

PHILIPPINE SCOUT VETERANS SECURITY & INVESTIGATION AGENCY, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, FELIPE TURQUEZA AND DIEGO DACUT, RESPONDENTS.

Ponente: BARRIOS, J.

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BARRIOS, J.:

In its petition for certiorari, the Philippine Scout Veterans Security & Investigation Agency, Inc. (hereafter the petitioner for brevity) assails the Decision dated June 9, 2004 and the Resolution dated March 9, 2005 of the National Labor Relations Commission (or NLRC) for allegedly having been issued with grave abuse of discretion.

On January 5, 2000, the respondents Felipe Turqueza and Diego Dacut (or the respondents) filed against the petitioner a case for illegal suspension, illegal dismissal, non-payment/underpayment of overtime pay, premium pay for holiday pay, rest day, holiday pay, service incentive leave pay, 13th month pay, illegal deduction of cash bond, with prayer for moral and exemplary damages and attorney's fees.

In their position paper, the respondents alleged that they were employed by the petitioner as security guards and assigned to work in different posts or assignments until their illegal suspension on January 3, 2000. They claimed that they were not informed of the reason or cause for their suspension nor given a chance to be heard. The suspension continued for more than three (3) months, amounting to their constructive dismissal.

In its traverse, the petitioner contended that the respondents were suspended for valid causes due to the numerous offenses they have committed, such as sleeping on their post, wearing of slippers while on duty and for absences without leave. In a memorandum dated January 8, 2000, the respondents were directed to explain why they should not be given appropriate disciplinary action for their offenses. However the respondents have instituted the complaint for illegal dismissal against the petitioner on January 5, 2000.

On December 29, 2000, the Labor Arbiter rendered a Decision disposing that:

WHEREFORE, premises considered, this office finds that complainants were illegally dismissed from employment. Respondents are hereby ordered to pay each complainant the following:

1. Separation pay at the rate of one-month pay for every year of service;
2. Proportionate service incentive leave pay accruing from the date of their dismissal up to rendition of this decision;
3. 13th month pay and holiday pay for the preceding three years from filing of the instant case;
4. Moral and exemplary damages in the amount of P50,000.00; and
5. Attorney's fees equivalent to 10% of the herein total awards.

Accordingly, the Computation and Examination Unit of this office is hereby directed to compute the herein

awards of each complainant, forming part of this decision.

SO ORDERED.(p. 72, rollo)

The petitioner appealed this to the NLRC which rendered a Decision dated March 31, 2003, the decretal portion of which reads:

WHEREFORE, the respondents' appeal is partially granted. Finding the dismissal of the complainants to be with just cause but ineffectual for respondents' failure to observe due process, the said respondents, are jointly and solidarily, ordered to pay complainants full backwages computed from the time of their dismissal on (04 January 2000) until the finality of this decision, plus attorney's fees equivalent to ten (10%) percent of the total award.

SO ORDERED. (pp. 111-112, rollo)

The petitioner moved for a partial reconsideration of this but this was denied in an Order dated June 27, 2003.

On September 10, 2003, the Order became final and executory and an Entry of Judgment was made on September 15, 2003. On October 17, 2003, the respondents filed a Motion for the Issuance of a Writ of Execution. The petitioner, on the other hand, filed an appeal to the NLRC asking that the computation of monetary awards made by the Computation and Examination Unit of the NLRC dated October 14, 2003 and approved by the Labor Arbiter, be set aside for being contrary to the NLRC decision and that a new computation of the monetary awards be made. On June 9, 2004, the NLRC rendered the assailed Decision dismissing the appeal, ruling that:

In view of the corrections clearly made on the computation, the appeal relative to the computation has become moot and academic, and the amount of P881,669.38 is declared the award adjudged in this case.

WHEREFORE, respondents' appeal is hereby dismissed.

SO ORDERED. (pp. 26-27, rollo)

Petitioner's Motion for Reconsideration was likewise denied in the Resolution dated March 9, 2005.

Hence, this petition.

Claiming that the NLRC committed errors with grave abuse of discretion, the petitioner contend that:

THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION IN AWARDING THE PRIVATE RESPONDENTS BACKWAGES COUNTED FROM THE TIME OF DISMISSAL UP TO FINALITY OF THE DECISION AS DAMAGES FOR FAILURE TO ACCORD PRIVATE RESPONDENTS DUE PROCESS OF LAW DESPITE THE NEW RULING OF THE SUPREME COURT IN THE CASE OF "JENNY M. AGABON ET AL VS. NLRC" OVERTURNING THE CASE OF "SERRANO VS. NLRC" THEREBY LIMITING NOMINAL DAMAGES TO P30,000.00. (pp. 9-10, rollo)

We deny the petition.

It must be noted that the Decision of the NLRC dated March 31, 2003 had become final and executory for the failure of the petitioner to appeal this. Once a judgment becomes final, all the issues between the parties are deemed resolved and laid to rest. It is well settled that a decision that has acquired finality becomes immutable and unalterable. A final judgment may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law; and whether it will be made by the court that rendered it or by the highest court in the land. The only exceptions to this rule are the correction of (1) clerical errors, (2) the so-called nunc pro tunc entries which cause no prejudice to any party, and (3) void judgments (Ramos vs. Ramos, 399 SCRA 43).

Upon the other hand, the petitioner's second appeal to the NLRC was limited to the issue of the correct computation of the monetary awards in favor of the respondents, and the NLRC correctly ruled that the question relative to the computation has become moot and academic in view of the correction already made on the questioned monetary awards. In the motion for reconsideration of the NLRC's decision, as well as in the instant petition, the petitioner claimed that it is not liable for backwages but only for the payment of nominal damages for its failure to comply with statutory due process in dismissing the respondents. This is pursuant to the ruling in the case of *Agabon vs. NLRC* (G. R. No. 158693, November 17, 2004). But the NLRC's determination as to the award of backwages can no longer be disturbed because it has acquired finality, and specially since this was rendered in accordance with the controlling legal rule at that time, the case of *Serrano vs. NLRC* (G. R. No. 117040, January 27, 2000). Hence, the present petition cannot be used as a stratagem to reopen the entire controversy and set for naught a duly promulgated decision that has long become final and executory.

Litigations must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them (*Salva vs. Court of Appeals*, 304 SCRA 632).

WHEREFORE, the instant petition is DENIED DUE COURSE and DISMISSED.
SO ORDERED.

Guariña, III and Tagle, JJ., concur.

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