

ELIZALDE & CO., INC., PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND APOLINAR PERLADO, RESPONDENTS.

G.R. No. L-21942. September 23, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Petitioner's brief on appeal challenges the correctness of the decision of the Court of Industrial Relations (CIR) declaring that respondent Apolinar Perlado was petitioner's employee entitled to overtime pay for work in excess of eight hours and additional compensation for work on Sundays and legal holidays.[1] But before petitioner may ask this Court to consider the merits of the case, it must first hurdle a roadblock astride its route erected by CIR's en banc resolution of September 16, 1963 dis-missing petitioner's motion for reconsideration of the judgment upon the ground that the arguments in support thereof were "filed out of time". In effect, this resolution puts an end to the con-troversy it declares that the judgment has become final, beyond recall.

Really, errors in a judgment of a court of competent juris-diction, which has become final, may not be rectified by an appellate court.[2] Because: "Public policy and sound practice demand that, at the risk of occasional errors, judgments of courts should become final at some definite date fixed by law. The very object for which courts were instituted was to put an end to controversies. To fulfill this purpose and to do so speedily, certain time limits, more or less arbitrary, have to be put up to spur on the slothful".[3]

As we address ourselves to the threshold question - Has the judgment become final? - we take stock of the controlling events, viz:

August 6, 1963. Petitioner received a copy of the decision of the then Associate Judge Arsenio I. Martinez, the dispositive part of which was set forth earlier in this opinion.

August 12, 1963. Petitioner filed a motion for reconsideration, No arguments were advanced in support thereof.

August 21 1963. Petitioner moved for additional time to file its arguments in support of its motion to reconsider.

August 27, 1963. Petitioner filed its arguments in support of its aforesaid motion seeking reconsideration.

September 16, 1963. CIR en banc resolved to dismiss the motion for reconsideration. Ground therefor was that the arguments were "filed out of time".

October 3, 1963. Petitioner filed its notice of appeal and at the same time lodged the present petition with this Court.

Upon respondent Perlado's return and petitioner's brief (respondents did not file their brief), the case is now before us for resolution.

1. That the judgment appealed from is a final judgment - not merely an interlocutory order - there is no doubt. The fact that there is need for computation of respondent Perlado's overtime pay would not render the decision incomplete. This in effect is the holding of this Court in Pan American World Airways System (Philippines)

vs. Pan American Employees Association,[4] which runs thus: "It is next contended that in ordering the Chief of the Examining Division or his representative to compute the compensation due the Industrial Court induly delegated its judicial functions and thereby, rendered an incomplete decision. We do not believe so. Computation of the overtime pay involves a mechanical function, at most. And the report would still have to be submitted to the Industrial Court for its approval, by the very terms of the order itself. That there was no specification of the amount of overtime pay in the decision did not make it incomplete, since this matter would necessarily be made clear enough in the implementation of the decision (see *Malate Taxicab & Garage, Inc., vs. CIR, et al.*, L-8718, May 11, 1956)."

2. But has that judgment reached the stage of finality in the sense that it can no longer be disturbed?

CIR Rules of Procedure, as amended, and the jurisprudence of this Court both answer the question in the affirmative.

Section 15 of the CIR Rules requires that one who seeks to reconsider the judgment of the trial judge must do so within five (5) days from the date on which he received notice of the decision, subject of the motion, Next follows Section 16 which says that the motion must be submitted with arguments supporting the same. But if said arguments could not be submitted simultaneously with the motion, the same section commands that "the movant shall file the same within ten (10) days from the date of the filing of his motion for reconsideration". Section 17 of the same rules admonishes a movant that "[f]ailure to observe the above-specified periods shall be sufficient cause for dismissal of the motion for reconsideration or striking out of the answer and/or the supporting arguments, as the case may be".

