

CONSTANCIA C. CUENCA, PETITIONER, VS. AYELET BAKESHOP CORP., MIGUEL C. TIONGCO MANAGER/OWNER, MADELYN TAMPUS, BRANCH MANAGER AND NATIONAL LABOR RELATIONS COMMISSION (NLRC), 8TH ...

Ponente: SINGH, J.

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SINGH, J.:

In a Minute Resolution[1] dated June 25, 2014, this Court stated, to wit:

“Without necessarily giving due course to the petition, the petitioner is directed to rectify the defects noted in the Petition within five (5) days from notice.

1. There is no Written Explanation why the petition was FILED by mail in violation of Sec. 11, Rule 13, Revised Rules of Civil Procedure. The Explanation in page 18, Rollo, refers to SERVICE of the petition to the respondents;

2. Copy of the Complaint filed before the Labor Arbiter which is a material portion of the record referred to in the Petition was not appended to the Petition in violation of Sec. 3 (3[rd] par.), Rule 46, supra;

3. The agency a quo was not impleaded as party respondent in the caption of the Petition;

4. Actual addresses of the parties not indicated in the Petition in violation of Sec. 3 (1[st] par.), Rule 46, supra.

Further action on the instant Petition is held in abeyance pending compliance by petitioner with the above-cited directive.

x x x x x”

In her Compliance[2] and Ex-Parte Manifestation with Compliance[3] filed on September 2, 2014 and September 23, 2014, respectively, petitioner begs the indulgence and consideration of this Court to excuse the noted defects. Therein, she (1) attached the required “written explanation” as well as the copy of the Complaint[4] filed before the Labor Arbiter; (2) provided the actual addresses of the parties; and (3) amended the caption of her petition in order to implead the NLRC (agency a quo) as party respondent.

After due evaluation of the Compliance, supra, the same is found adequate to rectify the infirmities in the petition. Thus, substantial compliance has been made. It is settled that “subsequent and substantial compliance may call for the relaxation of the rules of procedure.”[5]

This Court hereby DIRECTS respondents to file a comment on the petition (not a motion to dismiss), within a non-extendible period of ten (10) days from receipt hereof.

Petitioner may file a reply within a non-extendible period of five (5) days from receipt of respondents' comment.

SO ORDERED.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo, pp. 77-78.

[2] Id., pp. 79-85.

[3] Id., pp. 89-91.

[4] Id., pp. 92.

[5] Esperida, et al., v. Jurado, Jr., G.R. No. 172538, April 25, 2012, citing Security Bank Corporation v. Indiana Aerospace University, 500 Phil. 51, 60 (2005).

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