

ANECITO B. DAGA-AS, AQUILLO P. PATEÑO, SR., AGAPITO C. CUELLO II, RENALD T. MATA, JULITO A. BECIRA, ALBERTO G. PIENCENAVES, RAYMOND P. TATIL, HENRY M. PONCE, HENRY A. CULARTE, F...

Ponente: SINGH, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/abb74402ab40/>

SINGH, J.:

In the Court's Decision dated 22 October 2014, it denied the Petition for Certiorari under Rule 65 of the Revised Rules of Court and affirmed the Resolutions dated 25 April 2011 and 30 June 2011 of the public respondent National Labor Relations Commission, Eighth Division (formerly Fifth Division), in NLRC MAC-07-011589-2010 (RAB-XI-10-00998-09).[1]

The petitioners move for the reconsideration of the Decision dated 22 October 2014 and allege that: 1) they were illegally dismissed by respondent Makabayan Security Agency ("Makabayan") when they were made to sign a relief order and new security personnel were assigned to posts where they were previously detailed; 2) the withdrawal of their cash bonds from respondent Makabayan for renewal of their licenses signified their dismissal from service as they were required to file a resignation letter prior to the withdrawal; and 3) the petitioners were not paid the minimum wage as mandated by law.

The Court resolves to deny the motion.

This Court reiterates that the relief order signed by the petitioners is not tantamount to a dismissal from service. Respondent Makabayan merely exercised its management prerogative to assign its personnel to areas where their services would be beneficial.

In this case, respondent Davao Central Chemical Corporation ("DCCC") requested a replacement of the petitioners-security guards citing "unbecoming conduct and poor performance." Hence, the relief order from respondent Makabayan.

The filing of the Complaint a quo by the petitioners only fifteen (15) days from their relief from duty clearly shows that no constructive dismissal took place. The complaint was premature.

Article 286 of the Labor Code of the Philippines allows the floating status of security guards provided it does not exceed more than 6 months following their relief from duty. The law cannot protect the petitioners when they deemed themselves resigned when they filed the Complaint a quo only 15 days after their relief from their previous post.

As no new meritorious issues were raised by the petitioners to justify a reconsideration of the Court's Decision dated 22 October 2014, the Court finds no cogent reason to reverse and set aside the same.

WHEREFORE, the Motion for Reconsideration filed by the petitioners is hereby DENIED for lack of merit.

SO ORDERED.

Badelles, J. Chairman and Inting, JJ., concur.

[1] Rollo, pp. 480-488.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.