



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila
 SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 January 2020** which reads as follows:*

“G.R. No. 237267 (Disc Contractors, Builders and General Services, Inc.* v. George A. Buen, Rudy P. Equio, Reynaldo A. Bodaño, Rodolfo G. Canoza, and Esmeralda V. Esteban).** – The Court **NOTES** the compliance dated December 13, 2019 by counsel for respondents George A. Buen, Rudy P. Equio, Reynaldo A. Bodaño, Rodolfo G. Canoza, and Esmeralda V. Esteban (respondents) with the Resolution dated September 2, 2019, submitting the PDF file of respondents’ signed third motion for extension to file a comment.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the August 25, 2017 Decision² and the January 16, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 144298 for failure of petitioner Disc Contractors, Builders and General Services, Inc. (petitioner) to sufficiently show that the CA committed any reversible in finding that its unilateral withdrawal of its grant of mid-year bonus violated the principle of non-diminution of benefits under Article 100 of the Labor Code, as amended.⁴

As correctly ruled by the CA, no grave abuse of discretion can be attributed to the National Labor Relations Commission in affirming the Labor Arbiter’s finding that: (a) petitioner is a private corporation beyond the authority of the governance commission of the Government Owned and Controlled Corporation,

* “Disc Contractors, Builders and General Service, Inc.” in some parts of the *rollo*.

** “Reynaldo A. Bodano” in some parts of the *rollo*.

¹ *Rollo*, pp. 3-20.

² Id. at 27-37. Penned by Associate Justice Pedro B. Corales with Associate Justices Japar B. Dimaampao and Amy C. Lazaro-Javier (now a member of this Court), concurring.

³ Id. at 39-40.

⁴ Department Advisory No. 1, Series of 2015, entitled “RENUMBERING OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED” dated July 21, 2015. Article 100 thereof reads:

Article 100. *Prohibition against elimination or diminution of benefits.* — Nothing in this Book shall be construed to eliminate or in any way diminish supplements, or other employee benefits being enjoyed at the time of promulgation of this Code.

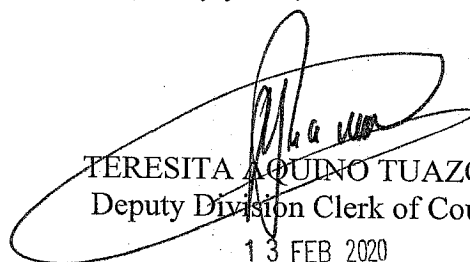
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January 22, 2020

following the status of its parent company, Philippine National Construction Corporation; and (b) petitioner's grant of mid-year bonus ripened into a company policy, thereby making its unilateral withdrawal a violation of the principle of non-diminution of benefits under Article 100 of the Labor Code.⁵ Settled is the rule that the application of the prohibition against the diminution of benefits presupposes that a company practice, policy or tradition favorable to the employees has been clearly established, and that the payments made by the employer pursuant to the practice, policy, or tradition have ripened into benefits enjoyed by them,⁶ which respondents were able to show in this case.

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court *urh* 2/12
 13 FEB 2020

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⁵ See *rollo*, pp. 34-35.

⁶ *Philippine Journalist, Inc. v. Journal Employees Union*, 710 Phil. 94, 108 (2013).