

OROPORT PIECE WORKERS LABOR ASSOCIATION (OPWOLA) – ASSOCIATED LABOR UNIONS-TRADE UNION CONGRESS OF THE PHILIPPINES (ALU-TUCP), ANGELITA G. ACUT, DARWIN N. CABINGAS, MOESES R. DA...

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BORJA, J.,:

This resolves private respondents' Motion for Reconsideration [1] of this Court's Decision[2] dated February 27, 2013 which granted the petition and ordered petitioners' reinstatement.

Movants assail this court's decision on three grounds: a) the petition was given due course despite the fact that it was filed out of time, as a motion for extension of time to file a petition for certiorari under Rule 65 is a prohibited pleading, per A.M. No. 07-7-12-SC;[3] b) this Court "mistakenly treated this petition as if it were an ordinary appeal from the RTC" by reviewing the errors of the NLRC in the appreciation of evidence;[4] and c) this Court overlooked certain facts in vacating the RAB and NLRC decisions.[5]

This Court would like to point out to movants that the jurisprudence cited by their counsel, the Laguna Metts Corporation v. Court of Appeals, et al.[6] [2009] case, is no longer controlling in view of the fairly recent pronouncement in Republic v. St. Vincent de Paul Colleges, Inc. [2012],[7] viz:

Note that Labao[8] explicitly recognized the general rule that the sixty (60)-day period within which to file a petition for certiorari under Rule 65 is non-extendible, only that there are certain exceptional circumstances, which may call for its non-observance. Even more recently, in Mid-Islands Power Generation Corporation v. Court of Appeals,[9] the Court, taking into consideration Laguna Metts Corporation[10] and Domdom,[11] "relaxed the procedural technicalities introduced under A.M. No. 07-7-12-SC in order to serve substantial justice and safeguard strong public interest." xxx

To this Court's mind, counsel was not so candid as to quote only the general rule enunciated in the Labao case, supra, and excluded its following paragraph containing the exceptions which were equally laid down in the same case.

Anent the second ground, this Court reminds movants thru counsel that in the case of Univac Development, Inc. v. Soriano,[12] [2013], the Court of Appeals "is specifically given the power to pass upon the evidence, if and when necessary, to resolve factual issues." This Court quotes at length the pertinent portion of said decision, viz:

The power of the CA to review NLRC decisions has already been thoroughly explained and clarified by the Court in several cases, to wit:

The power of the Court of Appeals to review NLRC decisions via Rule 65 or Petition for Certiorari has been settled as early as in our decision in St. Martin Funeral Home v. National Labor Relations Commission. This Court held that the proper vehicle for such review was a Special Civil Action for Certiorari under Rule 65 of the Rules of Court, and that this action should be filed in the Court of Appeals in strict observance of the doctrine of the hierarchy of courts. Moreover, it is already settled that under Section 9 of Batas Pambansa Blg. 129, as amended by Republic Act No. 7902 (An Act Expanding the Jurisdiction of the Court of Appeals,

amending for the purpose Section 9 of Batas Pambansa Blg. 129 as amended, known as the Judiciary Reorganization Act of 1980), the Court of Appeals — pursuant to the exercise of its original jurisdiction over Petitions for Certiorari — is specifically given the power to pass upon the evidence, if and when necessary, to resolve factual issues.

We agree with petitioner that in a special civil action for certiorari, the issues are confined to errors of jurisdiction or grave abuse of discretion. In exercising the expanded judicial review over labor cases, the Court of Appeals can grant the petition if it finds that the NLRC committed grave abuse of discretion by capriciously, whimsically, or arbitrarily disregarding evidence which is material or decisive of the controversy which necessarily includes looking into the evidence presented by the parties. In other words, the CA is empowered to evaluate the materiality and significance of the evidence which is alleged to have been capriciously, whimsically, or arbitrarily disregarded by the NLRC in relation to all other evidence on record. xxx [Emphasis supplied and citations omitted]

Finally, the third ground raised by private respondents is practically the same issue they expounded in their Memorandum which had been duly considered and passed upon by this Court in its decision.

Finding no substantial arguments in the motion to warrant modification or reversal of the February 27, 2013 Decision, this Court DENIES the Motion for Reconsideration.

SO ORDERED.

Francisco and Jacob, JJ., concur.

[1] Rollo, pp. 373 – 385.

[2] Rollo, pp. 358 – 372.

[3] Rollo, pp. 373 – 378.

[4] Rollo, p. 378 – 379.

[5] Rollo, p. 380 – 383.

[6] G.R. No. 185220, 27 July 2009.

[7] G.R. No. 192908, 22 August 2012.

[8] G.R. No. 187984, 15 November 2010.

[9] G.R. No. 189191, 29 February 2012.

[10] Supra, note 6.

[11] G.R. Nos. 182382 – 83, 24 February 2010.

[12] G.R. No. 182072, 19 June 2013.

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