

ROWENA THERESE B. GRACIA, FREDERICK FAUSTINO A. MADRIAGA III AND VOLTAIRE BALBANIDA, PETITIONERS, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENT.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Called to fore in this Petition for Review[1] under Rule 43 of the Revised Rules of Court is the Letter[2] dated 16 August 2013 denying petitioners' entreaty for reinstatement and plea to reverse GSIS Resolution No. 117[3] which approved the Conso-lidated Decision[4] finding them guilty of Conduct Prejudicial to the Best Interest of Service, in Adm. Case Nos. 05-039,[5] 05-040[6] and 05-041.[7]

The precursor facts unfurl as follows:

Petitioners Rowena Therese Garcia (Garcia), Frederick Faustino Madriaga (Madriaga) and Voltaire Balbanida (Balbanida) were employees of the Government Service Insurance System (GSIS) holding the positions of Social Insurance Analyst II, Budget Officer III, and Administrative Services Officer, respectively. Collectively, We shall refer to them as petitioners.

As far back as 2005, petitioners were administratively charged[8] with Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service for participating in a rally held on 31 May 2005 during office hours on the occasion of the 68th Anniversary of the GSIS, in clear violation of the Omnibus Rules on Prohibited Concerted Mass Actions in the Public Sector, pursuant to Civil Service Commission Resolution No. 02-1316.[9]

When asked to explain, Balbanida failed to file an Answer. As a result, his case was submitted for resolution and his response to the show-cause memorandum was considered his answer to the imputations hurled against him.[10] Mean-while, Madriaga and Garcia asseverated that they could not be prevented from exercising their fundamental constitutional right to air their complaints against GSIS. Besides, they were on official leave on the day they participated in the rally.[11]

On 20 September 2006, GSIS issued Resolution No. 117 approving the draft Consolidated Decision finding petitioners guilty of Conduct Prejudicial to the Best Interest of Service. They were meted with the penalty of dismissal. GSIS stressed the fact that they had, twice in a row, been previously found guilty of identical infractions apart from the finding of improper conduct prejudicial to the best interest of GSIS.

Madriaga and Gracia jointly sought for reconsideration of the foregoing Resolution.[12] However, their Motion was denied for lack of merit.[13]

In 2012 or six years after Resolution No. 117 was issued, petitioners wrote separate letters to then GSIS Chairman Daniel Lacson, Jr. once more seeking relief from their dismissal and praying that they be reinstated to their former positions.[14] However, GSIS denied their plea for reinstatement, ratiocinating in this wise—

"As have been previously addressed by the Letter dated 28 October 2011 of GSIS President and General Manager Robert G. Vergara, the records of the above administrative cases, particularly Adm. Case No. 05-041,

reveal that the Joint Decision dated 23 October 2006 which meted you the penalty of dismissal had long become final and executory not having been further contested by you or your co-respondents in any other forum.

It is axiomatic that a Judgment which has acquired finality becomes immutable and unalterable, hence, may no longer be modified in any respect except only to correct clerical errors or mistakes. Once a judgment or order becomes final, all the issues between the parties are deemed resolved and laid to rest."[15] (Emphasis supplied)

As it happened, petitioners brought the matter before the GSIS Board of Trustees (BOT). They argued that the foregoing reply did not appear to express the actual decision of the BOT. Thus, they wanted to directly address their demand for reinstatement and rightful claims before the said body.[16]

In the impugned Letter, the GSIS, through its Corporate Secretary, informed petitioners that the BOT could no longer take cognizance of their request considering that the administrative cases had long been decided with finality.

Unable to accept their defeat, petitioners now come before Us anchored on this solitary ground:

BY VIRTUE OF THEIR VINDICATION BY THE CIVIL SERVICE COMMISSION AND WITH THE AFFIRMATION OF THE SUPREME COURT AFTER THE ASSAILED DECISION OF SEPTEMBER 20, 2006, RESPONDENTS CANNOT CONTINUE TO IMPLEMENT SUCH DECISION IMPOSING ITS VERDICT OF DISMISSAL.

The Petition lacks merit.

Incipiently, petitioners posit that Civil Service Commission (CSC) Resolution Nos. 06-2177,[17] 070848[18] and 080358[19] as well as the Minute Resolution[20] of the Supreme Court dated 6 June 2007 in G.R. No. 177124, bear significant relation to the present Petition. These issuances sustained their stance that they cannot be dismissed from service for joining the strike.

