

JAIME LIMATOC, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND SPIRAL CORE PACKAGING INDUSTRIES, INC. REPRESENTED BY ITS MANAGER MARIO ANG, RESPONDENTS.

Ponente: CARANDANG, J.

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CARANDANG, J.:

This is a petition for certiorari under Rule 65 seeking to annul two Resolutions of the National Labor Relations Commission (NLRC) dated 23 September 2002[1] and 27 January 2003,[2] and instead reinstate the Decision of Labor Arbiter of 27 August 2001.[3]

The antecedents of the case are as follows:

Petitioner Jaime Limatoc was a delivery truck driver of respondent Spiral Core Packaging Industries, Inc. (SPIRAL) since 8 April 1987. In the morning of 13 April 1996, an altercation ensued between petitioner Limatoc and another delivery truck driver, Basilio Naive, and the latter's helpers (pahinante), Alberto Benson and Romeo Patriarcha, while in the performance of their respective duties and within the premises of SPIRAL. Limatoc was armed with a knife while Naive was armed with a wrench and his helpers were armed with steel pipes. With the SPIRAL management's timely intervention, the protagonists were separated.[4] Based on the affidavits of Naive and Benson, they just finished loading SPIRAL's products in their truck and they asked Limatoc to move his truck which was parked in front of theirs. Limatoc, rudely replied, "maghintay kayo baka gusto ninyong makatikim ng stainless." A verbal tussle ensued between Limatoc and Naive until Limatoc eventually moved his truck. Naive together with his two helpers boarded their truck and were about to leave when Limatoc confronted them again. He punched Naive's shoulder, who was then on the wheel, and pulled out a "balisong" (fan knife).[5] On the other hand, Limatoc claims that when he was asked to move his truck he told Patriarcha to just wait since he only needed six bundles more before his truck was filled. This allegedly irked Naive. Thereafter, he saw Naive holding a tire wrench and his helpers armed with steel pipes, and postured to attack. Scared, Limatoc immediately got his knife from under the driver's seat. Naive and his group purportedly inched closer to attack but were pacified by Limatoc's helper. He was then asked to surrender his knife by SPIRAL's production manager.[6]

The day after the incident, Limatoc, Naive and the two helpers were suspended. Limatoc and Naive were likewise informed that their readmission to work was subject to the investigation of the company and that of the Barangay.[7] On 16 April 1996, a "Kasunduan" was entered into between Naive, as the complainant for "Panununtok at Pagtutok ng Patalim," and Limatoc, as the respondent.

"- Kasunduan -

Kami, Basilio Naive at Jaime Limatoc ay nagkasundo na mula sa araw na ito. Ito ang aming pinagkasunduan:

- Na, ako, Jaime Limatoc, ay nangangako na hindi na mauulit ang pangyayaring ito, at wala rin akong pakialam sa problema ng iba doon sa kanya.
- Wala na rin kaming parinig-parinig na maging umpisa ng aming away.

- Na isasarado na naming ang anumang alitan na namamagitan sa amin para maayos naman ang aming pagtrabaho.

- Ako naman, Basilio Naive, ay tinatanggap ang pangako ni Jaime Limatoc at bilang pagsang-ayon itong aming lalagdaan sa araw na ito Abril 16, 1996.

(sgd) (sgd)

Basilio Naive Jaime Limatoc[8]

The following day, 17 April 1996, Limatoc reported for work but was not allowed and was told that he was already dismissed.[9] On 22 April 1996, SPIRAL sent Limatoc a memorandum informing him that his employment was being terminated for serious misconduct.[10] He was likewise given a letter of even date asking him to vacate the housing unit provided by SPIRAL.[11] With this, Limatoc filed a complaint against SPIRAL for illegal dismissal.[12]

On 27 August 2001, the Labor Arbiter rendered a decision in favor of Limatoc and held his dismissal illegal.[13] On appeal however, the public respondent NLRC reversed and set aside the same and upheld the Limatoc's dismissal from his employment valid and justified.[14]

Limatoc is now before us on certiorari, raising the following issues:

“STATEMENT OF THE ISSUES

I.

WHETHER OR NOT PUBLIC RESPONDENT ACTED WITHOUT JURISDICTION OR IN EXCESS OF ITS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT COMPLAINANT'S DISMISSAL FROM EMPLOYMENT WAS VALID CONTRARY TO THE FINDINGS OF THE LABOR ARBITER?

II.

WHETHER OR NOT PUBLIC RESPONDENT ACTED WITHOUT JURISDICTION OR IN EXCESS OF ITS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT COMPLAINANT'S DISMISSAL FROM EMPLOYMENT WAS JUSTIFIED CONTRARY TO THE FINDINGS OF THE LABOR ARBITER?

III.

WHETHER OR NOT PRIVATE RESPONDENT'S SUBMISSIONS AS INDICATED IN THEIR COMMENT TO THE PETITION TENABLE?

IV.

