

LOVELY V. VILAFRANCA, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (FOURTH DIVISION), MICROSOURCING PHILS., INC.,/MR. PHILIP KOOLJIMAN/MR. JAY SINGH, RESPONDENTS.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

For resolution is petitioner's Motion for Reconsideration[1] of the Resolution[2] of this Court dated July 21, 2014 which denied due course and dismissed the instant Petition for Certiorari for failure to file the requisite Motion for Reconsideration before public respondent NLRC in NLRC LAC No. 11-003259-13, NLRC Case No. 05-07845-13.

Private respondents filed a Comment[3] thereto on October 17, 2014.

This Court is not convinced that the explanation[4] proffered by the petitioner constitutes sufficient ground to apply the exception to the rule that a Motion for Reconsideration is a condition sine qua non before filing a special civil action for certiorari.

The mere fact that the issues being raised were addressed by public respondent NLRC in its Resolution dated April 8, 2014 is not a satisfactory explanation of petitioner's failure to file a Motion for Reconsideration. It should be emphasized that the very object of such Motion, is in fact, to give public respondent NLRC the opportunity to once again review its findings and correct itself. Otherwise stated, a prayer for Reconsideration naturally pertains to issues that were raised and matters that were addressed by public respondent NLRC, otherwise, there would be nothing to reconsider. As the term suggests, it is not a "reconsideration" if the grounds being raised are entirely novel. Thus, it is only logical for public respondent NLRC to take a second look at issues already raised, considering that a party cannot raise new matters in a Motion for Reconsideration.

As the Resolution dated April 8, 2014[5] was the first opportunity for public respondent NLRC to pass upon the merits of the case, the PAO Quezon City District Office should have filed a Motion for Reconsideration seeking its review before resorting to the instant petition, which it failed to do.

Jurisprudence is replete with decisions which reiterate that before filing a petition for certiorari in a higher court, the attention of the lower court, in this case, public respondent NLRC, should be first called to its supposed error and its correction should be sought. Failing this, the petition for certiorari should be denied. The reason for this is to afford public respondent NLRC the opportunity to correct any actual or fancied error attributed to it through a re-examination of the legal and factual aspects of the case. The petitioner's disregard of this rule deprived public respondent NLRC the right and the opportunity to rectify an error unwittingly committed or to vindicate itself of an act unfairly imputed.[6]

Procedural rules are tools designed to facilitate the adjudication of cases. Courts and litigants alike are, thus, enjoined to abide strictly by the rules.[7] Certiorari inherently requires the filing of a motion for reconsideration, which is the tangible representation of the opportunity given to the office to correct itself. Unless it is filed, there

could be no occasion to rectify, and the remedy of certiorari would be unavailing.[8]

Indeed, procedural rules are not to be disdained as mere odious technicalities. They serve a noble purpose in the orderly and speedy administration of justice. The rules are there to be followed, otherwise, they are useless.

WHEREFORE, there being no substantial argument or cogent reason to set aside this Court's July 21, 2014 Resolution, petitioner's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Garcia, and Bueser, JJ., concur.

[1]Rollo, pp. 284-292

[2] Rollo, pp. 281-283

[3] See Rollo, after p. 303

[4] Rollo, p. 287

[5] Rollo, pp. 272-278

[6] Novateknika Land Corporation v. PNB, G.R. No. 194104. March 13, 2013.

[7] Saint Louis University, Inc. v. Baby Nellie Olarez, G.R. Nos. 162299 & 174758. March 26, 2014.

[8] Philtranco Service Enterprises, Inc. v. Philtranco Workers Union-Association of Genuine Labor Organizations, G.R. No. 180962. February 26, 2014.

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