Not that the foregoing rules stand alone. Jurisprudence has since stabilized the enforceability thereof. Thus, in *Bien vs. Castillo*,[5] we ruled that where a pro forma motion for reconsideration was filed out of time its denial is in order pursuant to CIR rules, regardless of whether the arguments in support of said motion were or were not filed on time. *Pangasinan Employees, Laborers & Tenants Association (PELTA) vs. Martinez*,[6] pronounced that where a motion to reconsider is filed out of time, the order or decision subject of reconsideration becomes final. And so also, where the arguments in support of the motion for reconsideration are filed beyond the ten-day reglementary period, the pro forma motion for reconsideration although season-ably filed must nevertheless be denied. This in essence is our ruling in *Local 7, Press & Printing Free Workers (FFW) vs. Tabigne*,[7] The teaching in *Luzon Stevedoring Co., Inc. vs. Court of Industrial Relations*,[8] is that where the motion for reconsideration is denied upon the ground that the arguments in support thereof were filed out of time, the order or decision subject of the motion becomes "final and unappealable".

We find no difficulty in applying the foregoing rules and pronouncements of this Court in the case before us. On August 6, petitioner received a copy of the judgment of Judge Arsenio I. Martinez aforesaid. Petitioner's motion to reconsider - without arguments in support thereof - of August 12 was filed on time. For, August 11, the end of the five-day reglementary period to file a motion for reconsideration, was a Sunday.[9] But, actually, the written arguments in support of the said motion were submitted to the court on August 27. The period from August 12 to August 27 is a space of fifteen (15) days. Surely enough, said arguments were filed out of time - five (5) days late. And the judgment had become final.

3. There is, of course, petitioner's motion of August 21, 1963 seeking extension of time within which to present its arguments in support of its motion. Counsel in his petition before this Court pleads that the foregoing motion was grounded on the "extremely busy and difficult schedule of counsel" which would not enable him to do so within the stated ten-day reglementary period.[10] The arguments were only filed on August 27 - five (5) days late, as aforesaid.

The foregoing circumstances will not avail petitioner any. It is to be noted that the motion for expansion of time

was filed only on August 21, that is, one day before the due date which is August 22. It was petitioner's duty to see to it that the court act on this motion forthwith or at least inquired as to the fate thereof not later than the 22nd of August. It did not. It merely filed its arguments on the 27th.

To be underscored at this point is that "obviously to speed up the disposition of cases", CIR "has a standing rule against the extension of the ten-day period for filing supporting arguments".^[11] That no-extension policy should have placed petitioner on guard. It should not have simply folded its arms, sit by supinely, and relied on the court's generosity.^[12] To compound petitioner's neglect, it filed the arguments only on August 27, 1963, knowing full well that by that time the reglementary period had expired.

Petitioner cannot complain against CIR's ruling of September 16, 1963 dismissing the motion for reconsideration on the ground that the supporting arguments were filed out of time. That ruling in effect denied the motion for extension.^[13]

We rule that CIR's judgment has become final and unappealable. We may not review the same.^[14]

For the reasons given, the petition for certiorari herein is hereby denied.

Costs against petitioner.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro and Angeles, JJ., concur.

Fernando, J., did not take part.

[1] CIR Case 1721-V, entitled "Apolinar Perlado, Petitioner, versus Elizalde & Company, Inc., Respondent".

[2] Araneta vs. Commonwealth Insurance Co., 103 Phil. 522, 525-526.

[3] Dy Cay vs. Crossfield & O'Brien, 38 Phil. 521, 526.

[4] 1 Supreme Court Reports Anno. 527, 530,

[5] 97 Phil. 956.

[6] L-13846, May 20, 1960.

[7] L-16093, November 29, 1960. See also: Cebu Portland Cement Company vs. Savellano (Sr.), L-10781, May 29, 1959, 105 Phil. 856, 859.

[8] L-16682, July 26, 1963. See also: Manila Metal Caps and Tin Cans Manufacturing Company, Inc. vs. Court of Industrial Relations, L-17578, July 31, 1963.

[9] See: Manila Electric Company vs. Public Service Commission, 18 Supreme Court Reports Anno. 651, 659-660; Viray vs. Court of Appeals (Resolution), 16 Supreme Court Reports Anno. 412.

[10] Par. 6, Petition; Rollo, p. 3.

[11] Luzon Stevedoring Co., Inc. vs. Court of Industrial Relations, *supra*.

[12] See: King vs. Joe, 20 Supreme Court Reports Anno. 1117, 1120.

[13] See: Ong vs. Fonacier, 17 Supreme Court Reports Anno. 616, 622.

[14] Philippine Long Distance Telephone Company vs. Medina, 20 Supreme Court Reports Anno. 659, 671-672.

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