PETITIONER'S UNCONTESTED OR ADMITTED MONEY CLAIMS.”[15]

The present petition warrants a dismissal.

In its comment as well as in its memorandum before us, SPIRAL points out that the present petition was filed out of time. This is a serious contention which we cannot simply overlook. The first paragraph of Section 4, Rule 65 explicitly require that,

“SEC. 4. When and Where petition filed. – The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said

motion.

x x x.”

In applying this provision, our revered Supreme Court has consistently held that “certiorari, being an extraordinary remedy, the party who seeks to avail of the same must strictly observe the rule laid down by law.”[16] The phrase “not later than sixty (60) days from notice” undeniably gives emphasis to the inflexibility of the period fixed for the filing of a petition for certiorari.[17]

In this petition, Limatoc claims that he received the NLRC Resolution of 23 January 2003 denying his motion for reconsideration only on 19 January 2004. And in support of this he made reference to the certified copies of the Registry Return Receipt[18]. However, the said annexes show that Limatoc’s counsel before the NLRC received the denial of his Motion for Reconsideration as early as 16 February 2003.[19] A review of the original copies, elevated to this Court, also reflect this. In addition, the original records in the NLRC also show that Limatoc’s copy which was sent to his given address was returned because addressee was “unknown”. [20]

While Limatoc seeks a liberal interpretation, utter disregard of the period explicitly set by the Rules cannot be permitted for such policy of liberal construction will never justify nor rationalize the non observance thereof.[21] The observance of the period for filing a petition for certiorari is, as we have discussed, inflexible. And unlike the Supreme Court, which alone can suspend the applicability of its rules of procedure, this Court cannot overlook or set aside the period for filing a petition for certiorari, no matter how meritorious.[22]

The rationale for the strict application of the period is to avoid any unreasonable delay that would violate the constitutional rights of the parties to a speedy disposition of their case. Thus, in one case the High Court explained,

“While the periods set by law are technical rules of procedure, these are not designed to frustrate the ends of justice. These are provided to effect the proper and orderly disposition of cases and thus effectively prevent the clogging of court dockets. Rules of procedure, especially those prescribing the time within which certain acts must be done, have oft been held as absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of business. The reason for rules of this nature is because the dispatch of business by courts would be impossible, and intolerable delays would result, without rules governing practice. Such rules are a necessary incident to the proper, efficient and orderly discharge of judicial functions.”[23]

With the foregoing, his claim of having received the NLRC’s resolution of 19 January 2004 has not been substantiated either in the petition or in the records. As it stands, considering that notice to the counsel on record is notice to the party[24], the said resolution which was received by Limatoc’s counsel was and is considered received by Limatoc on 16 February 2003. As such, the sixty (60) day period commenced to run the following day and Limatoc had until 17 March 2003 to file his petition before Us. During that time, he was afforded the remedy to question the resolution of the NLRC unfortunately he squandered such opportunity.

WHEREFORE, the instant petition is DISMISSED for being filed out of time.

SO ORDERED.

Dacudao, (Chairman) and Arevalo-Zenarosa, JJ., concur.

[1] NLRC Resolution dated 23 September 2002, p. 24, ROLLO

[2] NLRC Resolution dated 27 January 2003, p. 39, ROLLO

- [3] LA Decision, p. 139, RECORD
- [4] LA Decision, p. 140, RECORD
- [5] Affidavits, pp. 80 and 82, RECORD
- [6] Limatoc's Salaysay adopted as Position Paper, p. 54, ROLLO
- [7] SIRALCORE Office Memo of Suspension, pp. 57-58, RECORD
- [8] "Kasunduan," p. 23, RECORD
- [9] Limatoc's Salaysay adopted as Position Paper, p. 58, ROLLO
- [10] Letter of Termination, p. 65, ROLLO
- [11] Letter to Vacate, p. 66, ROLLO
- [12] Complaint, p. 2, RECORD
- [13] LA Decision, p. 147, RECORD
- [14] NLRC Resolution dated 23 September 2002, p. 37, ROLLO
- [15] Memorandum, pp. 185-186, ROLLO
- [16] Matagumpay Maritime Co., Inc. v. Dela Cruz, 466 SCRA 130, 134; Seastar Marine Services, Inc. v. Bul-an, Jr., 444 SCRA 140, 153
- [17] Air France Philippines v. Leachon, 472 SCRA 439, 442
- [18] Petition, p. 5; in relation to the Registry Return Receipts labelled as Annexes "C" and "D", pp. 41-42, ROLLO
- [19] Registry Return Receipts, pp. 41 -42, ROLLO
- [20] Returned correspondence, p. 194, RECORD
- [21] Santos v. CA, 360 SCRA 521, 528
- [22] Air France Philippines v. Leachon, supra, p. 442; quoting a portion of the appellate court's resolution.
- [23] Pobre v. CA, 463 SCRA 50, 61
- [24] ginete v. Sunrise Manning Agency, 359 SCRA 404, 408

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