

MICHELLE MAGDALENE A. RIVERA, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND BPO TELESERVICES, INC., AND/OR TONY BRUNO, JENNY NEPOMUCENO AND ERIC PARAGAS, RESPONDENTS.

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

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

In synthesis, when We resolved to reinstate the Labor Arbiter's Decision on July 8, 2010 with modification for the payment by private respondent company of nominal damages to petitioner, it was premised on two key points, viz: validity of petitioner's dismissal for a just cause for fraud and breach of petitioner's right to due process.[1] Apart from these major foundations, We also dissected the evidence relative to the factual premises about petitioner's deception.

To Our dismay, petitioner's 4-page Motion for Reconsideration did not spell out any supposed misimpression from Us unlike what is expected of a movant under Rule 37.[2]

Accordingly, petitioner's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

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

[1] Decision dated March 12, 2014, Rollo, pp. 183-194.

[2] Motion for Reconsideration dated April 15, 2014, Rollo, pp. 196-199; cf. 1 Regalado, Remedial Law Compendium, 10th edition, 2010, pp. 427-428, citing Section 2, Rule 37, Francisco vs. Caluag, L-15365, December 26, 1961, Villalon, et al. vs. Ysip, et al., 98 Phil. 851 and other cases; 2 Feria and Noche, Civil Procedure Annotated, 2013 edition, page 99 – "A motion for reconsideration must point out specifically the findings or conclusions of the judgment demonstrating the invoked ground; or are not supported by the evidence or which are contrary to law. There should be an express reference to the testimonial or documentary evidence or to the provisions of law alleged to be contrary to such findings and conclusions." (citing Philippine Commercial and Industrial Bank vs. Ortiz, 150 SCRA 380,391 [1987], Marikina Valley Development Corporation vs. Flojo, 251 SCRA 87,93 [1995].

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