

PETRA MARTINEZ, PETITIONER, VS. CLAVERIA AGRI-BASED MULTI PURPOSE COOPERATIVE REP. BY SEGUNDO AGUINALDO, RESPONDENT.

Ponente: SADANG, J.

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SADANG, J.:

For consideration and action is petitioner's Motion for Reconsideration of this Court's Resolution, dated April 1, 2014, which denied her Petition for Review[1] on the ground that it is the wrong remedy.

Petitioner contends that this Court erred in denying outright her petition based on technicality without looking into the merits of the case. Petitioner insists that the case cited by this Court, *St. Martin Funeral Homes v. NLRC*, [2] is concerned more about "the doctrine of hierarchy of courts as many labor disputes have found their way to the Supreme Court without prior resort to the Court of Appeals." She asks for liberality in the application of the rules.

While *St. Martin* referred to the doctrine of hierarchy of courts, nonetheless, it definitively laid down the rule that a decision of the NLRC can only be questioned in a petition for certiorari under Rule 65 of the Rules of Court.

A reading of the Petition for Review of petitioner shows that it is not a petition for certiorari under Rule 65 but a petition for review under rule 43 of the Rules of Court. It does not impute grave abuse of discretion amounting to excess or lack of jurisdiction which is of the essence of a certiorari petition. Instead, it states errors allegedly committed by the NLRC in its findings. Put otherwise, the petition alleges errors in judgment. A petition for review to the Court of Appeals from a decision of the NLRC is explicitly forbidden by Rule 43. Section 2 of this rule explicitly states that it "shall not apply to judgments or final orders issued under the Labor Code of the Philippines."

A petition for review under Rule 43 and a petition for certiorari under Rule 65 are entirely different, mutually exclusive, and antithetical remedies. This Court cannot be liberal in the application of the rules because a petition for review may not be treated as a petition for certiorari and vice-versa. As held in *Sebastian v. Morales*:

That a petition for certiorari under Rule 65 should pro forma satisfy the requirements for the contents of a petition for review under Rule 43 does not necessarily mean that one is the same as the other. Or that one may be treated as the other, for that matter. A petition for review is a mode of appeal, while a special civil action for certiorari is an extraordinary process for the correction of errors of jurisdiction. It is basic remedial law that the two remedies are distinct, mutually exclusive, and antithetical. The extraordinary remedy of certiorari is proper if the tribunal, board, or officer exercising judicial or quasi-judicial functions acted without or in grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal or any plain, speedy, and adequate remedy in law. A petition for review, on the other hand, seeks to correct errors of judgment committed by the court, tribunal, or officer.[3]

WHEREFORE, the Motion for Reconsideration is DENIED for lack of merit.

SO ORDERED.

Dimaampao, (Chairperson), and Ybañez, JJ., concur.

[1] Rollo, pp. 3-19

[2] 295 SCRA 494

[3] 397 SCRA 549 (2003)

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