MA. VILMA S. LABAD, PETITIONER, VS. THE UNIVERSITY OF SOUTHEASTERN PHILIPPINES, THE BOARD OF REGENTS/HON. RICARDO GLORIA (DECS SECRETARY) CHAIRMAN, DR. EDMUNDO B. PRANTILLA, VIC...

G.R. No. 139665. August 09, 2001

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court of the Resolution[1] of the Court of Appeals dated February 24, 1999 in the case entitled "Ma. Vilma S. Labad vs. The University of Southeastern Philippines" dismissing the appeal of Ma. Vilma S. Labad herein petitioner and the Resolution dated July 22, 1999 denying the motion for reconsideration of petitioner.

The facts of this case are as follows:

Petitioner was a probationary faculty member of the University of Southeastern Philippines (hereafter respondent) Laboratory (high school) and was designated as the adviser for the school`s yearbook "TRAILS 95", the school's regular school organ "INSIGHTS", and the school's student government known as the "LSOCSG".

On February 1, 1996, the officers and members of respondent university's Parents Teachers Association filed a letter-complaint with the president of respondent university, charging petitioner with "Dishonesty", "Grave Misconduct", and "Unfitness as a Teacher". The letter-complaint reads in part:

> "1.
>
> She deliberately lied to the parents the total amount she paid for the printing of the Trails 1995. She publicly announced during the PTA meeting that she paid P64,000.00 but when the financial report of Tesoro Printing was given to us (sic) the cost including the discount was P 54,000.00.x x x
>
> 2.
>
> She violated several provisions of R.A. 7079, Campus Journalism Act of 1991 x x x.
>
> 8.
>
> Up to this point in time (sic) the Yearbook 1995 is not receive (sic) yet. This x x x is attributed to the inefficiency of the adviser or coordinator of the yearbook which I think she acknowledged her inefficiency and ineffectivity x x x.
>
> x x x
>
> 12.
>
> She thrusted (sic) an unfinished assignment to Jeffrey Tero's mouth of (sic) the full view of his classmates while she was seated on her table. Her temper is beyond control which could endanger our children physically,

psychologically and emotionally.

13.

She grabbed the hair of some of her students in the computer class, again due to her temper and heartlessness.

14.

She exacts illegal collection to (sic) our children for her test paper and handouts ranging from P0.50 to P50.00 which is not allowed by law x x x.

15.

She failed more than 30% of her class because according to her, they cannot cope up (sic) with her standard. x x x

16.

Miss Labad does not possess the patience and the competence of a secondary school teacher. x x x

x x x

20.

The NSAT charge was exorbitant without the benefit of liquidation presented to the parents after the exam nor end of the school year (1995). x x x"[2]

The case was docketed as Administrative Case No. 96-001. In her, answer, petitioner denied the charges against her. The Office of the President of respondent university then created an Investigating Committee to investigate the complaint.

The Investigating Committee rendered a report recommending the penalty of dismissal from the service through the non-renewal of petitioner's probationary status on the ground of dishonesty and misconduct. Respondent university's Board of Regents subsequently approved and adopted the report of the Investigating Committee as its decision. Respondent then did not renew the probationary status of petitioner as teacher for the school year 1996-97.

Petitioner appealed said decision to the Civil Service Commission.

On April 14, 1998, the Civil Service Commission issued a Resolution affirming the decision of respondent university's Board of Regent.

Petitioner filed a motion for reconsideration.

On December 11, 1998, petitioner received the Resolution of the Civil Service Commission dated November 13, 1998 denying the motion for reconsideration of petitioner.

On December 28, 1998, petitioner filed with the Court of Appeals a Motion for Extension of Period to File Petition for Review asking for 15 days from December 28, 1998 or until January 12, 1999 to do so.

On January 12, 1999, petitioner filed her Petition for Review with the Court of Appeals.

