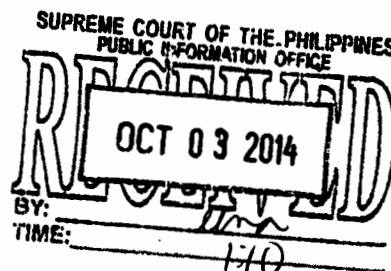




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 8, 2014 which reads as follows:

“G.R. No. 212789 (Jose Henry dela Cruz v. Baliwag Transit, Inc., Edilberto Tengco, and Joselito Tengco). - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the February 3, 2014 Decision¹ and June 4, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 131573 for failure of Jose Henry dela Cruz (petitioner) to show that the CA committed any reversible error in finding that respondents Baliwag Transit, Inc., Edilberto Tengco, and Joselito Tengco validly terminated him from employment.

As correctly ruled by the CA, petitioner’s act of driving his bus without authority and under the influence of liquor, resulting in severe damage to property, constitutes serious misconduct – a just cause for his dismissal. Misconduct is improper or wrongful conduct. It is the transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, willful in character, and implies wrongful intent and not mere error in judgment. The misconduct, to be serious within the meaning of the Labor Code, must be of such grave and aggravated character and not merely trivial or unimportant. It is also important that the misconduct be in connection with the employee’s work to constitute just cause for his separation,³ as in this case.

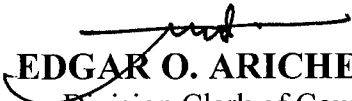
¹ Rollo, pp. 49-63. Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Franchito N. Diamante and Zenaida T. Galapate-Laguilles, concurring.

² Id. at 64-65.

³ *Philippine Long Distance Telephone Company v. The Late Romeo F. Bolso*, G.R. No. 159701, August 17, 2007, 530 SCRA 550, 560; citation omitted.

SO ORDERED.” SERENO, C.J., on leave; **VELASCO, JR., J.**, acting member per S.O. No. 1772 dated August 28, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *of also*
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Manila
(CA-G.R. SP No. 131573)

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Judgment Division (x)
Supreme Court

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(NLRC RAB III Case No. 03-17422-11;
NLRC LAC No. 02-000769-12)

SR

