



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 15, 2020 which reads as follows:*

**“G.R. No. 249284 – NERI ANNE M. ALIBUYOG, petitioner, versus WILFREDO O. HERMOSURA, respondent.**

The Court resolves to **DENY** the Petition and **AFFIRM WITH MODIFICATION** the Court of Appeals’ (CA) Decision<sup>1</sup> dated October 25, 2018 and Resolution<sup>2</sup> dated August 16, 2019 in CA-G.R. SP No. 10577 for failure to show that the CA committed any reversible error in reducing the penalty from dismissal from service to one (1) year suspension without pay.

After a judicious review of the case, the Court finds that the CA acted correctly in considering the mitigating circumstances of length of service, the fact of restitution, and that respondent had no previous infraction.

Respondent is, however, liable to the government for interest on the belatedly settled amount of ₱154,494.35 at a rate of six percent (6%) *per annum*<sup>3</sup> from February 25, 2009, the date he was first directed to settle the unliquidated amount in the first demand letter sent to him dated February 18, 2009,<sup>4</sup> until August 26, 2016,<sup>5</sup> the date he finally returned the amount.

- over – two (2) pages ...

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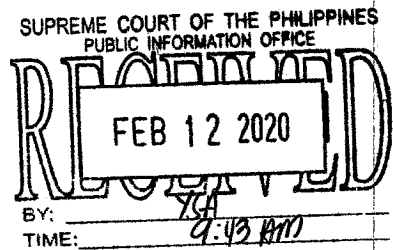
<sup>1</sup> *Rollo*, pp. 47-55. Penned by Associate Justice Edward B. Contreras and concurred in by Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap.

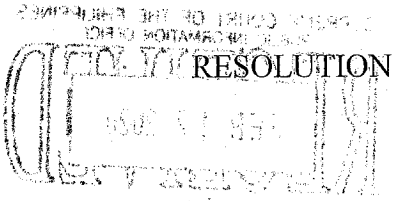
<sup>2</sup> *Id.* at 57-59.

<sup>3</sup> See CIVIL CODE, Art. 2209.

<sup>4</sup> *Rollo*, p. 67.

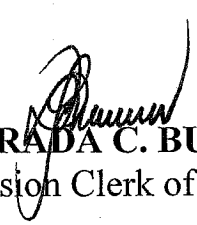
<sup>5</sup> *Id.* at 118.





**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

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