

DAPCO AGRARIAN REFORM BENEFICIARIES COOPERATIVE-MDS (DARBCO-MDS), ITS CHAIRMAN AND JASMINDA O. DOMINGO, BENEFICIARY, PETITIONER, VS. – JOCELYN E. TRAZONA, RESPONDENT.

Ponente: SINGH, J.

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SINGH, J.:

In the Court’s Resolution dated 22 October 2014, the Court dismissed the Petition for Review under Rule 43 of the Revised Rules of Court as the same was an improper remedy to challenge the Resolutions dated 30 May 2014 and 31 July 2014 of the National Labor Relations Commission (“NLRC”), Eighth Division, Cagayan De Oro City.[1]

The petitioner moves for the reconsideration of the Resolution dated 22 October 2014 based on the following grounds: 1) the petitioner was deprived of opportunity to challenge the appeal filed with the NLRC due to the procedural lapse of the respondent; and 2) the matters appealed are errors of judgment and there was no allegation of grave abuse of discretion.

The Court resolves to deny the motion.

The petitioner invokes the liberal interpretation of the rules but the Court cannot deviate when the right of a party to challenge the orders of a tribunal or the court is a statutory privilege decreed by the Revised Rules of Court.

“Verily, rules of procedure exist for a noble purpose, and to disregard such rules in the guise of liberal construction would be to defeat such purpose. Procedural rules are not to be disdained as mere technicalities. They may not be ignored to suit the convenience of a party. Adjective law ensures the effective enforcement of substantive rights through the orderly and speedy administration of justice. Rules are not intended to hamper litigants or complicate litigation. But they help provide for a vital system of justice where suitors may be heard following judicial procedure and in the correct forum. Public order and our system of justice are well served by a conscientious observance by the parties of the procedural rules.” (Samahan ng mga Manggagawa sa Hyatt v. Hon. Voluntary Arbitrator Buenaventura C. Magsalin, et al., G.R. No. 164939, 6 June 2011; Boardwalk Business Ventures, Inc. v. Elvira Villareal, G.R. No. 181182, 10 April 2013; underscoring supplied)

Section 2, Rule 43 of the Revised Rules of Court clearly provides for the exclusion of judgments or final orders issued under the Labor Code of the Philippines from its coverage. A Petition for Certiorari under Rule 65 of the Revised Rules of Court is the proper remedy to challenge the Resolutions of the NLRC.[2] Thus, from the NLRC Resolutions dated 30 May 2014 and 31 July 2014, petitioner’s remedy was to file a Rule 65 petition for certiorari with this Court. This has been long settled.

The Resolution dated 22 October 2014 is maintained as no new and meritorious issues were raised by the petitioner to warrant its reversal.

WHEREFORE, the Motion for Reconsideration filed by petitioner on 27 November 2014 is DENIED for lack of

merit.

SO ORDERED.

Badelles, J., Acting Ch., and Inting, JJ., concur.

[1] Rollo, pp. 85-87.

[2] Nathaniel N. Dongon v. Rapid Movers and Forwarders Corporation, Inc. and/or Nicanor E. Jao, Jr., G.R. No. 163431, 28 August 2013.

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