

KALAYAAN ARTS AND CRAFTS, INC., PETITIONER, VS. MANUEL ANGLO AND JORGE YANSON, RESPONDENTS.

G.R. No. 143467. July 21, 2003

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By the present petition for review on certiorari, petitioner Kalayaan Arts and Crafts, Inc. (KACI) assails the Resolution of May 30, 2000 of the Court of Appeals[1] in CA-G.R. SP No. 58481 which denied its Motion for Reconsideration of its May 5, 2000 Resolution[2] denying its "Motion for Extension of Time to File Petition for Review on Certiorari."

The antecedents of the case are as follows:

In accordance with the agreement dated March 3, 2000[3] between petitioner and the Pagkakaisa ng mga Manggagawa sa KACI, the issue of the termination of employment of Manuel Anglo and Jorge Yanson was submitted for voluntary arbitration.

By Decision of April 13, 2000[4], Voluntary Arbitrator Reynaldo R. Ubaldo ruled that Anglo and Yanson were illegally terminated.[5]

Petitioner received a copy of the arbitrator's decision on April 14, 2000.[6] Fourteen days later or on April 28, 2000, petitioner filed with the Court of Appeals a motion for extension of time (15 days from April 29, 2000) to file a petition for review.[7]

On May 15, 2000 (a Monday), petitioner filed by registered mail[8] its petition for review with the Court of Appeals[9] as it, on even date, received a copy of said court's May 5, 2000 Resolution denying its motion for extension of time to file a "petition for review on certiorari" in this wise:

Considering Sec. 6, Rule VII of the Procedural Guidelines in the Conduct of Voluntary Arbitration Proceedings, to wit:

"Sec. 6. Finality of Award or Decisions. - Awards or decisions of voluntary arbitrators become final and executory after ten (10) calendar days from receipt of copies of the award or decision by the parties,"

the motion for extension of time filed by petitioner on April 28, 2000 is late as the assailed decision had become final and executory on the tenth day of their receipt thereof, or on April 24, 2000.

WHEREFORE, the motion is DENIED and the petition is accordingly DISMISSED. (Underscoring supplied)

On May 17, 2000, petitioner filed a motion for reconsideration of the May 5, 2000 Resolution of the appellate court which was, by Resolution of May 30, 2000, denied,[10] viz:

On May 17, 2000, petitioner filed a motion for reconsideration alleging that Section 4, Rule 43 of the 1997 Rules of Civil Procedure provides that a petition for review should be filed within 15 days from receipt of copy of the decision sought to be appealed and that said 1997 Rules of Civil Procedure prevail over the Procedural

Guidelines In The Conduct of Voluntary Arbitration Proceedings adopted by the Department of Labor and Employment, National Conciliation and Mediation Board in 1989.

Although there is merit in petitioner's contention that the 1997 Rules of Civil Procedure superseded said Procedural Guidelines as to the reglementary period within which to appeal the decision of the voluntary arbitrator, still, we are constrained to maintain the dismissal of the case.

An examination of the petition for review reveals that the copy of the assailed decision of the Voluntary Arbitrator as well as the material portions and other supporting papers are neither duplicate originals nor certified true copies, and are clearly mere photocopies of said papers, in violation of Section 6, Rule 43 in relation to Section 7, Rule 43 of the same 1997 Rules.

As pointed out by petitioner itself in its motion for reconsideration, "the application of the provisions of the 1997 Rules of Civil Procedure is paramount." The Rules of Court cannot be disregarded or dispensed with at the whim of the party, the Rules may not be ignored at will and at random. (Emphasis and underscoring supplied)

Hence, the present petition by which petitioner assigns the following errors:[11]

- THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN MAKING TECHNICALITY DESERT ITS PROPER OFFICE AS AN AID TO JUSTICE AND EQUITY, MAKING IT A GREAT HINDRANCE AND CHIEF ENEMY OF SUCH.
- THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT CONSIDERING THE MERITS OF THE PETITIONER'S POSITION AND THE FACT THAT IT HAS VALID, SERIOUS, AND MERITORIOUS GROUNDS WHICH SHOULD HAVE BEEN ALLOWED TO BE FULLY AND FAIRLY LAID DOWN IN SUCH A WAY THAT PREJUDICE AND IRREPARABLE INJURY TO THE PETITIONER AND THE INTERESTS OF SUBSTANTIAL JUSTICE MAY HAVE BEEN PREVENTED.
- THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT THE CERTIFIED TRUE PHOTOCOPY FROM THE ORIGINAL OF THE ASSAILED DECISION OF THE VOLUNTARY ARBITRATOR IS NOTHING BUT A MERE PHOTOCOPY THEREOF.
- THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION IN RENDERING THE ASSAILED RESOLUTION.

