

**CENTRAL TEXTILE MILLS EMPLOYEES WELFARE UNION-PFL,
PETITIONER, VS. THE HONORABLE RONALDO B. ZAMORA, CENTRAL
TEXTILE MILLS, INC. AND HORACIO Q. BORROMELO, RESPONDENTS.***G.R. No. L-45875. September 27, 1977*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6211df00c5e8/>

The dissatisfaction expressed by petitioner union in this certiorari proceeding assailing an order of Presidential Assistant Ronaldo B. Zamora arose from his limiting the backwages of the employees concerned to a period of six months. Instead it sought to have them fully paid from the time they were laid off until reinstatement. It should be noted that it was petitioner which elevated the matter to the Office of the President as the Secretary of Labor had reversed a decision of the National Labor Relations Commission affirming the action taken by a voluntary arbitrator requiring the reinstatement of the workers involved with the right to be fully paid from the time their services were terminated. Secretary Ople was of the view that there was substantial compliance with the then Presidential Decree requiring clearance, but ordered the payment of separation benefits. When the matter was brought up to respondent Zamora, he reversed the action taken by the Secretary of Labor and affirmed the decision of the National Labor Relations Commission. On reconsideration, however, he limited the backwages to six months. It was this last order that it is now challenged. Clearly, as pointed out in the comment of Acting Solicitor General Vicente Mendoza,[1] considered as the answer, no jurisdictional infirmity is apparent. The order of respondent Zamora is a legitimate exercise of the discretion vested in him. It is the contention of petitioner that the appeal to the Secretary of Labor came much too late. The comment of the then Acting Solicitor General Vicente Mendoza made clear how lacking it is in persuasiveness. The applicable rubs governing the matter, considering that the appeal was taken on April 17, 1975,[2] provided for a period of ten days. There can be no question then as to its having been taken on time. The petition must be dismissed.

There can be no other conclusion in the light of the controlling principle noted in the aforesaid comment: "The instant petition does not assail the propriety or correctness of the order of public respondent Zamora dated March 14, 1977 limiting backwages to be paid the employees concerned to their salary for six months. It simply raises the point that the decision of the NLRC dated March 20, 1975 ordering reinstatement with full backwages (which was limited to six months salary by the aforesaid order of public respondent Zamora) has become final and executory as the appeal interposed therefrom by respondent company to the Secretary of Labor was filed beyond the reglementary period for appeal, which is five (5) days from receipt of said decision, pursuant to Section 6 of the Supplementary Rules and Regulations No. 1 of Presidential Decree No. 21. This argument is entirely devoid of merit. Aside from the oft-repeated doctrine that administrative bodies performing quasi-judicial functions are not bound to adhere strictly to the technical rules of procedure which must give way to substantial justice, the appeal of respondent company from the Commission's decision to the Secretary was seasonably taken. Procedural laws, unlike substantive laws, may be applied retroactively as there can be no vested right in a rule of procedure. In the case at bar, when the company appealed the decision of the NLRC to the Secretary of Labor on April 18, 1975, the New Labor Code, as well as its implementing rules, were already in force. Hence, its provisions relating to appeals would apply to the instant case. And Section 11, Rule XIII, Book V, of the rules provides that "any party aggrieved by the decision of the Commission may appeal such decision to the Secretary of Labor within ten

(10) working days from receipt thereof***." Having received the decision of the NLRC on April 8, 1975 and the appeal having been filed on April 18, 1975, or ten days from receipt, the appeal of respondent company was timely filed." [3]

That is all then there is to this petition. It falls of its own weight, or more properly speaking, of its own lack of weight.

No error could be imputed to the action taken by respondent Zamora. Even if such were the case, that would not suffice to overturn what was done by him. It is only a failure to abide by authorities norms in a manner tainted by arbitrariness or caprice that calls for corrective judicial action. On a matter where the law in pursuance of public policy chooses to grant ample discretionary authority to the Executive Department, the judiciary has to avoid taking any step that can legitimately be viewed as trenching upon the sphere of a coordinate branch. Such an approach is dictated by the separation of powers concept. [4] Only when a due process question presents itself and the jurisdictional infirmity evident may an assailed order of the Office of the President be overturned. There was, to repeat, no such showing here. Even if the effort had been made, its futility would be quite apparent.

WHEREFORE, the petition for certiorari is dismissed.

Antonio, Aquino, Concepcion Jr., and Santos, JJ., concur.

Barredo, J., I concur. I would like to emphasize that in fixing the period of backwages, the Office of the President or the Secretary of Labor, on that matter, may follow the policy laid down by the Court in *Mercury Drug Co. vs. CIR*, 56 SCRA 694 and subsequent cases, including *RCPI vs. Phil. Communications*, 64 SCRA 82.

[1] He was assisted by Assistant Solicitor General Reynato S. Puno and Solicitor Jesus v. Diaz.

[2] Petition, par. 6.

[3] Comment. 5-6.

[4] Cf. *Biboso v. Victorias Milling Co.* L-44360. March 31, 1977 and *Montemayor v. Araneta University*. L-44251, May 31, 1977.

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