



SUPREME COURT OF THE PHILIPPINES  
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REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 11 December 2019 which reads as follows:*

**"G.R. No. 249968 (Franklin Noel Pinacate Trazo v. RR Donnelley, Inc., Kevin Bucknor, Maria Lourdes Arespacochaga, and Namita Sharma)**

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> for being the wrong mode of review in assailing the May 21, 2019 Decision<sup>2</sup> and the September 3, 2019 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 157510, considering that petitioner Franklin Noel Pinacate Trazo (petitioner) should have availed of a petition for review on *certiorari* under Rule 45 of the Rules of Court (Rule 45 Petition). It is settled that the extraordinary remedy of *certiorari* would not lie if there is a plain, speedy, and adequate remedy in the ordinary course of law,<sup>4</sup> as in this case.

In any event, even if the instant petition is treated as a Rule 45 Petition, the Court nonetheless finds no reversible error on the part of the CA in rendering the assailed rulings. As correctly ruled by the CA, (a) petitioner failed to prove that his resignation was forcibly brought about by serious acts of insult, disdain, and discrimination on the part of the officers of respondent RR Donnelley, Inc. (RR Donnelley);<sup>5</sup> and (b) his transfers from one department to another was without demotion in rank nor diminution in salary, and thus, conformably within the proper exercise of RR Donnelley's management prerogative.<sup>6</sup> Case law provides that a claim of constructive dismissal must be substantiated with clear and convincing evidence, absent which, the resignation of an employee is presumed to be voluntary.<sup>7</sup> Settled is the rule that the management has the prerogative to transfer an employee from one office to another within the business establishment, provided there is no demotion in rank or a diminution of salary, benefits, and other privileges.<sup>8</sup> It bears stressing that factual findings of the labor tribunals or agencies, especially when affirmed by the CA, are accorded not only with respect, but also with finality by the Court,<sup>9</sup> as in this case.

<sup>1</sup> Rollo, pp. 3-97.

<sup>2</sup> Id. at 553-564. Penned by Associate Justice Stephen C. Cruz with Associate Justices Pedro B. Corales and Germano Francisco D. Legaspi, concurring.

<sup>3</sup> Id. at 601-602.

<sup>4</sup> See *Republic v. Yang Chi Hao*, 617 Phil. 422, 432 (2009).

<sup>5</sup> See rollo, pp. 560-561.

<sup>6</sup> See id. at 562.

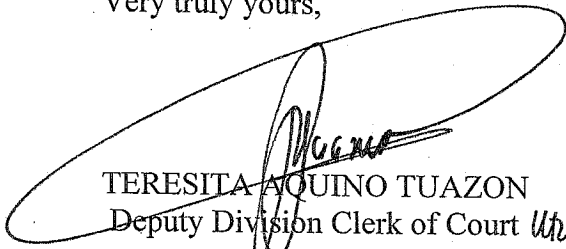
<sup>7</sup> See *Kondo v. Toyota Boshoku (Phils.) Corporation*, G.R. No. 201396, September 11, 2019.

<sup>8</sup> See *Marsman & Co., Inc. v. Sta. Rita*, G.R. No. 194765, April 23, 2018, 862 SCRA 211, 229.

<sup>9</sup> See *Superior Packaging Corporation v. Balagsay*, 697 Phil. 62, 68-69 (2012).

**SO ORDERED.”**

Very truly yours,

  
 TERESITA AQUINO TUAZON  
 Deputy Division Clerk of Court *Whh 12/26*  
 27 DEC 2019

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 NLRC LAC No. 01-000355-18)

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