On February 17, 1999, petitioner through counsel received a copy of the Resolution dated January 28, 1999 issued by the Court of Appeals, Special Fifth Division, granting an extension of 15 days from December 26, 1998, or until January 10, 1999, to file the petition for review. The Resolution reads:

"Acting on the motion filed by counsel for petitioner on December 28, 1998, the Court resolves to grant

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> petitioner an extension of fifteen (15) days from December 26, 1998, or until January 10, 1999, within which to file petition for review."[3]

On March 10, 1999, counsel of petitioner received a copy of the Resolution dated February 24, 1999, issued by the Court of Appeals, Former Fourth Division, dismissing the petition for review. It reads:

> "CONSIDERING that the petition for review was filed on January 12, 1999 by registered mail, beyond the extended period which expired on January 10, 1999, the petition for review is hereby DISMISSED."[4]

On March 24, 1999, petitioner filed a motion for reconsideration.

On July 29, 1999, counsel of petitioner received a copy of the Resolution of the Court of Appeals dated July 22, 1999 denying the motion for reconsideration of petitioner. The Resolution states:

> "CONSIDERING that petitioner herself admits filing the petition at least one day late, the motion for reconsideration of Our dismissal is hereby DENIED."[5]

Hence, this petition wherein petitioner raises the following issues:

> - WHETHER PETITIONER'S APPEAL WITH THE COURT OF APPEALS WAS TIMELY PURSUANT TO SECTION 4, RULE 43 IN RELATION TO SECTION 1, RULE 22 OF THE 1997 REVISED RULES ON CIVIL PROCEDURE;
>
> - WHETHER THE COURT OF APPEALS' RESOLUTIONS DATED FEBRUARY 24, 1999 DISMISSING THE APPEAL AND THE RESOLUTION DATED JULY 22, 1999 DENYING RECONSIDERATION (ANNEXES "A-REVIEW" AND "B-REVIEW", SUPRA) - ARE IN ACCORD WITH THE AFORE-STATED RULES AND THE SUPREME COURT RULINGS OR ESTABLISHED JURISPRUDENCE IN THE CASES OF "ASTA MOSKOWSKY VS. HON. COURT OF APPEALS, G.R. NO. 10422, MARCH 3, 1994 (230 SCRA 657); "JAVIER VS. COURT OF APPEALS", G.R. NO. 48194, MARCH 15, 1990 (183 SCRA 171); "CAPULONG VS. WORKMEN'S INSURANCE COMPANY, INC. (178 SCRA 314); ASSOCIATED LABOR UNION VS. NLRC (189 SCRA 743); AND NATALIA DE LAS ALAS, ETC. VS. COURT OF APPEALS, ET. AL., G.R. NO. 1-38006, MAY 16, 1978;
>
> - WHETHER THE COURT OF APPEALS' RESOLUTION DATED JULY 22, 1999 WHICH FAILED TO RULE ON THE FIRST GROUND RAISED BY PETITIONER IN HER MOTION FOR RECONSIDERATION - THAT THE FILING OF HER APPEAL/PETITION WAS IN ACCORDANCE WITH SECTION 4, RULE 43 IN RELATION TO SECTION 1, RULE 22 OF THE 1997 REVISED RULES ON CIVIL PROCEDURE - IS IN ACCORD WITH THE LAW AND THE MANDATES OF DUE PROCESS - SUCH AS SECTION 1, RULE 36; ARTICLE 9 OF THE NEW CIVIL CODE AND THAT THAT THEY MUST RULE ON "ALL CONTROVERSIAL ISSUES", AS ESTABLISHED BY JURISPRUDENCE, AS IN THE CASES OF "MARCELINO A. BUSACAY VS. ANTONIO F. BUENAVENTURA, G.R. NO. L-5856, DATED DECEMBER 29, 1953 AND "AGOLTO VS. COURT OF APPEALS, L-23025 (33 SCRA 771), DATED JUNE 30, 1970;
>
> - WHETHER IN THE SAID RESOLUTIONS, THE COURT OF APPEALS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AND SANCTIONED THE DEPARTURE BY THE CIVIL SERVICE COMMISSION - WHICH IS TO PROMOTE THE OBJECTIVE OF SECURING A JUST, SPEEDY AND INEXPENSIVE DISPOSITION OF EVERY ACTION AND PROCEEDING (SECTION 6, RULE I, GENERAL PROVISION, 1997 RULES ON CIVIL PROCEDURE) AND THAT OF A HOST OF JURISPRUDENCE, AMONG WHICH THOSE STATED IN PREVIOUSLY ENUMERATED GROUNDS AND ISSUES, CONSIDERING THAT PETITIONER HAS PRESENTED SUBSTANTIVE AND FUNDAMENTAL QUESTIONS OF LAW, AMONG WHICH ARE THOSE SPECIFIED IN THE SUCCEEDING PARAGRAPHS - THAT SHOULD HAVE MERITED JUDICIAL

