

RONNIE VIC D. JOSON, KAREN R. BRIZO, GEANNA T. TAULE, GIRLIE ANN A. TENERIFE, MARIA CORAL T. TURADO, RAQUEL C. VILLARINO, ALLAN B. VILLEGAS, BRENDA T. GONZALES, NINA ELIZA T. BA...

Ponente: VILLON, J.

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VILLON, J.:

Assailed in this Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure is the decision dated September 14, 2011[1] of public respondent National Labor Relations Commission (NLRC), Fourth Division, in NLRC LAC No. 04-001109-11, which affirmed the decision dated March 14, 2011[2] of Labor Arbiter Jesus Orlando M. Quinones in NLRC RAB Case Nos. 09-00237-10 and 09-00241-10.

Likewise assailed is the resolution dated January 31, 2012[3], of the NLRC, which denied petitioners' motion for reconsideration of the said decision for being filed out of time.

Culled from the records, the antecedent facts of the case are as follows:

Petitioners Ronnie Vic D. Joson ("Joson"), Assistant Bank Manager, Karen R. Brizo ("Brizo"), Loan Officer, Geanna T. Tuale ("Tuale"), Loan Officer, Girlie Ann A. Tenerife ("Tenerife"), Loan Officer, Maria Coral T. Turado ("Turado"), Accountant, Raquel C. Villarino ("Villarino"), Loan Officer, Allan B. Villegas ("Villegas"), Personnel Officer, Brenda T. Gonzales ("Gonzales") Internal Auditor, Nina Eliza T. Bautista ("Bautista"), Loan Officer, and Benigno G. Besonia, Jr. ("Besonia"), Loan Officer, are former officers and employees of private respondent Vision Bank, Inc. ("Vision Bank"), a rural bank operating in Bato, Catanduanes, in their foregoing respective capacities.

In a letter dated February 22, 2010[4] to the stockholders of respondent Vision Bank furnishing the Banko Sentral ng Pilipinas (BSP) with a copy thereof, petitioners, among other signatories therein, claimed that respondent Evelyn Teves ("Teves"), the Bank President, as well as one Benjamin Completo and respondent Francisco Tugay ("Tugay"), vice-president of Vision Bank, were illegally appointed to their respective positions. Petitioners also alleged that Teves lacks the capacity to lead the Bank, has no word of honor/unfair, fault-finder, dominating and abusive which tend to harass employees; that she is formulating policies and/or decisions detrimental to the operations of the Bank; that she is disregarding the Collective Bargaining Agreement (CBA) between Vision Bank and its employees, thereby affecting the employees' security of tenure; and that she was occupying the position of finance officer of the Agricultural and Rural Development for Catanduanes, Inc. (ARDCI), which position is in conflict with her being president of Vision Bank. In sum, they lost their trust and confidence on Teves.

In accordance with Board Resolution No. 024-Series of 2010[5], the Board of Directors of Vision Bank created an administrative committee ("committee") to investigate the allegations stated in the letter dated February 22, 2010 pursuant to the provisions of the chapter on Employee's Conduct and Behavior of the Employee's Manual ("Employee's Manual").

Tugay then sent a letter dated March 24, 2010 to Joson[6], Turado[7], Gonzales[8], and Villegas[9] directing them to answer the charge against them for violation of No. 8, Section II and No. 6, Section IV, Chapter V of the Employee's Manual.

In a letter dated March 26, 2010[10], the BSP, through its Central Point of Contact Department II, transmitted petitioners' letter dated February 22, 2010 to Teves for appropriate action and to inform the BSP of the actions taken thereon within ten (10) banking days from receipt thereof.

In a letter dated April 6, 2010, Tugay informed Gonzales[11], Villegas[12] and Turado[13] of the creation of the committee as well as of the hearing to be conducted by it on April 12, 2010. A similarly worded letter dated April 8, 2010 was sent to Joson[14].

During the scheduled hearing on April 12, 2010, herein petitioners Perez, Turado, Gonzales, Joson and Villegas appeared before the committee composed of Atty. Rommel Frias, Atty. Manuel Magistrado and herein respondent Jerry Ang, a member of the board of directors. It appears from the minutes[15] of the hearing that the said petitioners through a letter dated April 12, 2010[16] requested a 15-day postponement due to the unavailability of their counsel. The request was granted and the hearing was reset to April 29, 2010.

In separate letters both dated April 14, 2010[17], Joson and Gonzales tendered their irrevocable resignation, which, in a letter dated April 15, 2010,[18] Vision Bank, through Tugay accepted, without prejudice to the result of the then ongoing administrative investigation.

In another letter dated April 22, 2010[19], Villegas tendered his irrevocable resignation effective July 30, 2010, which, in a letter dated April 23, 2010,[20] was accepted by Vision Bank through Tugay without prejudice to the result of the administrative investigation.

