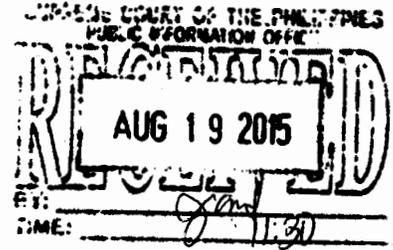




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 29, 2015 which reads as follows:

G.R. No. 219347 [formerly UDK 15307] (Nemesio Bereso v. J.B. Orchids Pharmaceuticals, Inc. and Tomas B. Shan). – The Court resolves to **GRANT** the petitioner’s *ex parte* application to sue *in forma pauperis* (to seek exemption from payment of docket and other lawful fees).

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the August 29, 2014 Decision¹ and March 20, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 07047-UDK for failure of petitioner Nemesio Bereso (petitioner) to sufficiently show that the CA erred in holding that there was no illegal deduction of his indebtedness or cash advances from his retirement benefits by respondents J.B. Orchids Pharmaceuticals, Inc. and its President, Tomas B. Shan (respondents).

As correctly ruled by the CA, respondents had sufficiently established petitioner’s indebtedness or cash advances with the former which were not shown to have been settled by the latter; thus, the same can be deducted from the latter’s retirement benefits. It is settled that findings of fact of the labor tribunals, as affirmed by the CA, are generally binding and conclusive upon this Court,³ and are not to be disturbed unless they fall under the recognized exceptions,⁴ which do not obtain in this case.

- over – two (2) pages

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¹ *Rollo*, pp. 153-163. Penned by Associate Justice Marie Christine Azcarraga-Jacob with Associate Justices Ramon Paul L. Hernando and Ma. Luisa C. Quijano-Padilla concurring.

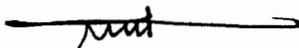
² *Id.* at 166-169. Penned by Associate Justice Marie Christine Azcarraga-Jacob with Associate Justices Gabriel T. Ingles and Ma. Luisa C. Quijano-Padilla concurring.

³ See *Acevedo v. Advanstar Company, Inc.*, 511 Phil. 279, 287 (2005).

⁴ See *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, 665 Phil. 784, 789 (2011).

SO ORDERED.” SERENO, C.J., on official leave; **PERALTA, J.**, acting member per S.O. No. 2103 dated July 13, 2015.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *off. dir.*
22-A

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(NLRC Case No. VAC-07-000549-
2011; RAB Case No. VII-07-1561-10)

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