

**ABAPO, FAUSTINO ALIGANGA, DOROTEO ABELLA, FIDEL
AVANCEÑA, FERMIN AGUIRRE, ROMEO AMANDORON, FRANCISCO
AREÑO, FELIPE ARGOMIDO, VIRGILIO BLASABAS, CERINO BARLISO,
AGAPITO BASACA, C...**

G.R. No. 142405. September 30, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

The 120 petitioners in this petition for review seek the reversal of the Resolutions[1] of the Court of Appeals dated January 25, 2000 and March 7, 2000 in CA-G.R. SP No. 56726 dismissing their erroneously denominated “Petition for Review on Certiorari.” The Appellate Court dismissed their petition for their failure to attach a certified true copy of the assailed Resolution of the National Labor Relations Commission (NLRC) in NLRC Case No. V-0099-97; and for having filed the petition beyond the reglementary period.

The petitioners are former employees of private respondent San Miguel Corporation (SMC) who were hired on different dates and assigned to SMC’s Mandaue Brewery Plant.

Sometime in 1991, respondent SMC conducted a viability study of its business operations and adopted a modernization program. Respondent then brought into the Mandaue plant high-speed machines to be used in the manufacture of its beer. These machines were installed in bottling lines 6 and 7. The main line operation known as lines 1, 2, 3, 4, and 5 ceased to operate. As a consequence, several functions of the employees were declared redundant.

On February 13, 1992, SMC sent to Office of Region VII, Department of Labor and Employment (DOLE), two letters with the information that it was terminating the services of the employees named in the attached list. On February 7, 1992 and September 28, 1992, SMC sent notices to the affected employees informing them that they would be given a separation pay amounting to 175% of their respective monthly salaries for every year of service, a 3-year free hospitalization coverage, and free training and consultation for livelihood programs and small-scale business enterprises, as well as assistance in local and overseas job placements.

Accordingly, the employees concerned received the said amounts and executed their respective quitclaims before the Officers of Region VII of the DOLE.

Two years later, those employees filed with the Labor Arbiter two separate complaints, docketed as NLRC Cases Nos. RAB VII-11-1175-95 and RAB VII-01-0096-96, alleging that SMC did not institute a modernization program, hence, the company committed an illegal mass lay-off. They prayed that their separation from the service be declared illegal and that they be paid their backwages, separation pay in lieu of reinstatement, and other benefits.

The two cases were jointly heard. On November 25, 1996, the Labor Arbiter rendered a Decision dismissing the complaints.

On appeal, docketed as NLRC Case No. V0099-97, the 4th Division of the NLRC ruled as follows:

“WHEREFORE, premises considered, the appealed decision is hereby AFFIRMED and the appeal DISMISSED for lack of merit.

SO ORDERED.”[2]

Petitioners then filed with the Court of Appeals a special civil action for certiorari which, as stated at the outset, was dismissed. Petitioners’ motion for reconsideration was denied.

Hence, the instant petition for review on certiorari based on the following ground:

“THE HONORABLE RESPONDENT COURT OF APPEALS ACTED WITH GRAVE ABUSE OF DISCRETION IN DISMISSING PETITIONERS’ PETITION FOR REVIEW AND DENYING THE MOTION FOR RECONSIDERATION ON MERE TECHNICALITIES WITHOUT REGARD TO EXISTING JURISPRUDENCE.”[3]

The sole issue in this case is whether or not the Court of Appeals gravely abused its discretion in dismissing the petition. The grounds relied upon by the Court of Appeals in dismissing the petition are: (1) petitioners failed to attach to their petition a certified true copy of the assailed Resolution of the NLRC in NLRC Case No. V-0099-97; and they filed the petition seven (7) days late.

Section 3, Rule 46 of the 1997 Rules of Civil Procedure, as amended, provides:

“SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. – The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

In actions under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial was received.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court intended as such by the petitioner and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly-authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

x x x

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.”

The above Rule is clear. Failure to comply with the requirement that the petition shall be accompanied by a certified true copy of the resolution being challenged is a sufficient ground for the dismissal of the petition.

With respect to the delay in the filing of the petition, petitioners accepted the finding of the Court of Appeals that there was indeed a delay of seven (7) days.[4]

Petitioners’ counsel attempts to justify their failure to attach a duplicate original or a certified true copy of the NLRC Resolution dated October 29, 1997 to the petition, explaining that “in cases where the documents involved are voluminous, there is always a greater tendency that some of the vital pieces of evidence are left out.”[5] While

we sympathize with counsel's predicament, however, we cannot sustain his stance. This matter merely involves his capability in organizing the pleadings and documents to be filed. Had he been more assiduous in his duty to his clients, the petition would not have been dismissed.

Granting that the instant petition is in order, the same is still dismissible. In a similar case (involving the same issue – the validity of the termination of SMC employees at the Mandaue Brewery), this Court, through Mr. Justice Vicente V. Mendoza, now retired, held that the installation of labor-saving devices by SMC at the Mandaue plant was a proper ground for terminating employment.[6] The quitclaims and releases, signed by the employees concerned as reasonable settlements, are binding upon the parties.

We thus rule that the Court of Appeals did not commit any grave abuse of discretion in dismissing the petition in CA-G.R. SP No. 56726 for non-compliance with Rule 46, Section 3. For as explicitly provided therein, failure to comply with any of the requirements shall be sufficient ground for the dismissal of the petition.[7]

Anent the delay of seven (7) days in the filing with the Court of Appeals of the petition in CA-G.R. SP No. 56726, suffice it is to state that the petitioners admitted that there was indeed such delay.[8]

WHEREFORE, the petition is DENIED. The Resolutions of the Court of Appeals dated January 25, 2000 and March 7, 2000, in CA-G.R. SP No. 56726 are AFFIRMED IN TOTO. Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Corona, and Carpio Morales, JJ., concur.

[1] Rollo, pp. 14-15. Penned by Associate Justice Oswaldo D. Agcaoili (retired) and concurred in by Associate Justice Alicia Austria-Martinez (now a member of the Supreme Court) and Associate Justice Remedios Salazar-Fernando.

[2] Rollo at 40.

[3] Id. at 7.

[4] Id. at 7.

[5] Id.

[6] *Agustilo vs. Court of Appeals*, 417 Phil. 218 (2001).

[7] *Moncielcoji Corp. vs. National Labor Relations Commission*, G.R. No. 144460, April 27, 2001, 357 SCRA 423.

[8] Rollo at 7.

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