

BARKO INTERNATIONAL INC. (NOW REPRESENTED BY MOT- BARKO MANILA, INC. THROUGH AN AFFIDAVIT OF ASSUMPTION OF LIABILITY DATED 4 JULY 2011) AND MITSUBISHI ORE TRANSPORT CO. LTD., PE...

Ponente: PERALTA, JR., E. B., J.

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PERALTA, JR., E. B., J.:

In retrospect, We rebuffed petitioners' plea for injunctive reliefs and dismissed the Petition given the full satisfaction of private respondent's claims.[1]

Later, petitioners' Motion for Reconsideration expressed the view that payment was only in keeping with the writ of execution at the level of the Labor Arbiter and such satisfaction was without prejudice to the outcome of petitioners' remedial measure.[2]

While We are not oblivious to case law indoctrination relied upon by petitioners,[3] it must be underscored that the Acknowledgment Receipt and the Receipt of Payment did not explicitly declare that such supervening event was without prejudice to the Petition before Us, unlike what was intimated in Leonis and Philippine Transmarine Carriers, Inc. Verily, when private respondent spoke about the full payment on his Comment to the Petition,[4] petitioners' Reply[5] was mute thereon and the clarification of the import of the Acknowledgment Receipt and the Receipt of Payment only cropped up on petitioners' Motion for Reconsideration[6] after the assailed Resolution of May 30, 2014.

ACCORDINGLY, for lack of persuasive force, petitioners' Motion for Reconsideration from the Resolution of May 30, 2014 is hereby DENIED.

SO ORDERED.

De Leon, M. M., Chairperson, and Cruz, S. C., JJ., concur.

[1] Rollo, pp. 473-475

[2] Rollo, page 476.

[3] Motion for Reconsideration, pp. 3-4, Rollo, pp. 477-478.

[4] Comment dated May 24, 2013, page 2, Rollo, page 379.

[5] Dated June 4, 2013, Rollo, page 435.

[6] Motion for Reconsideration dated June 23, 2014, pp. 2, 6, Rollo, pp. 477, 481.

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