

**ARSENIO T. MENDIOLA, PETITIONER, VS. COURT OF APPEALS,
NATIONAL LABOR RELATIONS COMMISSION, PACIFIC FOREST
RESOURCES, PHILS., INC. AND/OR CELLMARK AB, RESPONDENTS.**

G.R. NO. 159333. January 31, 2007

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PUNO, CJ:

For resolution is the Motion for Reconsideration[1] dated September 23, 2006 filed by respondent Pacific Forest Resources, Inc. (Pacfor), of the Decision[2] of this Court dated July 31, 2006, where we held:

IN VIEW THEREOF, the petition is GRANTED. The Court of Appeals' January 30, 2003 Decision in CA-G.R. SP No. 71028 and July 30, 2003 Resolution, affirming the December 20, 2001 Decision of the National Labor Relations Commission, are ANNULLED and SET ASIDE. The July 30, 2001 Decision of the Labor Arbiter is REINSTATED with the MODIFICATION that the amount of P250,000.00 representing an alleged increase in petitioner's salary shall be deducted from the grant of separation pay for lack of evidence.

SO ORDERED.

The dispositive portion of the July 30, 2001 Decision of the Labor Arbiter reads as follows:

WHEREFORE, premises considered, judgment is hereby rendered ordering herein respondents Cellmark AB and Pacific Forest Resources, Inc., jointly and severally to compensate complainant Arsenio T. Mendiola separation pay equivalent to at least one month for every year of service, whichever is higher (sic), as reinstatement is no longer feasible by reason of the strained relations of the parties equivalent to five (5) months in the amount of \$32,000.00 plus the sum of P250,000.00; pay complainant the sum of P500,000.00 as moral and exemplary damages and ten percent (10%) of the amounts awarded as and for attorney's fees.

All other claims are dismissed for lack of basis.

SO ORDERED.

The Labor Arbiter's decision held Cellmark solidarily liable with respondent Pacfor. However, as respondent Pacfor pointed out in its Motion for Reconsideration, the courts never acquired jurisdiction over the person of Cellmark. Respondent Cellmark is the parent corporation of respondent Pacfor. It is a corporation duly organized under the laws of Sweden, with principal office in Gothenburg, Sweden. It did not receive any summons from any court or quasi-judicial body with regard to the instant case, nor did it voluntarily submit itself to the jurisdiction of the Labor Arbiter.

With regard to the other issues, no substantial arguments have been raised by respondent Pacfor. These issues have been thoroughly discussed by this Court in its July 31, 2006 decision.

IN VIEW WHEREOF, the petitioner's Motion for Reconsideration is PARTIALLY GRANTED. The judgment rendered by the Labor Arbiter dated July 30, 2001, shall be without effect only as to respondent Cellmark AB.

SO ORDERED.

Sandoval-Gutierrez, Corona, Azcuna, and Garcia, JJ., concur.

[1] Rollo, pp. 1247-1291.

[2] Id. at 1233-1246.

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