DETERMINATION, WHICH BECAUSE OF THE SAID QUESTIONED RESOLUTIONS - WHERE SUPPRESSED ON TECHNICAL AND INSUBSTANTIAL REASONS;

- WHETHER SECTION 9, REPUBLIC ACT No. 4670 OTHERWISE KNOWN AS THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS APPLIES TO THOSE TEACHERS IN A STATE UNIVERSITY, SUCH AS PETITIONER AND IN HER CASE;

- WHETHER THE "COMMITTEE" CREATED WITHOUT A REPRESENTATIVE FROM AND APPOINTED BY THE TEACHERS ORGANIZATION WHERE PETITIONER BELONGS - HAD "JURISDICTION" TO INVESTIGATE PETITIONER AND THE "DECISION" RENDERED THEREON IS VALID AND IN ACCORDANCE WITH THE SAID PROVISION OF R.A. 4670 OR THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS;

- WHETHER THE CASE OF HON. ARMAND FABELLA, ETC. VS. THE COURT OF APPEALS, ET. AL., G.R. No. 110379, DATED NOVEMBER 28, 1997 IS APPLICABLE TO PETITIONER AND HER CASE;

- WHETHER USP AND ITS COMMITTEE AND NOT THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS THRU ITS REGIONAL OFFICE, HAS JURSIDICTION OVER THE CASE INVOLVING THE APPLICATION OF REPUBLIC ACT NO. 7079, OTHERWISE KNOWN AS THE CAMPUS JOURNALISM ACT;

- WHETHER PETITIONER'S STATUS - ON WHETHER SHE IS A "PERMANENT" OR "PROBATIONARY" EMPLOYEE AND/OR HER CASE IS COVERED BY AND/OR SHOULD BE SUBJECT TO THE CIVIL SERVICE LAW, ITS RULES, THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS AND IS CONSISTENT WITH THE CASE OF "THE UNIVERSITY OF THE PHILIPPINES, ET. AL. VERSUS THE HON. TEODORO P. REGINO, G.R. NO. 88167 DATED MAY 3, 1993 (221 SCRA 598)";

- WHETHER THE STANDARDS OF DUE PROCESS HAS BEEN MET IN THE CASE OF PETITIONER;

- WHETHER PETITIONER'S RIGHT TO SECURITY OF TENURE UNDER THE CONSTITUTION HAS BEEN PROTECTED; AND

- WHETHER PETITIONER WAS ILLEGALLY DISMISSED AND ENTITLED TO THE AFFIRMATIVE RELIEFS OF REINSTATEMENT, BACKWAGES AND OTHER BENEFITS.[6]

Without delving into the merits of this petition, we limit the discussion on the threshold issue of whether or not the Court of Appeals erred in dismissing the petition for review filed by petitioner before it on the ground that the petition was filed late.

Petitioner maintains that she timely filed her petition for review with the Court of Appeals. She points out that she received the adverse resolution of the Civil Service Commission on December 11, 1998. Petitioner then claims that from said date, she had 15 days or until December 26, 1998 to file her petition for review with the Court of Appeals. Since December 26, 1998 was a Saturday, it was on the next business day, December 28, 1998 which was a Monday, that petitioner filed a Motion for Extension of Period to File Petition for Review instead of filing her petition for review. In that motion for extension, petitioner sought an additional 15 days counting from December 28, 1998 to file her petition, invoking the power of the Court of Appeals to grant such extension as provided for by Section 4, Rule 43 of the 1997 Rules of Civil Procedure.[7] While the Court of Appeals favorably acted on the motion in a Resolution dated January 28, 1999, it granted the additional 15 days commencing from December 26,1998 or until January 10, 1999, for petitioner to file her petition. Petitioner bewails the fact that she received the resolution embodying said grant only on February 17, 1999. By that time, she had already filed her petition on January 12, 1999, having reckoned the extended period from December 28, 1998, as she had prayed

for in her motion for extension.

