

CELSO S. SANCHEZ, PETITIONER, VS. HONORABLE NATIONAL LABOR RELATIONS COMMISSION, 8TH DIVISION, CAGAYAN DE ORO CITY, LAPANDAY FOODS CORPORATION (LFC), ANGELA RICA REGINA LORENZO ...

Ponente: PEREZ, J.

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PEREZ, J.:

This resolves the Motion for Reconsideration[1] filed by private respondent Lapanday Foods Corporation (LFC) of this Court's Decision[2] dated 14 July 2014, granting petitioner's petition for certiorari, which annulled the 18 May 2011 Decision[3] and 26 October 2011 Resolution[4] of the public respondent National Labor Relations Commission (NLRC), and reinstated the 30 September 2010 Decision[5] of the Regional Arbitration Branch (RAB) No. XI, Davao City.

In its Motion, private respondent LFC vehemently argues that petitioner voluntarily resigned from his employment, thus, there is no constructive dismissal to speak of.

A cursory perusal of the records however, would lead this Court to reiterate its previous findings that the hostile circumstances faced by petitioner prompted him to sever his employment with respondent against his will. It is beyond cavil that petitioner was constructively dismissed when he was asked to make a choice whether to tender his resignation without pay or to continue his employment subject to evidently unfair and unreasonable conditions, which left him no genuine choice but to accept the least unfavorable situation for himself.

Considering in the main that the arguments in private respondent's Motion for Reconsideration are reiterations of facts and issues that have been disposed of by this Court, We resolve to DENY the motion.

SO ORDERED.

Borja,[*] J., Ch., and Inting, JJ., concur.

[*] Vice Justice Edgardo A. Camello, per raffle dated 18 June 2014.

[1] Rollo, pp. 251-262.

[2] Id. at 233-244.

[3] Id. at 25-33.

[4] Id. at 36-37.

[5] Id. at 100-113.

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