

**JHOEL NAMOK INTOY AND JERRY OCAMPO, PETITIONERS, VS. HON. NLRC (FIRST DIVISION), PHILIPPINE BED AND FURNITURE MFG. CORP./PATRICK CHING, RESPONDENTS.**

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**GALAPATE-LAGUILLES, J:**

Before Us is a Petition for Certiorari assailing the Decision dated September 30, 2014[1] and Resolution dated November 28, 2014[2] of the National Labor Relations Commission (First Division) in NLRC NCR Case No. 07-10110-13, NLRC LAC No. 09-002112-14, reversing the Decision of Labor Arbiter Pablo Gajardo, Jr., which found the petitioners to have been illegally dismissed, and denying petitioners' Motion for Reconsideration, respectively.

At first glance, We dismiss the Petition outright based on procedural infirmity. The petitioners failed to attach to the Petition the pertinent pleadings such as the Appeal Memorandum filed before the NLRC and the other documents mentioned as annexes in their Position Paper filed before the Labor Arbiter, in contravention of Section 3, Rule 46 of the Revised Rules of Court, viz:

Sec. 3. Contents and filing of petition; effect of non-compliance with requirements. xxx

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative. xxx

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The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.

Petitioners are reminded that only petitions which are accompanied by or which comply strictly with the requirements specified under the above-mentioned rule shall be entertained. In *Pet Plans, Inc., et al v. Court of Appeals*, [3] the Supreme Court emphasized the importance of strict observance of the rules of procedure to ensure the orderly and speedy administration of justice, thus:

xxx[S]ettled is the rule that save for the most persuasive of reasons, strict compliance with procedural rules is enjoined to facilitate the orderly administration of justice. The liberality in the application of rules of procedure may not be invoked if it will result in the wanton disregard of the rules or cause needless delay in the administration of justice. Indeed, it cannot be gainsaid that obedience to the requirements of procedural rule is needed if we are to expect fair results therefrom.

More importantly, We find no grave abuse of discretion on the part of the NLRC in finding that the petitioners were validly dismissed from service. The records show that the petitioners admitted that they took the tool box containing a hand drill and 24 pieces of sofa “footings” that belonged to Carl Colossal Creations Corporation. The

petitioners' excuse that they took the said materials only for safekeeping does not inspire belief because they waited for several days before they informed their employer Philippine Bed and Furniture Mfg. Corporation about the incident, and only after they were confronted by the latter. In fact, Carl Colossal Creations Corporation had to write a letter to inform the petitioner's employer about the incident which led to the investigation for theft and the eventual dismissal of the petitioners on the ground of dishonesty.[4] If petitioners truly intended to hold the tool box for safekeeping purposes only, they could have immediately brought the matter to their employer and deposit the tool box at their work premises or at the establishment of Homeworld-Makati where they allegedly found the same. Instead, they brought home the said tool box which belied their supposedly laudable intention. Thus, We stamp with imprimatur the following disquisition of the NLRC:

We agree with respondents that there existed just cause to dismiss complainants from employment. As delivery crew and truck driver of respondents, complainants represented the latter's business name and reputation whenever they made deliveries to several establishments. Verily, the fact that they admitted in their written explanation that they took the subject box, knowing fully well that it belonged to another delivery group, constituted the crime of theft which sufficiently established the ground for their dismissal. The non-presentation of the cctv footage and their self-serving assertion that they took the box for safekeeping purposes as they intended to return the same if and when required by the owner, cannot in any manner, justify their apparent wrongdoing, lest they would cause prejudice to the business interest and reputation of respondents.

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There is no dispute that complainants were issued the Incident Reports dated 23 May 2013, directing them to explain why no disciplinary action should be taken against them regarding the stealing incident that occurred at the Receiving and Dispatch Unit of Homeworld-Makati. On even date, they wrote their written explanation, admitting the offense charged although interposing good faith. On 17 June 2013, upon investigation and evaluation, the management decided to terminate their employment, as indicated in the Investigation Report found at the bottom portion of the Incident Report. However, complainants refused to sign the same.[5]

We reiterate the jurisprudential precept that certiorari is a remedy designed for the correction of errors of jurisdiction or grave abuse of discretion. Grave abuse of discretion implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction. It connotes exercise of power in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.[6] We find none in this case.

WHEREFORE, We DISMISS the Petition for Certiorari for being patently without merit.

**SO ORDERED.**

Punzalan Castillo, M.P., Chairperson and Macalino, F.S., JJ., concur.

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[1] Rollo, p. 37.

[2] Id., p. 38.

[3] G.R. No. 148287, November 23, 2004 citing *El Reyno Homes, Inc. v Ong*, 397 SCRA 563, 570 (2003) and *Mariveles Shipyard Corp. v Court of Appeals*, 415 SCRA 573, 584 (2003).

[4] Rollo, p. 70.

[5] Id., pp. 29 and 32.

[6] Tagle v. Equitable PCI Bank, G.R. No. 172299, April 22, 2008.

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