In disputing the dismissal of her petition, petitioner insists that the 15-day extension was timely sought since December 28, 1998, a Monday should be considered as the fifteenth day of filing her appeal, not December 26, 1998, which was a Saturday. In support of her claim, petitioner relies on Section 1, Rule 22 of the Rules of Court that provides:

> "In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day." (Emphasis supplied)

Petitioner also contends that assuming that January 10, 1999, a Sunday, was the last day of the extension period, petitioner asserts that January 11, 1999, a Monday, should be considered as the last day of filing the petition based on the just quoted "law for pretemission of holidays". Hence, petitioner submits that the delay is only one (1) day, a delay that is allegedly excusable due to a mistake in good faith and without any intention to delay, because the petition was filed the following day therefrom or on January 12, 1999.

The petition has merit.

Based on Section 1, Rule 22 of the Rules of Court and as applied in several cases,[8] where the last day for doing any act required or permitted by law falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day. In this case, petitioner still had until December 28, 1998, a Monday and the next business day to move for a 15-day extension considering that December 26, 1998, the last day for petitioner to file her petition for review fell on a Saturday. The motion for extension filed on December 28, 1998 was thus filed on time since it was filed before the expiration of the time sought to be extended.[9] The next issue to resolve then is when should the 15-day extension be reckoned, should it be counted from December 26, 1998 or December 28, 1998?

As a rule, the extension should be tacked to the original period and commence immediately after the expiration of such period.[10] However, in Moskowsky vs. Court of Appeals[11] and Vda. De Capulong vs. Workmen's Insurance Co., Inc.,[12] we allowed the extended period to commence from the specific time prayed for in the motion for extension. In this case, petitioner specifically manifested that she be granted an extension of 15 days from December 28, 1998 or until January 12, 1999 for her to file her petition for review. Hence, the period for reckoning the commencement of the additional 15 days should have been from December 28, 1998, and not December 26, 1998. Thus, the petition filed by petitioner with the Court of Appeals on January 12, 1998, exactly 15 days from December 28, 1998, was filed on time.

The underpinning consideration in Moskowski, Vda. de Capulong and in the case at bar, is the liberal interpretation of the Rules to achieve substantial justice. Petitioner would be outright denied her right to appeal if the original period of December 26, 1998 would be the basis of the 15-day extension period. While the right to appeal is a statutory, not a natural right, nonetheless "it is an essential part of our judicial system and courts should proceed with caution so as not to deprive a party of the right to appeal, but rather, ensure that every party-litigant has the amplest opportunity for the proper and just disposition of his cause, freed from the constraints of technicalities."[13]

The unfairness of the situation becomes even more apparent when we consider the fact that petitioner received notice that the extension was to be counted from the original period and not from the date that she had prayed for, a month after she had already filed her petition. The equitable solution in the case at bar, as amply supported by

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jurisprudence, is to thus base the extension from the period requested by petitioner.

WHEREFORE, the petition is GRANTED and the case is hereby REMANDED to the appellate court for further proceedings. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, and Panganiban, JJ., concur.
Sandoval-Gutierrez, J., on leave.

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[1] Per Associate Justice Ruben T. Reyes and concurred in by Associate Justices Salome A. Montoya and Eloy R. Bello, Fourth Division.

[2] Records, p. 34.

[3] Records, p. 393.

[4] Records, p. 391.

[5] Records, p. 392.

[6] Records, pp. 20-23; Petition, pp. 8-10.

[7] xxx

"The appeal shall be taken within fifteen (15) days from notice of the award, judgment or final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency a quo. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days."

[8] Manila Electric Company vs. Court of Appeals, 271 SCRA 417 (1997) and Moskowsky vs. Court of Appeals, 230 SCRA 657 (1994).

[9] Moskowsky vs. Court of Appeals, supra, p. 661.

[10] Vda. De Capulong vs. Workmen's Insurance Co., Inc. 178 SCRA 314 (1989), p. 319.

[11] Supra.

[12] Supra.

[13] Moslares vs. Court of Appeals, 291 SCRA 440 (1998), p. 448. See also Yambao vs. Court of Appeals, G.R. No. 140894, November 27, 2000.

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