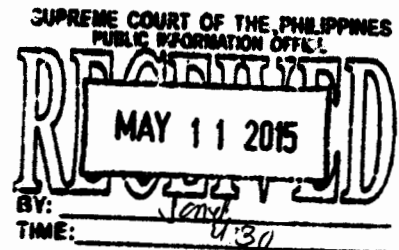




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION  
NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 23, 2015** which reads as follows:*

**“G.R. No. 215898 (Felipe T. Gabas, Jr. v. Herstal Security Agency, Inc./Rodrigo Agojo).** - The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

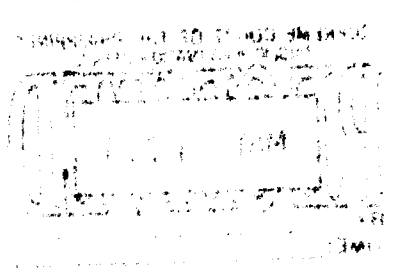
After a judicious perusal of the records, the Court resolves to **DENY** the petition and **AFFIRM** the June 27, 2014 Decision<sup>1</sup> and December 22, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 129855 for failure of Felipe T. Gabas, Jr. (petitioner) to show that the CA committed any reversible error in upholding the findings of the National Labor Relations Commission and the Labor Arbiter that he was not constructively dismissed.

As correctly held by the CA, petitioner cannot be said to have been placed on “floating status” and consequently, to have been constructively dismissed, since it was him, and not the respondents or their client, who requested for a transfer/reassignment and voluntarily stopped reporting at his assigned post. The test of constructive dismissal is whether a reasonable person in the employee’s position would have felt compelled to give up his job under the circumstances.<sup>3</sup> The mere fact that petitioner’s request to be reassigned has yet to be granted does not, by and of itself, render his continued employment unbearable. As such, there was no constructive dismissal.

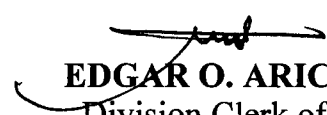
- over – two (2) pages .....

<sup>1</sup> *Rollo*, pp. 36-44. Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Mario V. Lopez and Socorro B. Inting, concurring.  
<sup>2</sup> *Id.* at 46-50.  
<sup>3</sup> *Madrigalejos v. Geminilou Trucking Service*, 595 Phil. 1153, 1157 (2008); citation omitted.

**SO ORDERED.”**



Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court <sup>Mallo</sup>  
**9**

PUBLIC ATTORNEY’S OFFICE  
Counsel for Petitioner  
Special and Appealed Cases Service  
DOJ Agencies Bldg.  
Diliman 1128 Quezon City

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 129855)

PUNO & PEÑARROYO LAW  
OFFICE  
Counsel for Respondents  
5<sup>th</sup> Flr., Valero Tower  
122 Valero St., Salcedo Village  
1227 Makati City

NATIONAL LABOR RELATIONS  
COMMISSION  
PPSTA Bldg., Banawe St.  
1100 Quezon City  
(NLRC LAC Case No. 09-002694-12;  
NLRC RAB Case No. 11-16575-11)

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