

SALITO D. BAGUIO, PETITIONER, VS. EPIC SECURITY AGENCY, INC. AND/OR ERNESTO RABANG, RESPONDENTS.

Ponente: YBAÑEZ, J.

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YBAÑEZ, J.:

This Court NOTES the Manifestation and Compliance, both filed by petitioner, through counsel, on 10 December 2013.[1]

In his Compliance, petitioner, through counsel, avers that the failure to implead the National Labor Relations Commission (NLRC)) as party respondent is due to the fact that the instant petition is filed under Rule 43 and not under Rule 65 of the Revised Rules Court. Apparently, petitioner is ignorant of the ruling of the Supreme Court in *St. Martin Funeral Homes vs. National Labor Relations Commission and Bienvenido Aricayos*,[2] that petitions from NLRC decisions should be initially filed with the Court of Appeals under Rule 65 in strict observance of the doctrine of hierarchy of courts as the appropriate forum for the relief desired. As the rule stands now, the proper remedy in assailing the Decision and Resolution of the NLRC is a Petition for Certiorari under Rule 65 on the ground that the NLRC has acted without or in excess of its jurisdiction.

WHEREFORE, the instant Petition for Review is DISMISSED.

SO ORDERED.

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

[1] Rollo, pp. 95 and 96-124.

[2] G.R. No. 130866, September 16, 1998, 295 SCRA 494

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