

**NEW COAST HOTEL, INC. (HYATT HOTEL & CASINO MANILA),
PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION,
SPECIAL DIVISION COMPOSED OF HON. HERMINIO V. SUELO AS
PRESIDING COMMIS...**

Ponente: REYES-CARPIO, A., J.

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REYES-CARPIO, A., J.:

Before Us is a Petition for Certiorari with prayer for issuance of a Temporary Restraining Order, filed by New Coast Hotel, Inc. (Hyatt Hotel & Casino Manila), which assails the August 4, 2014 Resolution of the public respondent in NLRC LAC No. 07-002171-13 (NLRC NCR Case No. 03-05175-11). The dispositive portion of the assailed Resolution is reproduced herein as follows:

“WHEREFORE, the Motion for Reconsideration filed by complainant is PARTLY GRANTED. The Decision of the Commission dated December 27, 2013 is MODIFIED to read as follows:

We find that complainant is a regular, not a fixed-term employee, and was illegally dismissed from his employment.

Respondents New Coast Hotel, Inc. (Hyatt Hotel and Casino Manila) and Hotel Project Systems Pte. Ltd. are ordered to jointly and severally pay the following to complainant: 1) Full backwages, inclusive of allowances and other benefits, computed from March 29, 2011 up to the finality of this Resolution which, as of July 11, 2014, have already accumulated to US\$328,916.67; and 2) attorney’s fees equivalent to ten percent (10%) of his total award for full backwages.

Additionally, respondent Hotel Project Systems Pte. Ltd. is ordered to pay the following to complainant: 1) Separation pay equivalent to his one (1) month salary for every year of service, a fraction of at least six (6) months being considered as one (1) whole year which, for his twenty-two (22) years of service, amounts to US\$183,333.00; and 2) attorney’s fees equivalent to ten percent (10%) of his total award for separation pay.

SO ORDERED.”[1]

On February 24, 2015, We received petitioner’s Motion to Withdraw Petition, wherein it was stated that petitioner, together with Hotel Project Systems Pte. Ltd., has already reached an amicable settlement with private respondent Anthony A. Sebastian, thus it prayed therein that “the Honorable Court issue a resolution granting the withdrawal of the Petition with prejudice to its re-filing.”[2]

WHEREFORE, in view of the amicable settlement between the parties, petitioner’s Motion to Withdraw Petition is hereby GRANTED. Accordingly, this case is now considered CLOSED and TERMINATED.

SO ORDERED.

Carandang, R.D., Chairperson, and Barza, R.F., JJ., concur.

[1] Rollo, pp. 1832-1833

[2] Rollo, p. 1887

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