

SOUTH VILLA CHINESE RESTAURANT & CITY FOODS CORPORATION, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION, NORBERTO DE LARA, DESIDERIO R. TURDA, JR. AND ALYANSANG LIKHA NG M...

G.R. No. 112120. November 23, 1995

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-112120/>

MENDOZA, J.:

In a decision rendered by the Labor Arbiter, petitioner was found guilty of having illegally dismissed private respondents and was ordered to reinstate them and pay backwages to them.

Petitioner received the decision on February 14, 1991. Accordingly, the last day for filing its appeal to the NLRC was on February 24, 1991. Petitioner filed an appeal memorandum and a manifestation that it was attaching thereto the appeal fee and the appeal bond, but the NLRC dismissed petitioner's appeal on the ground that it was filed only on February 28, 1991, four days after the expiration of the reglementary period for appealing. Petitioner filed a motion for reconsideration, claiming that it had filed its appeal memorandum by registered mail on February 25, 1991 because the last day for filing the appeal (February 24, 1991) was a Sunday. However, its motion was denied. Hence this petition for certiorari.

As proof of the filing by registered mail of its memorandum on February 25, 1991, petitioner submitted a registry return card. This card is addressed to the Docket Section of the National Labor Relations Commission. It is postmarked February 25, 1991 and appears to have been received by the addressee on February 27, 1991. (Annex "J-1") Petitioner likewise submitted a registry return card (Annex "J-2"), addressed to the adverse party's counsel, Atty. Carlos Galarrita, which is similarly postmarked February 25, 1991 at the Manila Central Post Office, with the difference that it appears to have been received by the addressee on February 28, 1991.

The Solicitor General filed a Manifestation and Motion in Lieu of Comment supporting the allegation of petitioner. He notes that, in fact, petitioner's manifestation filed with the NLRC has attached to it Registry Receipt No. 63553 issued by the Manila Central Post Office on February 25, 1991, showing that a copy of the appeal memorandum was furnished to the adverse party.

The NLRC maintains, however, that the registry receipt only proves the mailing of the appeal memorandum to Atty. Galarrita but not to it (NLRC). The NLRC argues that under Rule 13, §1 of the Rules of Court, only the date of the post office stamp on the envelope or the registry receipt may be considered the date of the filing of pleadings filed by registered mail, but registry return cards cannot be considered proof of the date of filing of pleadings. The NLRC contends that, as a matter of fact, petitioner's appeal memorandum as well as its manifestation was filed not by registered mail but personally on February 28, 1991 as shown by the stamp of its Docket Section and by the absence of any mailing envelope in the records of the case.

It is true that, under the Rules of Court, the date of the post office stamp on the envelope or the registry receipt is

considered the date of filing of a pleading sent by registered mail. In the case at bar, however, there is no reason to doubt that the appeal was filed on time. Registry Receipt No. 63553, which is part of the records, shows that a copy of the appeal memorandum was sent to Atty. Galarrita on February 25, 1991. The registry return card addressed to Atty. Galarrita bears the same date. As the registry return card addressed to the NLRC is similarly dated, it is reasonable to suppose that the appeal memorandum sent to the NLRC had been sent on February 25, 1991. Likewise, the registry receipt attached to the manifestation and the appeal memorandum (Annex "H" and "I", rollo, pp. 87 to 88) is dated February 25, 1991. It is likewise reasonable to suppose that petitioner mailed the original of the appeal memorandum to the NLRC and a copy thereof to the opposing counsel on the same date. It is unlikely that petitioner's counsel mailed a copy to the opposing counsel first on February 25, 1991 and then filed the original with the NLRC three days later, on February 28, 1991.

Moreover, the appeal fee was paid by postal money order (No. EO680661) on February 25, 1991. The appeal bond is in the form of a surety bond issued by Asia Traders Insurance and is dated February 22, 1991. The appeal memorandum itself is dated February 22, 1991, although subscribed and sworn to on February 25, 1991. These circumstances indicate that petitioner sent its appeal memorandum to the NLRC by registered mail on February 25, 1991. There is no reason to believe otherwise.

It could well be that the envelope containing the pleading was simply misplaced. At all events, strict adherence to rules of procedure must give way to considerations of equity and substantial justice, where, as in this case, there is evidence showing that the appeal was filed on time.

WHEREFORE, the petition for certiorari is GRANTED, the resolutions dated May 29, 1992 and June 9, 1993 of the National Labor Relations Commission are SET ASIDE, and the NLRC is ORDERED to give due course to the appeal of petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Puno, JJ., concur.

Francisco, J., on leave.

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.