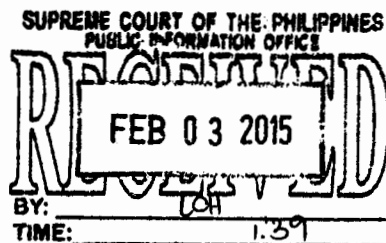




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 24, 2014 which reads as follows:

“G.R. No. 213373 (ABS-CBN Broadcasting Corporation and Eugenio Lopez III, petitioners versus Enrico T. Adriano and Julius T. Adriano, respondents)

This is an appeal via a Petition for Review on *Certiorari*,¹ assailing the Decision² dated 13 December 2013 and Resolution³ dated 27 June 2014 of the Court of Appeals in CA-G.R. SP No. 124877.

The facts:


Petitioner ABS-CBN Broadcasting Corporation (ABS-CBN) is a domestic corporation engaged in the business of radio and television broadcasting. Petitioner Eugenio Lopez III (Lopez) is the Chairman of ABS-CBN.⁴

In 1993, ABS-CBN hired respondents Enrico T. Adriano and Julius T. Adriano as Boom Men. After some years in the service, ABS-CBN promoted both to Sound Engineers.⁵

- over – three (3) pages

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¹ Under Rule 45 of the Rules of Court.
² *Rollo*, pp. 645-654.
³ *Id.* at 685-686.
⁴ *Id.* at 645.
⁵ *Id.* at 645-646.



During their years of service with ABS-CBN, respondents were never given benefits similar to that of the company's regular employees. ABS-CBN had previously enticed both to avail of its Internal Job Market (IJM) program so that they would be given better benefits. The respondents, however, refused.

In 2002, respondents filed a *Complaint for Regularization* against ABS-CBN before the Labor Arbiter (LA) praying, *inter alia*, for regular status, payment of wage increase and benefits under the Collective Bargaining Agreement (CBA) of the rank-and-file employees.

On 29 February 2008, the LA dismissed respondent's *Complaint for Regularization* (regularization case) decreeing that the former were not employees but merely "talents" of ABS-CBN. Respondents appealed to the National Labor Relations Commission (NLRC).

On 23 October 2008,⁶ the NLRC affirmed the LA. Respondent filed a petition for *certiorari* before the Court of Appeals.

While their petition for *certiorari* was still pending before the Court of Appeals, however, respondents filed a *Complaint for Illegal Dismissal* (illegal dismissal case) against petitioners before the LA. The respondents averred therein that ABS-CBN terminated their employment after they had refused to sign a two-month contract that stipulates a waiver of their right to prosecute the regularization case.

Petitioners filed a Motion to Dismiss⁷ the illegal dismissal case on the ground of forum shopping and *res judicata*; this on account of the previous rulings of the LA and NLRC in the regularization case.

On 20 April 2011,⁸ the LA dismissed respondents' illegal dismissal case on the ground of *res judicata*. Respondents appealed to the NLRC.

On appeal, the NLRC reversed the LA. The NLRC held that it was erroneous for the LA to have dismissed the illegal dismissal case and instead merely ordered that the proceedings therein be suspended until the regularization case is finally decided by the Court of Appeals.⁹

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⁶ Id. at 123-134.

⁷ Id. at 135-181.

⁸ Id. at 259-265.

⁹ Id. at 469-474.

Petitioners filed a petition for *certiorari* before the Court of Appeals.

On *certiorari*, the Court of Appeals affirmed the NLRC.

Hence, this appeal by petitioners.

OUR RULING

We deny the petition.


There is no forum shopping or *res judicata* between the regularization case and the illegal dismissal case. Both are premised on different causes of action and pray for distinct reliefs. At most, the issues in the regularization case may be treated as *prejudicial* to that in the illegal dismissal case, but that would only warrant a suspension of the latter case—not its outright and immediate dismissal.

In view whereof, the instant petition is hereby **DENIED**.

Moreover, the petition lacks proof of authority of affiant Eugenio Lopez III to sign the same for and on behalf of petitioner ABS-CBN Corporation.

SO ORDERED.” PERLAS-BERNABE, J., on leave;
VILLARAMA, JR., J., acting member per S.O. No. 1885 dated
November 24, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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(NLRC Case No. 08-11479-10;
NLRC LAC No. 06-001619-11)