Likewise, in a letter dated April 22, 2010[21], Turado tendered her irrevocable resignation effective July 16, 2010.

Then, through a letter dated May 12, 2010 addressed to Brizo[22], Taule[23], Tenerife[24], Villarino[25], Bautista[26], Clavecilla[27], Besonia[28] and one Honesto A. Sorreda, Jr.,[29] Vision Bank directed them to answer the charges against them for violation of Nos. 7 and 8, Section II and No. 6, Section IV, Chapter V of the Employee's Manual.

In a memorandum dated June 7, 2010[30], Villarino informed Teves of her irrevocable resignation effective July 7, 2010, which, in a letter dated June 8, 2010[31], was accepted without prejudice to the result of the administrative investigation.

Also, in a memorandum dated June 15, 2010[32], Taule informed Teves of her irrevocable resignation effective immediately. In a letter dated June 17, 2010[33], Teves accepted Taule's resignation without prejudice to the result of the administrative investigation.

In their separate letters all dated June 15, 2010, Bautista[34], Brizo[35], Besonia[36] and Tenerife[37] informed Teves of their irrevocable resignation effective July 15, 2010, which in separate letters, all dated June 17, 2010,[38] Teves, in behalf of Vision Bank, accepted without prejudice to the administrative investigation.

Similarly, in a letter dated August 30, 2010[39], Clavecilla tendered his irrevocable resignation effective September 15, 2010. Then, in a letter dated September 1, 2010[40], Vision Bank, through Teves accepted Clavecilla's resignation and informed the latter of his dismissal from service based on the result of the administrative investigation,[41] which was adopted by the Board of Directors.

On September 28, 2010, petitioners filed a complaint for illegal dismissal, payment of money claims and damages

before the NLRC Regional Arbitration Branch No. V in Legaspi City.

On March 14, 2011, the Labor Arbiter rendered a decision dismissing the complaint on the ground that petitioners voluntarily resigned from service. All other claims including those for non-payment of separation pay and retirement pay were also dismissed. The dispositive portion of the decision states:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered DISMISSING instant case for utter lack of merit.

However, respondent VISION BANK INCORPORATED is hereby ordered to pay complainants the aggregate sum of Php98,409.97 representing unpaid salaries, proportionate 13th month pay and service incentive leave pay, as above computed.

Furthermore, respondent bank is ordered to pay complainants Rey P. Clavecilla and Honest Sorreda, Jr., their unpaid salaries upon their representation therefor.

Other claims and charges are DISMISSED for lack of legal and factual basis.

SO ORDERED.”

On appeal, the NLRC rendered its decision dated September 14, 2011 affirming the decision of the Labor Arbiter.

On October 21, 2011, petitioners filed a motion for extension of time to file motion for reconsideration of the NLRC decision. On November 4, 2011, petitioners filed their Motion for Reconsideration. In a resolution dated January 31, 2012, the NLRC denied the Motion for Reconsideration on the ground that it was filed out of time.

Hence, this petition anchored on the following grounds:

A.

THE NLRC ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN FINDING THAT THE PETITIONERS ARE NOT ENTITLED TO RESIGNATION BENEFITS.

B.

THE NLRC ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN NOT GIVING DUE COURSE TO PETITIONERS’ MOTION FOR RECONSIDERATION.

Petitioners argue that in accordance with the Retirement Plan for the welfare of Vision Bank's employees, they are entitled to certain resignation benefits; that their right to due process was violated when Vision Bank arbitrarily forfeited their resignation benefits without citing specific provisions of the Employee's Manual as basis thereof; that their alleged infractions did not merit the penalty of forfeiture of their resignation benefits; that the NLRC committed grave abuse of discretion when it denied their motion for reconsideration, for the late filing thereof, considering that their former lawyer was based in Tabaco, Albay while the petitioners were residing in Catanduanes, an island, hence the ten (10) day period to file the said motion was inadequate.

In their Comment[42], private respondents contend that the NLRC did not commit grave abuse of discretion in ruling that petitioners are not entitled to their resignation benefits since they failed to present evidence necessary to support their claim; that the belated submission of the copy of the alleged Retirement Plan in this petition is fatal since matters of fact may no longer be raised in a petition for certiorari before this Court; that the NLRC did not commit grave abuse of discretion when it denied petitioners’ Motion for Reconsideration since the Motion

was filed out of time and the denial thereof was properly based on Section 15 of the NLRC Rules of Procedure.

There is no dispute that all the petitioners filed their resignation letters even before the termination of the administrative investigation regarding their participation in the circulation of the letter of February 22, 2010 containing derogatory remarks about the President of Vision Bank, among others. Petitioners now claim that they are entitled to resignation benefits in accordance with Vision Bank's Retirement Plan.

