



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 September 2020** which reads as follows:*

**“G.R. No. 252221 (Gaudencio B. Caldonga III v. Bovjen Transport, Inc., Geraldine P. Carating and Bobby Carating).** – This is a Petition for Review on *Certiorari* under Rule 45 assailing the Decision<sup>1</sup> dated October 21, 2019 and the Resolution<sup>2</sup> dated March 5, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 152567 which affirmed the Decision<sup>3</sup> dated April 27, 2017 and the Resolution<sup>4</sup> dated June 29, 2017 of the National Labor Relations Commission (NLRC), finding that Gaudencio B. Caldonga III (petitioner) was not illegally dismissed from his employment with Bovjen Transport, Inc.

*We* do not agree with petitioner that the CA committed serious and reversible error in concluding that there was no illegal dismissal in this case. The CA did not err in agreeing with the NLRC and the Labor Arbiter when they ruled that there was no constructive dismissal. After an exhaustive perusal of the records of the case and thorough scrutiny of the arguments raised by petitioner in this petition, *We* found no cogent reasons for *Us* to grant the appeal and deviate from the findings and conclusions reached by the CA. *We* do not agree with petitioner that the facts, prevailing law, and applicable jurisprudence were not fully appreciated or ignored by the appellate court. In fact, the arguments raised by petitioner are the very same arguments previously considered and already decided upon by the Labor Arbiter, the NLRC and the CA. Thus, petitioner failed to sufficiently show evidence to prove his case in order to reverse the challenged Decision.

<sup>1</sup> Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Remedios A. Salazar-Fernando and Samuel H. Gaerlan (now a Member of the Court), concurring; *rollo*, pp. 38-44.

<sup>2</sup> Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Remedios A. Salazar-Fernando and Pablito A. Perez, concurring; *id.* at 46-47.

<sup>3</sup> Rendered by Commissioner Bernardino B. Julve, with Commissioner Leonard Vinz O. Ignacio and Presiding Commissioner Grace M. Venus, concurring; *id.* at 72-78.

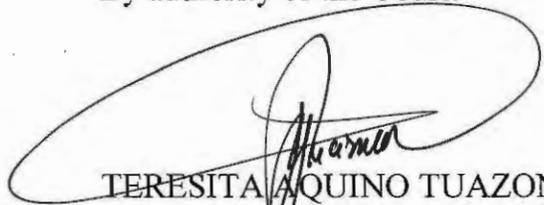
<sup>4</sup> *Id.* at 80-82.

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**WHEREFORE**, the Court resolves to **DENY** the instant petition and **AFFIRM** the Decision dated October 21, 2019 and the Resolution dated March 5, 2020 of the Court of Appeals in CA-G.R. SP No. 152567.

**SO ORDERED.**" (*Inting, J., on official leave; Baltazar-Padilla, J., on leave.*)

By authority of the Court:

  
 TERESITA AQUINO TUAZON  
 Division Clerk of Court *uth*  
 18 DEC 2020 12/18

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BOVJEN TRANSPORT, INC.  
 GERALDINE P. CARANTING AND  
 BOBBY CARANTING (reg)  
 Respondents  
 Sulok A, Banga, Meycauayan  
 3020 Bulacan

NATIONAL LABOR RELATIONS  
 COMMISSION (reg)  
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 1100 Quezon City  
 (NLRC LAC No. 04-001415-17/  
 NLRC NCR Case No. 10-12140-16)

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*Please notify the Court of any change in your address.*  
 GR252221. 12/07/2020(2)URES