

MANILA MIDTOWN HOTELS & LAND CORP., ROBINSON'S INN, INC., JOHN GOKONGWEI, JR. AND OLIVE G. BEGRE, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC), ILDEFONSO M. SARIN...

G.R. No. 118397. March 27, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

Petitioners Manila Midtown Hotels Land Corporation, Robinson's Inn, Inc., John Gokongwei Jr. and Olive G. Berge assail the decision of the National Labor Relations Commission (NLRC) dated December 21, 1994,[1] declaring them jointly and severally liable together with CISCOR for the unpaid money claims due to the private respondents in the amount of P1,385,181.00.

Confidential Investigation and Security Corporation (CISCOR) is a private corporation whose main line of business is providing security services towards its clients, among whom are petitioners Manila Midtown Hotel and Robinson's Inn, Inc.[2]

On various dates, private respondents were hired as security guards by CISCOR and subsequently assigned to either the Manila Midtown Hotel or Robinson's Inn. However, on October 9, 1991, private respondents, numbering about seventy-seven, filed a complaint against CISCOR and the petitioners for illegal dismissal, illegal deduction, underpayment, premium pay for holiday, premium pay for rest day, holiday pay, uniform allowance and service incentive leave pay. Pending conciliation proceedings, twenty-eight (28) of the original complainants filed a motion to dismiss stating that they had amicably settled their grievances with the petitioners.

During the trial, CISCOR merely denied any monetary liability while Manila Midtown Hotel and Robinson's Inn contended that under their respective contracts with CISCOR, the latter was responsible for the payment of any money claims and benefits due to the private respondents. Moreover, they argued that they were not privy to the employer-employee relationship between CISCOR and private respondents.

On December 23, 1992, while the case was still pending before the Labor Arbiter, the petitioners and CISCOR executed a Quitclaim and Release[3] which provided:

“x x x x x x x x x

6. It is further understood that the amount herein received shall cover any and all claims interposed by several CISCOR security guards against CISCOR and MMCC (MMHH) with the Department of Labor, now pending before Arbiter Ricardo O. Nora, insofar as the said case or cases may here be covered or related.”

On November 29, 1993, after the parties had submitted their respective position papers,[4] the Labor Arbiter ruled in favor of the private respondents and ordered CISCOR and the petitioners to jointly and severally pay the monetary claims, the dispositive portion of the decision of which reads as follows:

“IN VIEW OF ALL THE FOREGOING, the respondents CISCOR, Manila Midtown Hotel, Robinson’s Apartelle and individual respondents Ernesto Z. Medina, John Gokongwei and Olive Begre are hereby ordered to pay jointly and severally the above-named complainants in the aggregate sum of ONE MILLION THREE HUNDRED EIGHTY FIVE THOUSAND ONE HUNDRED EIGHTY ONE PESOS AND 70/100 (P1,385,181.70) representing their money claims.

The case filed by complainant Melita N. Lacerna should be, as it is hereby DISMISSED with prejudice in view of the Affidavit of Desistance dated December 21, 1992 which she executed.

All other claims are hereby dismissed for lack of merit.

SO ORDERED.”

CISCOR did not appeal the Labor Arbiter's decision but petitioners challenged the ruling before the NLRC. In a decision dated December 21, 1994, the NLRC, while modifying the monetary amounts to be awarded, upheld the solidary liability of CISCOR and the petitioners, thus:

“WHEREFORE, the decision appealed from is hereby MODIFIED, but only to the extent that only respondent CISCOR shall be liable for the periods (appearing in pages 224 and 225 of the records) when some of the complainants were assigned, not to respondents Robinson’s Apartelle and/or Manila Midtown Hotel, but to other principals of respondent CISCOR. In all other respects, the decision appealed from is hereby AFFIRMED.

SO ORDERED.”

Instead of filing the required motion for reconsideration,[5] petitioners filed this instant petition alleging that the NLRC gravely abused its discretion in holding them liable with CISCOR for the unpaid monetary claims.