Petitioner's posture is tangential.

After assiduously examining the record, We are baffled as to how petitioners could barefacedly insist that the foregoing dispositions of the CSC and the Supreme Court are appositely relevant to their cause. They try to bolster their appeal by cashing in on these issuances. Still and all, We fail to see how these rulings can be apropos in the case at bench. We explicate.

One. CSC Resolution Nos. 062177, 070848 and 080358, pertained to petitioners' liability for joining an assembly last 27 May 2005 wherein they stopped working for more than one hour. This is different from the present case wherein petitioners intentionally filed official leave of absences to join a rally held during the 68th Anniversary of the GSIS which occurred on 31 May 2005.

Two. There were no definitive and categorical declarations in CSC Resolution Nos. 062177, 070848 and 080358 upholding petitioners' assertion that there was no work stoppage since they were on official leave of absence when the rally took place.

Three. The Minute Resolution of the Supreme Court which petitioners appended to the Petition did not delve into the legality of the strike. Rather, it denied petitioner Balbanida's appeal in his case against the GSIS based on technical grounds.

Be that as it may, the Petition suffers from glaring procedural infirmity which warrants outright dismissal. It has not escaped Our attention that the subject of appeal is the GSIS Letter dated 16 August 2013.

The rule on appeals from judgments or final orders of quasi-judicial agencies finds a textual hook in Section 1, Rule 43 of the Rules of Court which reads:

"SECTION 1. Scope.—This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the xxx, Government Insurance Service System xxx." (Emphasis Ours)

Given the foregoing, only awards, judgments, final orders or resolutions of quasi-judicial agencies like the GSIS can be appealed to Us via a Petition for Review. The challenged GSIS Letter cannot be the proper subject of an appeal deemed as an order or resolution reviewable by Us. Perforce, the Petition on this ground alone is dismissible.

A final reflection. Resolution No. 117 which approved the Consolidated Decision pronouncing petitioners guilty of Conduct Prejudicial to the Best Interest of the Service is already final and has remained undisturbed for more than five years from the time of its promulgation.

To Our mind, petitioners' act of filing this present Petition is a mere subterfuge to make it appear that there is compliance with the rules on appeal. Having slept on their right to appeal for six years, they have ipso facto lost their procedural recourse. *Vigilantibus sed non dormientibus jurat subveniunt*. The laws aid the vigilant, not those who slumber on their rights.

We remind petitioners that the right to appeal is not a natural right and is not part of due process, but merely a statutory privilege to be exercised only in accordance with the law. Being the parties who sought to appeal, they must comply with the requirements of the relevant procedural rules; otherwise, they would lose the statutory right to appeal. Their liberal construction in exceptional situations should then rest on a showing of justifiable reasons and of at least a reasonable attempt at compliance with them.^[21] Here, petitioners did not, at any point, justify their inaction and inability to timely appeal for six years. We find no compelling reason to yield to the policy of liberal construction.

WHEREFORE, the Petition for Review is hereby DENIED.

SO ORDERED.

Diamante, and Salandanan-Manahan, JJ., concur.

[*] Also reflected in the records as Garcia.

[1] Rollo, pp. 7-14.

[2] Id., p. 17.

[3] Id., p. 18.

[4] Id., pp. 20-34.

[5] Id., pp. 183-184.

[6] Id., pp. 185-186.

[7] Id., pp. 187-188.

[8] Voltaire Balbanida (Adm. Case No. 05-439); Frederick Madriaga (Adm. Case No. 05-040) and Rowena

Therese Gracia (Adm. Case No. 05-041).

[9] Id., pp. 21-22.

[10] Id., p. 24.

[11] Id., pp. 24-45.

[12] Id., p. 142.

[13] See GSIS Resolution dated 21 March 2007; Id., pp. 142-148.

[14] Rollo, p. 246.

[15] See Letters dated 15 January 2013; Id., pp. 222-224.

[16] See Letter dated 5 March 2013; Id., p. 225.

[17] Dated 5 December 2006; Rollo, pp. 36-48.

[18] Dated 30 April 2007; Id., pp. 50-59.

[19] Dated 19 February 2008; Id., pp. 66-76.

[20] Entitled, *Voltaire Balbanida v. Winston F. Garcia*, representing GSIS as President and General Manager, et al., Id., p. 149.

[21] See *Juanito Magsino v. Elena De Ocampo and Ramon Guico*, G.R. No. 166944 (18 August 2014).

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