



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** which reads as follows:*

“G.R. No. 254051 (Mark Anthony T. Tablizo and Danilo T. Parras v. Papertech, Inc., Alexander Wong, and David Cheu Ka Wah). — This Petition for Review on *Certiorari* under Rule 45 of the Revised Rules of Court assails the Decision¹ dated November 21, 2019 and Resolution² dated October 9, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 156194, which affirmed the consolidated Decision³ dated February 6, 2018 and Resolution⁴ dated April 11, 2018 of the National Labor Relations Commission (NLRC) in NLRC NCR Case No. 12-15011-14 and NLRC NCR Case No. 12-15392-14.

After a judicious study of the case, the Court resolves to deny the Petition and to affirm the dismissal of the complaints on the ground of *res judicata*. It is settled that the principle of *res judicata* is applicable by way of (1) “bar by prior judgment” and (2) “conclusiveness of judgment.” There is “bar by prior judgment” when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action. On the other hand, **“conclusiveness of judgment” finds application when there is identity of parties in the first and second cases, but no identity of causes of action, and a fact or question has been squarely put in issue, judicially passed upon, and adjudged in a former suit by a court of competent jurisdiction.** The fact or question settled by final judgment or order binds the parties to that action, and continues to bind them while the judgment or order remains standing and unreversed by proper authority on a timely motion or

¹ *Rollo*, pp. 28-38; penned by Associate Justice Tita Marilyn Payoyo-Villordon, with the concurrence of Associate Justices Ramon R. Garcia and Germano Francisco D. Legaspi.

² *Id.* at 39-40.

³ *Id.* at 349-359; penned by Commissioner Romeo L. Go, with the concurrence of Presiding Commissioner Gerardo C. Nograles and Commissioner Gina F. Cenit-Escoto.

⁴ *Id.* at 365-366.

js/n

petition; the conclusively-settled fact or question cannot again be litigated in any future or other action between the same parties or their privies and successors-in-interest, in the same or in any other court of concurrent jurisdiction, either for the same or for a different cause of action.⁵ Here, all the requisites of *res judicata* under the concept of “conclusiveness of judgment” are present.

In a related case docketed as NLRC NCR Case No. 03-04267-08 (First Case), respondent Papertech, Inc. (respondent) sued a number of its employees, which included petitioners Mark Anthony T. Tablizo and Danilo T. Parras (petitioners), for illegal strike. In that case, a Writ of Execution⁶ was issued on April 17, 2013 to implement the NLRC’s Resolution⁷ dated June 13, 2011, declaring a *status quo* between the parties, and ordering the reinstatement of affected workers, without prejudice to their option to choose separation pay in lieu of reinstatement. In compliance with the Writ of Execution, petitioners were initially reinstated in Pasig City. Later on, respondent implemented a transfer of employees to its production and manufacturing plants in various cities. Petitioners were ordered to be transferred to Pangasinan, which they refused to heed.

In this case (Second Case) for illegal dismissal, petitioners aver that their refusal to be reassigned to Pangasinan, and insistence to be reinstated to their positions in Pasig City cannot be considered as just cause to warrant their dismissal from employment. They argue that such reassignment was unreasonable and violative of the Writ of Execution in the First Case. However, in a Decision⁸ dated November 9, 2015 in CA-G.R. SP No. 135557, a recent development in the First Case, the CA upheld the reassignment, finding that the positions in respondent’s Pasig City office are already non-existent due to the transfer of its production and manufacturing operations in various cities. Moreover, the transfer of operations was a just and reasonable exercise of management prerogative. Thus, the CA held that it is no longer possible to reinstate the employees to their former positions in Pasig City, and ordered the employees to report back to work in the places designated by respondent, without prejudice to the payment of separation pay to those employees who refused reassignment. This Decision became final and executory on November 21, 2016. It is beyond dispute that the judgment on the First Case was rendered by a court having jurisdiction over the subject matter as well as over the parties, and that it was a judgment on the merits. Further, there can be no question as to the identity of parties as petitioners were among the parties in the First Case. The subject matter and cause of action in the First Case (legality of the strike) may be different from the

⁵ *Degayo v. Magbanua-Dinglasan*, 757 Phil. 376, 385 (2015).

⁶ *Rollo*, pp. 125-128.

⁷ *Id.* at 64-75.

⁸ *Id.* at 322-332; penned by Associate Justice Zenaida T. Galapate-Laguilles, with the concurrence of Associate Justices Mariflor P. Punzalan Castillo and Florito S. Macalino.

present case (legality of the dismissal). Nevertheless, the issue on the propriety of the transfer of respondent's production and manufacturing operations to various cities and the reassignment of its workers to different locations, were already judicially passed upon in the First Case.

Accordingly, as the transfer of respondent's operations to various cities and reassignment of its employees were found to be a reasonable exercise of management prerogative in the CA's final and executory Decision dated November 9, 2015 in CA-G.R. No. 135557, the NLRC and the CA in this case, did not err in dismissing petitioners' complaints for illegal dismissal, which was grounded upon the propriety of their reassignment. We, however, find it apt to impose the legal interest of six percent (6%) *per annum* on the total monetary awards from the finality of this Resolution until their full satisfaction consistent with the prevailing jurisprudence.⁹

FOR THESE REASONS, the instant Petition is **DENIED**. The Decision dated November 21, 2019 and Resolution dated October 9, 2020 of the Court of Appeals in CA-G.R. SP No. 156194 are hereby **AFFIRMED with MODIFICATION** in that the legal interest of six percent (6%) *per annum* is imposed upon the total monetary awards from finality of this Resolution until their full satisfaction.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

14 MAY 2021

⁹ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

*DANILO T. PARRAS (reg)
MARK ANTHONY T. TABLIZO (reg)
Petitioners
509-E Canteras Street
New Zaniga, 1550 Mandaluyong City

*ANDRES PADERNAL AND PARAS LAW OFFICES (reg)
Counsel for Respondents
Unit 8A 8th Floor, Sagittarius Office Condominium
HV dela Costa Street, Salcedo Village
Brgy. Bel-Air, 1209 Makati City

NATIONAL LABOR RELATIONS COMMISSION (reg)
PPSTA Building, Banawe Street cor. Quezon Avenue
1100 Quezon City
(NLRC LAC No. 06-002231-08;
NLRC NCR-03-04267-08)

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 156194

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

*w/copy of CA decision dated November 21, 2019.
Please notify the Court of any change in your address.
GR254051. 02/03/2021 (138)URES

