Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 1, 2019** *which reads as follows:*

"G.R. No. 204071 (*AMKOR TECHNOLOGY PHILIPPINES, INC., and JERRY AGNES, Petitioners, v. ABRAHAM D. CATALAN, Respondent.*) – The Court resolves to dismiss this appeal for failure of the petitioners to show that the Court of Appeals (CA) seriously erred in rendering its Decision[1] and Resolution[2] promulgated on May 31, 2012 and October 15, 2012, respectively.

We find no reversible error on the part of the CA when it reversed and set aside the Decision rendered by the NLRC and reinstated the Decision of the Labor Arbiter. As discussed by the CA, the petitioners anchored their dismissal of the respondent on serious misconduct and willful breach of trust. Simply put, petitioners argued that they were justified in terminating the respondent for his alleged *modus operandi* of ordering excessive CTC and FIFO stickers from TPE in order to receive kickbacks, and then have them destroyed later on to justify the necessity of ordering new stickers.

We agree with the CA's observation that the involvement of the respondent was not established by substantial evidence considering that: (a) the respondent did not have exclusive access to the MRS in buying the production materials; (b) the petitioners failed to establish that the respondent, to the exclusion of all other authorized personnel, had made the immoderate orders; (c) the veracity of the investigation was doubtful since the respondent alone and no other personnel was investigated; (d) the respondent's claim that his request for sticker labels was merely recommendatory and was subject to final approval

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1 *Rollo*, pp. 88-105; penned by Associate Justice Samuel H. Gaerlan with Associate Justice Ramon R. Garcia and Associate Justice Priscilla J. Baltazar-Padilla concurring;

2 Id. at 107.

of superiors was more in keeping with sound business practice; and (e) that the petitioners failed to establish that the respondent had obtained personal favors from TPE at their expense.[3]

The burden of proving that the termination of an employee was for a just or authorized cause lies with the employer.[4] In labor cases, the quantum of proof required is substantial evidence. Substantial evidence is more than a mere scintilla – it is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.[5] Evidently, the petitioner failed in this regard.

WHEREFORE, the Court **DENIES** the petition for review for being unmeritorious and **AFFIRMS** the Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 111331 promulgated on May 31, 2012 and October 15, 2012, respectively.

SO ORDERED." ***Carandang, J.,*** *on official leave.*

Very truly yours,

LIBRADA C. BUENA
Division Clerk of Court
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Court of Appeals (x)
Manila
(CA-G.R. SP No. 111331)

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3 Id. at 103.
4 *Admiral Transport, Inc. v. Gensaya,* G.R. No. 226121 (Notice), November 29, 2017.
5 *Montemayor v. Bundalian*, G.R. No. 149335, July 1, 2003, 405 SCRA 264, 271.