



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 September 2020** which reads as follows:*

“**G.R. No. 251731** (*Jenie Macahilas Macali v. Baliwag Lechon Manok, Inc., Edgardo Salcedo, and Anicia Domingo*). – This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Resolutions dated 04 November 2019² and 28 January 2020³ of the Court of Appeals (CA) in CA-G.R. SP No. 162754 which affirmed the Resolutions dated 22 April 2019⁴ and 29 July 2019⁵ of the National Labor Relations Commission (NLRC) in the case entitled “*Jenie Macahilas Macali v. Baliwag Lechon Manok, Inc., Edgardo Salcedo, and Anicia Domingo*,” docketed as NLRC LAC No. 01-000391-19(4); NLRC NCR CN. 05-08148-18.

Preliminarily, the Court notes that Jenie Macahilas Macali (petitioner) elevated the matter before the Court due to the reason that he was able to adduce substantial evidence to prove that he was illegally dismissed. The standard of substantial evidence is satisfied when there is reasonable ground to believe that a person is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.⁶

A careful perusal of this case, however, does not warrant that petitioner was indeed illegally dismissed from service. Much more that he was constructively dismissed. “To begin with, constructive dismissal is defined as quitting or cessation of work because continued employment is rendered impossible, unreasonable or unlikely; when there is a demotion in rank or a diminution of pay and other benefits. It exists if an act of clear

¹ *Rollo*, pp. 13-33.

² Penned by Associate Justice Celia C. Librea-Leagogo, with Associate Justices Ramon A. Cruz and Gabriel T. Robeniol, concurring; *id.* at 38-46.

³ *Id.* at 48-49.

⁴ Penned by Presiding Commissioner Julia Cecily Coching Sosito, with Commissioners Erlinda T. Agus and Dominador B. Medroso, Jr., concurring; *id.* at 67-80.

⁵ *Id.* at 81-84.

⁶ See *Government Service Insurance System (GSIS) v. Mayordomo*, 665 Phil. 131 (2011).

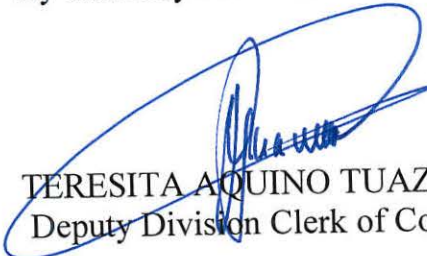
discrimination, insensibility, or disdain by an employer becomes so unbearable on the part of the employee that it could foreclose any choice by him except to forego his continued employment. There is involuntary resignation due to the harsh, hostile, and unfavorable conditions set by the employer. The test of constructive dismissal is whether a reasonable person in the employee's position would have felt compelled to give up his employment/position under the circumstances.”⁷

Thus, *We* cannot put the burden on respondents Baliwag Lechon Manok, Inc., Edgardo Salcedo, and Anicia Domingo when there is insufficient proof and flimsy reasons that they are responsible under the provisions of the law, because to do so will be tantamount to injustice.

WHEREFORE, the Court resolves to **DENY** the instant petition and **AFFIRM** the Resolutions dated 04 November 2019 and 28 January 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 162754 for failure of petitioner Jenie Macahilas Macali to sufficiently show that the CA committed any reversible error in sustaining the National Labor Relations Commission in the case entitled “*Jenie Macahilas Macali v. Baliwag Lechon Manok, Inc., Edgardo Salcedo, and Anicia Domingo*,” docketed as NLRC LAC No. 01-000391-19(4); NLRC NCR CN. 05-08148-18.

SO ORDERED.” (*Baltazar-Padilla, J., on leave.*)

By authority of the Court:



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

15 OCT 2020

with
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⁷ *Luis Doble, Jr. v. ABB Inc.*, 810 Phil. 210, 229 (2017), citing *Gan v. Galderma Philippines, Inc.*, 701 Phil. 612 (2013).

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