s manifestation and motion (with leave of court), submitting a compact disc of the petition for review on certiorari and its annexes is **NOTED**; and the petitioner is required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed manifestation and motion (with leave of court) pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC.

After a judicious review of the records, the Court resolves to **DENY** the instant Petition for Review on Certiorari for being filed out of time. Petitioner Iloilo Negros Employees Labor Union miscalculated the due date for filing the Petition because it began tolling its requested extension from the date it filed its Second Motion for Extension (23 March 2015) instead of the last day of the original period (22 March 2015). Hence, petitioner filed the Petition only on 7 April 2015, or one day after the correct due date.

In any event, even if this technical defect is disregarded, the Petition must still be denied for lack of merit. The Court of Appeals correctly ruled that the outsourcing of respondent Negros Navigation Inc.’s terminal operations had already been upheld by the National Labor Relations Commission in NLRC LCC No. 08-00009-09 and NLRC LAC No. 12-003287-09. Although different employees were affected in these cases, the question resolved remained the same – whether the dismissal of the employees due to redundancy constituted unfair labor practice considering

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that: (a) these same positions were later on contracted out to a manpower agency; and (b) the manpower agency eventually rehired the dismissed employees to work as contractual workers who would perform the same functions. The instant Petition should thus be considered barred by *res judicata* in the form of conclusiveness of judgment.

Petitioner has likewise failed to prove that the termination of the employees and the subsequent outsourcing of their functions were undertaken to deprive them of their right to self-organization or to deliberately reduce union membership. On the contrary, the records of this case show that the outsourcing of the employees was carried out as part of a rehabilitation plan approved by the proper court. There being no evidence that respondent was motivated by ill will, bad faith or malice, the outsourcing of positions for legitimate reasons must be considered a valid exercise of a management prerogative.¹

WHEREFORE, premises considered, the instant appeal is **DENIED**. The Court of Appeals Decision dated 10 October 2014 and Resolution dated 4 February 2015 in CA-G.R SP No. 127875 are hereby **AFFIRMED**.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
6th 234

FEDERATION OF FREE WORKERS
FFW LEGAL CENTER
Counsel for Petitioner
3/F, FFW Bldg.
1943 Taft Ave.
Malate 1004 Manila

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Manila
(CA-G.R. SP No. 127875)

NITURA MALABANAN
LAGUNILLA MENDOZA & GADDI
Counsel for Respondent
15th Flr., Times Plaza Bldg.
UN Ave. cor. Taft Ave.
Ermita 1000 Manila

NATIONAL LABOR RELATIONS
COMMISSION
PPSTA Bldg., Banawe St.
1100 Quezon City
(NLRC NCR No. 10-14266-10;
NLRC LAC No. 01-000165-12)

SR

¹ *Bankard, Inc. v. NLRC*, G.R. No. 171664, 6 March 2013, 692 SCRA 459.