



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated December 7, 2020 which reads as follows:

“G.R. No. 253678 (*East West Placement Center, Inc. v. Diogenes Garcia Batarra*). – After a judicious review of the records, We find no reason to depart from the finding of the Court of Appeals (CA) that petitioner East West Placement Center, Inc. failed to prove, through substantial evidence, the valid cause for respondent Diogenes Garcia Batarra’s dismissal from employment. We, however, do not agree with the CA’s award of ₱30,000.00 as nominal damages. The award of nominal damages for failure to observe the procedural due process presupposes that the employer has proven by substantial evidence the valid cause for an employee’s dismissal. Here, petitioner failed to show that respondent’s dismissal is for a valid cause and failed to observe the procedural due process, which entitles respondent to different judgment awards, particularly, those granted in the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022.

WHEREFORE, the Decision dated November 13, 2019 of the Court of Appeals in CA-G.R. SP No. 153333 is **AFFIRMED with MODIFICATION**. Petitioner East West Placement Center, Inc. and its foreign principal shall be jointly and solidarily liable to pay:

1. salary equivalent to the unexpired portion of respondent Diogenes Garcia Batarra’s contract;
2. reimbursement for placement fees and the deductions made with interest at twelve percent (12%) *per annum*; and
3. attorney’s fees.

All monetary awards shall earn an interest of six percent (6%) *per annum* from finality of this Resolution until full satisfaction.

SO ORDERED.”

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court
2020

by:



MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Court of Appeals (x)
Manila
(CA-G.R. SP No. 153333)

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(NLRC NCR Case No. 01-01161-17)

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