

Title: In Re: Letters of Atty. Estelito P. Mendoza re: G.R. No. 178083 – Flight Attendants and Stewards Association of the Philippines (FASAP) v. Philippine Airlines, Inc. (PAL), et al.

Facts:

The case revolves around the legality of significant procedural actions taken by the Supreme Court of the Philippines in the disposition of a labor dispute between FASAP and PAL. It was an administrative matter stemming from the letters of Atty. Estelito P. Mendoza, the counsel for PAL, regarding G.R. No. 178083.

The case initially reached the Supreme Court’s Third Division, which on July 22, 2008, found PAL guilty of illegal dismissal and ordered reinstatement and payment of full backwages. This decision was penned by Justice Ynares-Santiago. Movements in the composition of the Division due to retirements and inhibitions resulted in the creation of a Special Third Division, which denied PAL’s motion for reconsideration with finality on October 2, 2009.

PAL subsequently filed a 2nd motion for reconsideration, anchored on the Court’s October 2009 Resolution about the validity of PAL’s retrenchment program. Questions arose on who should be the new ponente given the retirement of the original ponente, Justice Ynares-Santiago. Instead of the case being raffled among the remaining members of the Third Division that issued the July 22, 2008 Decision or to the Special Third Division that rendered the October 2, 2009 Resolution, the case was raffled to Justice Velasco, Jr. on November 11, 2009.

On January 20, 2010, the reconstituted Third Division, through Justice Velasco, granted PAL’s motion for leave to file and admit the 2nd motion for reconsideration. The decision to take the case again for review after it had been declared final resulted in an inquiry on whether correct procedures were followed during the raffle after Justice Velasco’s inhibition.

Atty. Mendoza, through several letters to the Clerk of Court, questioned the regularity of the proceedings, particularly which division acted on PAL’s 2nd motion for reconsideration, the designation of the ponente, the circumstances surrounding the transfer of the case, and the exact voting details.

Following Atty. Mendoza’s queries and the administrative case that resulted from his letters, the Court en banc deemed the issue of sufficient importance to merit its attention. On October 4, 2011, the Court en banc issued a resolution recalling the Second Division’s September 7, 2011 resolution and ordering the re-raffle of the case to a new Member-in-

Charge—a decision rooted in administrative matter considerations rather than the legal merits of the labor case.

Issues:

1. Whether the recall of the Second Division's September 7, 2011 resolution by the Court en banc was procedurally and substantively correct.
2. Whether the assignment of the case to Justice Velasco, and subsequently to Justice Brion, was regular and conformed to the rules of the Supreme Court.
3. Whether the Second Division's September 7, 2011 resolution denying PAL's second motion for reconsideration was proper and valid, considering the participation of Justices who took part in the denial of PAL's first motion for reconsideration and the membership shifts in the Division.
4. Whether Atty. Mendoza's series of inquiries amounted to an ex parte communication and were sufficient to prompt the Court en banc to take over a matter pending before a division.
5. Whether the Court en banc had jurisdiction to review the administrative aspects of the case arising from the letters of Atty. Mendoza.

Court's Decision:

The Supreme Court en banc confirmed its jurisdiction over the resolution of PAL's motions for reconsideration addressing the July 22, 2008 Decision and October 2, 2009 Resolution, effectively recalling the September 7, 2011 ruling of the Second Division. The case was subsequently ordered to be raffled either to Justice Lucas P. Bersamin or Justice Diosdado M. Peralta as Member-in-Charge in resolving the merits of these motions.

It was held that the recall of the September 7, 2011 Resolution was a prudent move made under the applicable laws and rules with unusual developments and circumstances of the case as justification. Between the conflicting provisions of the IRSC (Internal Rules of the Supreme Court), the Court found that Section 7, Rule 2 must prevail. The Members who actually took part in the deliberations on the issues in the case and voted thereon are constitutionally mandated to resolve the motions for reconsideration or clarification arising from it. Given these conclusions and provisions, the case must be raffled to Justices Bersamin or Peralta, thus rendering PAL's motion to vacate moot and academic.

Doctrine:

The Court established or reiterated the doctrine that the provisions of the Internal Rules of the Supreme Court must be interpreted in a way that harmonizes and reconciles conflicting rules whenever possible. More specifically, Section 3, Rule 8 of the IRSC should be

regarded as the general rule applicable to the inhibition of a Member-in-Charge of a case in a Division. However, it must yield to Section 7, Rule 2 in a situation where a justice who penned the decision or signed resolution is no longer available, and a review on the merits is necessary. This decision reiterates the necessity for the members who made the decision to take part in the resolution of related motions, based on constitutional requirements and the IRSC.

Class Notes:

Key elements:

- Authority of the Court en banc versus Division authority
- Immutability of judgments and the prohibition against entertaining a second motion for reconsideration
- Internal rules governing referral of cases from Divisions to Court en banc
- Composition of Divisions vis-à-vis raffle and assignment of cases
- Procedure for addressing motions for reconsideration of decisions previously denied with finality
- Role of the Justice-in-Charge as Member-in-Charge and ponente and subsequent inhibition thereof
- Harmonization of conflicting rules and provisions within the IRSC
- Constitutional requirements for decision-making by divisions

Critical statutory provisions:

- Supreme Court Internal Rules
- Rules of Court concerning filing and service, inhibition, and powers of the court

Historical Background:

The context of the case reflects the dynamic interplay between the procedural integrity of the Philippine Supreme Court's divisions, the administrative dimensions of the Court's decision-making process, and the substantive legal issues within labor adjudication. It showcases the balance the Court must strike between upholding the finality of its decisions and ensuring justice is served by re-examining potentially unsettled issues communicated through administrative queries. The case also illustrates the complexities involved in maintaining procedural and administrative regularity within the Court's multifaceted jurisdiction and its divided but cohesively functioning structure. In this particular situation, informal yet critical communications from a party's counsel induced the highest tribunal of the land to revisit and scrutinize its internal administrative mechanisms, processes, and constitutional obligations.