To begin with, the failure of the petitioners to file the required motion for reconsideration is fatal to this petition. In numerous cases,[6] we have consistently held that a motion for reconsideration is indispensable for it affords the NLRC an opportunity to rectify errors or mistakes it might have committed before resort to the court can be availed of.[7]

In the recent case of ABS-CBN Employees Union and Jose Entradicho v. NLRC,[8] we expounded on the rationale of such remedy, thus:

“x x x The unquestioned rule in this jurisdiction is that certiorari will lie only if there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law against acts of the public respondents. In the instant case, the plain and adequate remedy expressly provided by the law was a motion for reconsideration of the assailed decision, based on palpable or patent errors, to be made under oath and filed within ten (10) days from receipt of the questioned order.”

Accordingly, the non-filing by the petitioners of their respective motions for reconsideration warrants the outright dismissal of the instant petition. In the absence of a motion for reconsideration seasonably filed within the ten-day reglementary period, the assailed order, resolution or decision of the NLRC, becomes final and executory after ten (10) calendar days from receipt thereof.[9] The merits of the case can no longer be reviewed to determine the existence of grave abuse of discretion on the part of the NLRC.[10]

It should be stressed that petitioners cannot escape the rigid observance of the necessity to file a motion for reconsideration since such requirement is jurisdictional,[11] and the same may not be brushed aside as “mere technicality” to suit their interest. Certiorari, being an extraordinary remedy,[12] the party who seeks to avail of the same must observe the rules laid down by law. Rule 65 of the then Rules of Court provides:

“x x x x x x x x

The petition shall be accompanied by a certified true copy of the judgment or order subject thereof, together with copies of all pleadings and documents relevant and pertinent thereto.”

In this regard, we have ruled that the failure of a party to attach the required documents to his petition will cause the dismissal thereof.[13]

Needless to say, the omission of petitioners’ counsel to file the required motion for reconsideration was simply inexcusable. It should be observed that the assailed decision of the NLRC was rendered on December 21, 1994; however, as early as 1989 we had the occasion to stress that:

“Petitioner, cannot, on its bare and self-serving representation that reconsideration is not necessary, unilaterally disregard what the law requires and deny the respondent NLRC its right to review its pronouncement before being haled (sic) to court to account therefor. On policy reconsideration, such prerequisite would provide an expeditious termination of labor disputes and asserts the decongestions of Court dockets by obviating improvident and unnecessary recourse to judicial proceedings. The present case exemplifies the very contingency sought to be, and which could have been, avoided by the observance of said rules.”[14]

Procedural rules, like all rules, are required to be followed except only for the most persuasive reasons when they can be relaxed.[15]

WHEREFORE, in view of the foregoing, the instant petition is hereby DISMISSED. Costs against petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, and Purisima, JJ., concur.

[1] Rollo, pp. 40-50.

[2] Contract of Service, pp. 51-59.

[3] Rollo, pp. 217-218.

[4] Rollo, pp. 107-121.

[5] Rule VII, Section 14. The New Rules of Procedure of the National Labor Relations Commission:

“Section 14. Motion for Reconsideration. Motion for reconsideration of any order, resolution or decision of the Commission shall not be entertained except when based on palpable or patent errors, provided that the motion is under oath and filed within ten (10) calendar days from the receipt of the order, resolution or decision, with proof of service that a copy of the same has been furnished, within the reglementary period, to the adverse party and provided further, that only such motion from the same party shall be entertained.”

[6] Building Case Corporation v. NLRC, 268 SCRA 666 (1997); Interorient Maritime Enterprises, Inc., et al. v. NLRC, 261 SCRA 757 (1996); Palomado v. NLRC, 257 SCRA 680 (1996); Royal Crown International v. NLRC, 178 SCRA 569 (1989).

[7] Gonpu Services Corporation v. NLRC, 266 SCRA 657 (1997).

[8] G.R. No. 111211, July 24, 1997.

[9] Orient Express Placement Philippines v. NLRC, 267 SCRA 287 (1997).

[10] Centro Escolar University v. NLRC, G.R. No. 121275, August 7, 1997.

[11] Labudahon v. NLRC, 251 SCRA 129 (1995).

[12] Fernando v. Vasquez, 31 SCRA 281 (1970).

[13] NAWASA v. Municipality of Libamanan, 20 SCRA 337 (1967).

[14] Zapata v. NLRC, 175 SCRA 56 (1989).

[15] Gesmundo v. JRB Realty Corporation, 234 SCRA 153 (1994).

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