



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 March 2020** which reads as follows:*

**“G.R. No. 237227 (Perlina P. Acuyong v. YYD Systems Interiors, Inc.<sup>1</sup> and Wen-Ju Chen).** – The Court **NOTES:** (a) the compliance dated February 14, 2020 of counsel for respondents YYD Systems Interiors, Inc. and Wen-Ju Chen (respondents) with the Resolution dated October 1, 2019, submitting a copy of the comment on the petition for review on *certiorari* and the receipt of the payment of Court fine the amount of ₱1,000.00; (b) the comment dated February 12, 2020 of respondents, in compliance with the Resolution dated April 11, 2018; and (c) the payment of Court fine in the amount of ₱1,000.00 dated February 14, 2020 by counsel for respondents.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>2</sup> and **AFFIRM** the October 10, 2017 Decision<sup>3</sup> and the January 30, 2018 Resolution<sup>4</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 146926 for failure of petitioner Perlina P. Acuyong (petitioner) to sufficiently show that the CA committed any reversible error in not sustaining the award<sup>5</sup> of separation pay or financial assistance as a measure of social justice.

As correctly ruled by the CA, the award of separation pay or financial assistance as a measure of social justice is unwarranted, considering that the termination of employment of petitioner’s deceased husband, Ronilio S. Acuyong, was brought about by his death and not by the act of his employer.<sup>6</sup> Settled is the rule that separation pay may be given to a dismissed employee as a form of financial assistance or as a measure of social justice only in instances where the employee is validly dismissed for causes other than serious misconduct, willful

<sup>1</sup> Referred to as “YYD System Interiors, Inc.” in some parts of the *rollo*.

<sup>2</sup> *Rollo*, pp. 11-28.

<sup>3</sup> *Id.* at 36-45. Penned by then Presiding Justice Romeo F. Barza with Associate Justices Myra V. Garcia-Fernandez and Pablito A. Perez, concurring.

<sup>4</sup> *Id.* at 48-49.

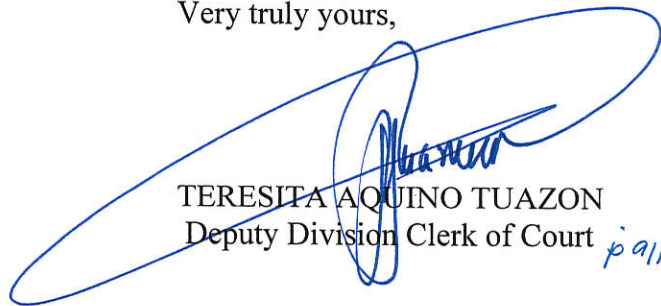
<sup>5</sup> See Labor Arbiter’s Decision dated January 29, 2016, penned by Labor Arbiter Julia Cecily Coching Sosito, *id.* at 90-93.

<sup>6</sup> See *id.* at 42.

disobedience, gross and habitual neglect of duty, fraud or willful breach of trust, commission of a crime against the employer or his family, or those reflecting on his moral character.<sup>7</sup> When there is no dismissal to speak of, such as when the termination was due to the employee's death and not to an act of the employer,<sup>8</sup> an award of separation pay is not in order,<sup>9</sup> as in this case.

**SO ORDERED.”**

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *p 9/18*

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*Please notify the Court of any change in your address.*  
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<sup>7</sup> See *Security Bank Savings Corporation v. Singson*, 780 Phil. 860, 869 (2016).

<sup>8</sup> See *Gomez v. Centrale Vegetable Oil Manufacturing Company*, 139 Phil. 61, 66 (1969).

<sup>9</sup> See *Arc-Men Food Industries Corporation v. National Labor Relations Commission*, 436 Phil. 371, 381 (2002).