

FIRST DIVISION

[G.R. No. 166550, November 18, 2005]

**ROBERT C. CASOL AND NAGSAMA-PUREFOODS-PULO,
PETITIONERS, VS. PUREFOODS CORPORATION, RESPONDENT.**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

This resolves petitioners' Motion for Partial Reconsideration and respondent's Motion for Reconsideration of the Decision dated September 22, 2005.

In the said decision, respondent was found to have illegally dismissed petitioner Casol from the service and was ordered to pay Casol his separation pay since reinstatement was no longer feasible in view of the closure of the Processed Meats Division to which Casol belonged. The dispositive portion of the decision reads:

WHEREFORE, the petition is GRANTED. The May 19, 2004 decision of the Court of Appeals and its January 6, 2005 resolution in CA-G.R. SP No. 75804, are REVERSED and SET ASIDE. The dismissal of Robert C. Casol is hereby DECLARED ILLEGAL. Respondent Purefoods Corporation is ORDERED to PAY Casol separation pay equivalent to one (1) month pay or to at least one-half (1/2) month pay for every year of service, whichever is higher, the period of service reckoned from the time Casol was hired until July 2, 1997. From the separation pay, the following should be DEDUCTED:

- 1) The monetary equivalent of the 6-day suspension based on the actual daily wage received by petitioner on August 29, 1992; and
- 2) The total cost spent by respondent Purefoods Corporation to repair the damage to the company vehicle directly related to petitioner's infraction in the amount of P24,976.92.

SO ORDERED.

Petitioners now pray that Casol be awarded full back wages from the time he was illegally dismissed up to the time the Processed Meats Division was closed on July 2, 1997 and that the separation pay be computed using the factor one and one-half month pay for every year of service.

On the other hand, respondent moves for the reversal of the decision contending that there was substantial evidence warranting Casol's dismissal.

Under Article 279 of the Labor Code, an employee unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full back wages, inclusive of allowances, and to his other benefits or their