

## **PROMETHIUM MARKETING COMPANY REPRESENTED BY WILLIAM TAN, PETITIONER, V. NATIONAL LABOR RELATIONS COMMISSION, (NLRC) 3RD DIVISION, AND LEONARDO MANGALINDAN, RESPONDENTS.**

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c509c94a52d7/>

---

### **ELBINIAS, J.:**

On April 13, 2010, petitioner Promethium Marketing Company, represented by William Tan (“petitioner” for brevity), filed a “MANIFESTATION”[1] stating that the parties had already settled the monetary award ordered by the Labor Arbiter in NLRC NCR CASE No. 00-03-01548-2002[2], which in turn, was subject of the Petition[3] at bench. The “MANIFESTATION”[4] read as follows:

“PETITIONER, by counsel, to this Honorable Court of Appeals, respectfully manifests:

[1] In compliance to the Resolution dated October 28, 2009 directing herein parties to manifest, whether or not supervening events have transpired that would render the resolution of the Petition in the above-captioned case moot and academic.

[2] The petitioner hereby manifests that the parties have already settled the monetary award under the judgment, per document hereto attached as Annex 'A'.

#### **PRAYER**

WHEREFORE, it is respectfully prayed of this Honorable Court of Appeals that the foregoing manifestation be noted.”[5] (Underscoring was made in the original)

To the “MANIFESTATION”[6], petitioner attached a photocopy of the Labor Arbiter's Order[7] dated March 21, 2006.

On February 25, 2011, a Resolution[8] was issued directing petitioner to “furnish this Court a certified true copy of the Order dated March 21, 2006, and to manifest the bearing or effect that such Order may have to the instant Petition.”[9]

On April 29, 2011[10], petitioner filed an “EX-PARTE COMPLIANCE”[11] with an attached “certified xerox copy”[12] of the Labor Arbiter's Order[13] dated March 21, 2006. However, petitioner failed to manifest the bearing or effect of such Order to the Petition[14] at bench.

Because of this, a Resolution[15] dated August 8, 2011 was issued directing petitioner to show cause why its Petition[16] should not be dismissed for its failure to comply with the lawful order of the Court. The Resolution[17] stated the following:

“Petitioner's Compliance dated March 20, 2011 submitting a certified photocopy of the Labor Arbiter's March 21, 2006 Order is NOTED. Petitioner, however, having failed to manifest, as required by the February 25, 2011 Resolution, the bearing or effect such Order would have on the Petition, petitioner is directed to SHOW

CAUSE within 10 days from notice why the petition should not be dismissed for the failure to fully comply with a lawful order of this Court.

The report of the Judicial Records Division that no comment had been filed by the private respondent to petitioner's Manifestation filed on April 13, 2010 is NOTED.”[18] (Emphasis Supplied)

Petitioner's counsel, Atty. Ricardo C. Pilares, Jr.[19], received a copy[20] of the Resolution[21] dated August 8, 2011, through a certain Gina Tanjutco[22], on August 31, 2011.[23] However, petitioner again failed to comply with Our Resolution[24] of August 8, 2011.

Petitioner's failure to fully comply with Our earlier Resolutions of February 25, 2011[25] and August 8, 2011[26] amounts to a refusal to obey not only one, but two Orders of this Court. This refusal by petitioner to obey the Orders of this Court also constitutes a ground for the dismissal of its Petition under Rule 17, Section 3 of the Rules of Court, which provides:

“SEC. 3 – Dismissal due to fault of plaintiff.- If, for no justifiable cause, the plaintiff fails xxx to prosecute his action for an unreasonable length of time, or to comply with these Rules or any order of the court, the complaint may be dismissed upon motion of the defendant or upon the court's own motion, without prejudice to the right of the defendant to prosecute his counterclaim in the same or in a separate action. This dismissal shall have the effect of an adjudication upon the merits unless otherwise declared by the court.” (Italics was made in the original, emphasis supplied)

Hence, We have no choice but to abide by the Rules.

IN VIEW OF ALL THESE, the Petition for Certiorari is DISMISSED.

**SO ORDERED.**

Dicdican (Chairperson) and Paredes, JJ., concur.

---

[1] Rollo, pp. 375-378

[2] Order dated March 21, 2006, Rollo, pp. 377-378

[3] [WITH APPLICATION FOR TEMPORARY RESTRAINING ORDER AND WRIT OF PRELIMINARY INJUNCTION], Rollo, pp. 2-24

[4] Rollo, pp. 375-378

[5] Rollo, pp. 375-376

[6] Rollo, pp. 375-378

[7] Rollo, pp. 377-378

[8] Rollo, pp. 380-381

[9] Rollo, p. 381

[10] Rollo, p. 382

[11] Rollo, pp. 382-383

[12] Rollo, p. 384

[13] Rollo, pp. 384-385

[14] [WITH APPLICATION FOR TEMPORARY RESTRAINING ORDER AND WRIT OF PRELIMINARY INJUNCTION], Rollo, pp. 2-24

[15] Rollo, p. 387

[16] [WITH APPLICATION FOR TEMPORARY RESTRAINING ORDER AND WRIT OF PRELIMINARY INJUNCTION], Rollo, pp. 2-24

[17] Rollo, p. 387

[18] Rollo, p. 387

[19] Rollo, pp. 383, 387

[20] Registered Letter No. MMS-975, Rollo, p. 387

[21] Rollo, p. 387

[22] Rollo, p. 389

[23] Rollo, p. 389

[24] Rollo, p. 387

[25] Rollo, pp. 380-381

[26] Rollo, p. 387

## ABOUT BATAS.ORG

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

### **The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

### **Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

### **Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

### **The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

### **Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

### **A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.