The NLRC ruled against this argument ratiocinating that petitioners "xxx did not present a copy of the alleged Retirement Plan, much less cite a specific provision in the alleged Retirement Plan that would serve as legal basis for their claim for retirement/resignation benefit despite their voluntary resignation pending investigation." [43]

We agree with the NLRC.

Records show that petitioners submitted for the first time, and only in the present Petition for Certiorari, a copy of the alleged Retirement Plan for the employees of Vision Bank. No such document was presented before the Labor Arbiter or the NLRC. It bears stressing that in a petition for certiorari under rule 65 of the 1997 Rules of civil procedure, the reviewing court is limited to the determination of whether or not there was grave abuse of discretion, amounting to lack or excess of jurisdiction, on the part of the court, tribunal, or officer when it or he issued the assailed order or resolution. The review or determination of factual issues, such as the appreciation of evidence supporting a party's assertion, is not the proper object of a petition for certiorari under Rule 65.

A petition for certiorari will prosper only if grave abuse of discretion is alleged and proved to exist. "Grave abuse of discretion," under Rule 65, has a specific meaning. It is the arbitrary or despotic exercise of power due to passion, prejudice or personal hostility; or the whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. For an act to be struck down as having been done with grave abuse of discretion, the abuse of discretion must be patent and gross. [44] Where the real issue involves the wisdom or legal soundness of the decision – not the jurisdiction of the court to render said decision – the same is beyond the province of a petition for certiorari under Rule 65. [45]

It is well settled that a writ of certiorari may be issued only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction. The writ cannot be used for any other purpose, as its function is limited to keeping the inferior court within the bounds of its jurisdiction. [46] The supervisory jurisdiction of this Court to issue a certiorari writ cannot be exercised in order to review the judgment of the lower court as to its intrinsic correctness, either upon the law or the facts of the case. [47]

The Court, therefore, cannot now proceed to consider the provisions of the submitted Retirement Plan as to determine petitioners' entitlement to resignation benefits since it involves factual matters that are proper for appreciation by the Labor Arbiter and the NLRC.

Even assuming *arguendo* that the provisions of the alleged Retirement Plan find application, petitioners would be disqualified to receive resignation benefits since the administrative committee that investigated the incident found them guilty of violating No. 7 and 8, Section II (Trust and Confidence), Chapter V of the Employee's Manual which is punishable by dismissal under No. 5.1, Section VI (Administrative Sanctions) of the said Manual.

The Court also notes that petitioners resigned during the pendency of the administrative investigation against them. In fact, petitioners did not contest the pieces of evidence that were considered by the committee to support its findings and recommendation. The investigation or hearing would have been the best opportunity for petitioners to present their entitlement to the benefits under the supposed Retirement Plan. Instead, petitioners pre-empted the outcome of the investigation and individually filed their resignation letters.

Similarly, the Court finds no grave abuse of discretion on the part of the NLRC when it denied due course to the motion for reconsideration of the assailed NLRC decision, the said motion being filed out of time.

Section 15, Rule VII of the 2011 NLRC Rules of Procedure is clear:

SECTION 15. MOTIONS FOR RECONSIDERATION. - Motion for reconsideration of any decision, resolution or order of the Commission shall not be entertained except when based on palpable or patent errors; provided that the motion is filed within ten (10) calendar days from receipt of decision, resolution or order, with proof of service that a copy of the same has been furnished, within the reglementary period, the adverse party; and provided further, that only one such motion from the same party shall be entertained. (15a)"

It appears from the record that petitioners filed their motion for reconsideration after the lapsed of the reglementary period allowed under the NLRC Rules of Procedure. There is nothing in the record which shows that the Motion for Extension of Time to File Motion for Reconsideration that they filed on October 11, 2011 was actually granted by the NLRC as would allow petitioners additional time to file the same. Thus, as the motion for reconsideration was filed out of time, the assailed NLRC decision had attained finality. No grave abuse of discretion can be ascribed to the NLRC on this score.

In *Tible & Tible Company, Inc. v. Royal Savings and Loan Association*[48], it was held that:

"Much reliance is placed on the rule that 'Courts are not slaves or robots of technical rules, shorn of judicial discretion. In rendering justice, courts have always been, as they ought to be, conscientiously guided by the norm that on balance, technicalities take a backseat against substantive rights, and not the other way around.' This rule must always be used in the right context, lest injustice, rather than justice would be its end result.

It must never be forgotten that, generally, the application of the rules must be upheld, and the suspension or even mere relaxation of its application, is the exception. This Court previously explained:

The Court is not impervious to the frustration that litigants and lawyers alike would at times encounter in procedural bureaucracy but imperative justice requires correct observance of indispensable technicalities precisely designed to ensure its proper dispensation. It has long been recognized that strict compliance with the Rules of Court is indispensable for the prevention of needless delays and for the orderly and expeditious dispatch of judicial business.

Procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These rules are not intended to hamper litigants or complicate litigation but, indeed to provide for a system under which a suitor may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge.

It cannot be overemphasized that procedural rules have their own wholesome rationale in the orderly administration of justice. Justice has to be administered according to the Rules in order to obviate arbitrariness, caprice, or whimsicality. We have been cautioned and reminded in *Limpot v. Court of Appeals, et al.*, that:

'Rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extrajudicial proceedings. It is a mistake to propose that substantive law and adjective law are contradictory to each other or, as often suggested, that enforcement of procedural rules should never be permitted if it will result in prejudice to the substantive rights of the litigants. This is not exactly true; the concept is much misunderstood. As a matter of fact, the policy of the courts is to give both kinds of law, as complementing each other, in the just and speedy resolution of the dispute between the parties. Observance of both substantive rights is equally guaranteed by due process, whatever the source of such rights, be it the Constitution itself or only a statute or a rule of court.

x x x x

x x x (T)hey are required to be followed except only when for the most persuasive of reasons they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. x x x While it is true that a litigation is not a game of technicalities, this does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. Justice eschews anarchy.' (Emphasis Ours)

Finally, settled is the rule that factual findings of labor officials who are deemed to have acquired expertise in matters within their respective jurisdiction are generally accorded not only respect, but even finality, and bind even the Supreme Court when supported by substantial evidence. The findings of both the Labor Arbiter and the NLRC are amply supported by the required quantum of evidence, i.e., evidence as a reasonable mind might accept as adequate to support a conclusion.[49] The Court does not substitute its own judgment for that of the tribunal in determining where the weight of evidence lies or what evidence is credible.[50] We find no cogent or compelling reason to depart from the factual findings of the Labor Arbiter and the NLRC as they are supported by the evidence on record.

WHEREFORE, finding no grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the public respondent National Labor Relations Commission (NLRC), Fourth Division, the assailed Decision dated September 14, 2011 and Resolution dated January 31, 2012 in NLRC LAC No. 04-001109-11 are hereby AFFIRMED. The instant petition is hereby DISMISSED for lack of merit.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

In sum, the issue to be resolved is whether or not petitioner was constructively dismissed by private respondents.

Macalino, F.S., and [*]Inting, S.B., JJ., concur.

[*] Vice Justice P.B. Corales per Office Order No. 161-14-AGT dated April 24, 2014.

[1] pp. 17-25, Rollo

[2] pp. 172-179, Rollo

[3] pp. 28-31, Rollo

[4] pp. 79-81, rollo

[5] Pls. see p. 156, Rollo

[6] p. 84, Rollo

[7] p. 85, Rollo

[8] p. 86, Rollo

[9] p. 87, Rollo

- [10] p. 82, Rollo
- [11] p. 101, Rollo
- [12] p. 102, Rollo
- [13] p. 103, Rollo
- [14] p. 104, Rollo
- [15] pp. 106-107, Rollo
- [16] p. 105, Rollo
- [17] p. 108, Rollo
- [18] pp. 109 and 114, Rollo
- [19] p. 110, Rollo
- [20] p. 111, Rollo
- [21] p. 112, Rollo
- [22] p. 88, Rollo
- [23] p. 90, Rollo
- [24] p. 91, Rollo
- [25] p. 93, Rollo
- [26] p. 94, Rollo
- [27] p. 96, Rollo
- [28] p. 98, Rollo
- [29] p. 99, Rollo
- [30] p. 124, Rollo
- [31] p. 130, Rollo
- [32] p. 123, Rollo
- [33] p. 129, Rollo
- [34] p.122, Rollo
- [35] p. 125, Rollo
- [36] p. 126, Rollo
- [37] p. 127. Rollo
- [38] pp. 128, 131 and 132, Rollo
- [39] p. 145, Rollo
- [40] p. 146, Rollo

[41] pp. 157-167, Rollo

[42] pp. 377-384, Rollo

[43] p. 23, Rollo

[44] Beluso v. COMELEC, G.R. No. 180711, June 22, 2010

[45] Fajardo v. Court of Appeals, G.R. No. 157707, October 29, 2008

[46] Madrigal Transport, Inc. v. Lapanday Holdings Corporation, 479 Phil. 768, 778 (2004)

[47] A.F. Sanchez Brokerage, Inc. v. Court of Appeals, G.R. No. 147079, December 21, 2004, 447 SCRA 427, 436-437; Angara v. Fedman Development Corporation, G.R. No. 156822, October 18, 2004, 440 SCRA 467, 480.

[48] G.R. No. 155806, April 08, 2008, 550 SCRA 562, 580-581

[49] Willi Hahn Enterprises v. Maghuyop, G.R. No. 160348, December 17, 2004.

[50] Sarocam v. Interorient Maritime Ent., Inc., et al.; G.R. No. 167813, June 27, 2006

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