

MEGARECORDS CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC) FIFTH DIVISION, JANETTE N. BANILA, MARIE ANTONETTE GARCIA, JOYLYN OMBAC AND JENNYLIN YAMBAO, ...

Ponente: SADANG, J.

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SADANG, J.:

For resolution is petitioner's Manifestation with Motion to Dismiss[1] the instant petition on the ground that it has paid respondents Janette Banila, Joylyn Ombac and Marie Antonette Garcia each a reasonable amount as full and complete payment of their claims and that respondent Jennylin Yambao is nowhere to be found and is not pursuing her case.

In its Resolution[2] of June 11, 2013, the Eighth Division of this Court directed respondents Banila, Ombac and Garcia to file their comment to the motion and Yambao to manifest if she is still interested in pursuing this petition failing which she would be deemed to have abandoned it and the case shall be dismissed as to her. Petitioner was ordered to submit proofs of payment.

Per CMIS verification, respondents Banila, Ombac and Garcia did not file comment to the motion, hence, per Resolution dated June 16, 2014, said parties were deemed to have waived the filing of their comment. Petitioner also did not comply with the June 11, 2013 resolution, hence, it was given 10 days to comply, otherwise, its motion will be denied.

On September 3, 2014, petitioner filed its Compliance with the June 11, 2013 Resolution attaching thereto: 1) the Minutes of the Pre-Execution conference, dated May 15, 2013, wherein it was agreed that the complainants (respondents) will receive P40,000.00 each as full and final settlement of their claims, the first payment to be made on March 19, 2013 and the second payment on May 31, 2013; and 2) xerox copies of BDO checks issued and delivered to the respondents. Petitioner alleges that the NLRC has not yet issued an order regarding the settlement.

With the submission of petitioner's Compliance, the motion to dismiss petition was deemed submitted for resolution pursuant to the Resolution, dated September 26, 2014.

In its present petition, petitioner seeks to nullify the November 29, 2011 Resolution of the NLRC dismissing its appeal from the June 28, 2011 Decision of Labor Arbiter Catalino R. Laderas on the ground of non-perfection of appeal and the May 31, 2012 Resolution denying the Motion for Reconsideration.

The dispositive portion of the Labor Arbiter's decision reads:

“WHEREFORE, premised on the forgoing considerations, judgement is hereby rendered ordering the respondents MEGAMEDIA CORPORATION / MEGARECORD CORPORATION to pay complainants, jointly and solidarily, separation pay equivalent to one (1) month pay for every year of service computed from the date of their respective employment to the date of their illegal termination in the amount of Ninety Nine

Thousand Three Hundred Twenty (P99,320.00) pesos each (P382 x 26 days x 10 years = P99,320.00).

SO ORDERED.”[3]

By filing the instant motion to dismiss on the ground that it has paid its judgment obligation to respondents, petitioner has clearly expressed its conformity with the ruling of the NLRC dismissing its appeal and the decision of the Labor Arbiter finding it liable to respondents. The only thing that remains to be done is the execution of the judgment of the Labor Arbiter. There is no more reason for the continuation of this petition.

WHEREFORE, the Manifestation with Motion to Dismiss is GRANTED. The petition for certiorari is DISMISSED.

SO ORDERED.

Librea-Leagogo, J., Chairperson, and [*]Valenzuela, JJ., concur.

[*] Vice Justice Amy Lazaro-Javier, per Office Order No. 38-15-RSF, dated Feb. 3, 2015

[1] Rollo pp. 164-167.

[2] Rollo, pp. 170-171.

[3] Rollo, p. 25.

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