



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **16 November 2020** which reads as follows:*

“**G.R. No. 253376 (Cristy Azuela Raña v. Seacom, Inc.)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the June 10, 2020 Decision² and the August 28, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 159650 for failure of petitioner Cristy Azuela Raña (petitioner) to sufficiently show that the CA committed any reversible error in holding that the she is guilty of some form of Misconduct, and as such, entitled to reinstatement only and without payment of backwages.

As correctly ruled by the CA, petitioner’s accusatory and inflammatory language used against respondent Seacom, Inc.’s (respondent) President, Ismael B. Cruz (Cruz) in her letter dated May 3, 2017, was tantamount to Misconduct.⁴ However, since the subject letter was not done in relation to petitioner’s duties and had no bearing on her competence and proficiency in her job as Sales Administrator, her misconduct cannot be deemed serious to warrant her termination from work. Perforce, having committed acts of disrespect towards Cruz, respondent cannot be faulted in subjecting petitioner to disciplinary sanction. However, since petitioner’s dismissal is too harsh a penalty for her infraction and considering the good faith on the part of respondents in dismissing petitioner, the CA committed no error in deleting the award of backwages notwithstanding the illegality of her dismissal.

With respect to petitioner’s claim for other monetary benefits, not having appealed the denial thereof by the National Labor Relations Commission, the same had attained finality and as such, is binding between the parties.

¹ *Rollo*, pp. 10-31.

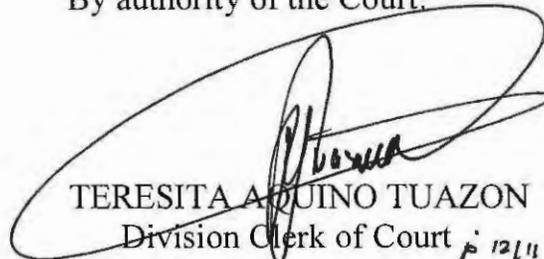
² *Id.* at 36-55. Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Myra V. Garcia-Fernandez and Ruben Reynaldo G. Roxas, concurring.

³ *Id.* at 57-58.

⁴ *See id.* at 48-50.

SO ORDERED. (Rosario, J., designated Additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court P 12/11
11 DEC 2020

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Please notify the Court of any change in your address.
GR253376. 11/16/2020(178)URES