At the outset, it must be stated that a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure like the present case serves to correct a reversible error and not grave abuse of discretion.[12] Petitioner's fourth assigned error is thus misplaced.

In *Cadayona vs. Court of Appeals*,[13] this Court held that Section 6 of Rule 43 does not require that all of the supporting papers or annexes accompanying the petition should be certified true copies or duplicate originals. What is mandatory is the attachment of clearly legible duplicate originals or certified true copies of the judgment or final orders of the lower courts.

A decision of the Civil Service Commission may be appended to the Court of Appeals under Section 6 of Rule 43... Section 6 of Rule 1 states that the Rules "shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding." In line with this guideline, we do not construe the above-quoted section as imposing the requirement that all supporting papers accompanying the petition should be certified true copies. A comparison of this provision with the counterpart provision in Rule 42 (governing petitions for review from the RTC to the CA) would show that under the latter, only the judgments or final orders of the lower courts need be certified true copies or duplicate originals. Also under Rule 45 of the Rules of Court (governing Appeals by Certiorari to the Supreme Court), only the judgment or final order or resolution accompanying the petition must be a clearly legible duplicate original or a

certified true copy thereof certified by the clerk of court of the court a quo. Even under Rule 65 governing certiorari and prohibition, petitions need be accompanied by certified true copies of the questioned judgment, it being sufficient that copies of all other relevant documents should accompany the petition. Numerous resolutions issued by this Court emphasize that in appeals by certiorari under Rule 45 and original civil actions for certiorari under Rule 65 in relation to Rules 46 and 56, what is required to be a certified true copy is the copy of the questioned judgment, final order or resolution. No plausible reason suggests itself why a different treatment, i.e. a stricter requirement, should be given to petitions under Rule 43, which governs appeals from the Court of Tax Appeals and quasi-judicial agencies to the Court of Appeals. None could have been intended by the framers of the Rules. A contrary ruling would be too harsh and would not promote the underlying objective of securing a just, speedy and inexpensive disposition of every action and proceeding. It must be conceded that obtaining certified true copies necessary (sic) entails additional expenses that will make litigation more onerous to the litigants. Moreover, certified true copies are not easily procurable and party litigants must wait for a period of time before the certified true copies are released. At any rate, the entire records of the case will eventually be elevated to the appellate court. (Citations omitted)[14] (Emphasis and underscoring supplied)

In petitioner's case then, with the exception of the assailed resolution of the voluntary arbitrator, there was no need for it to attach duplicate or certified true copies of the other supporting papers.

With respect to whether petitioner complied with the submission of a certified true copy of the assailed decision, petitioner alleges that it did, for it submitted a photocopy of the decision wherein the office of arbitrator Ubaldo stamped the words "Certified True Copy" on the transmittal letter-"notice of the decision and [on] the last page of the decision,"[15] which office refused to stamp the words "Certified True Copy" and sign on all pages of the decision, albeit it assured that it issues certified true photocopies only in the manner it did and that the same is proper.[16]

The petition is impressed with merit.

In the recent case of *Molina vs. Court of Appeals*[17] which has facts similar to those of the case at bar, the Court of Appeals dismissed a special civil action for certiorari because the attached copies of the orders of the trial court (1) did not show the authority of the person certifying the same and (2) the seal of the trial court could not be identified. On petition for review, this Court held:

A litigation is a contest in which each contending party fully and fairly lays before the court the facts in issue and then, brushing aside as wholly trivial and indecisive all imperfections of form and technicalities, asks that justice be done on the merits. Hence, Rule 1, Section 6 of the Rules of Court mandates that rules of procedure shall be liberally interpreted. In the instant case, we agree with petitioners that the Court of Appeals erred in stressing too much petitioners' failure to comply with technicalities. We cannot attribute to petitioners the perceived defects on the attached copies of the trial court's orders because petitioners did not have control over their preparation. Moreover, Rule 131, Section 3 (ff) of the Rules of Court lays the presumption in petitioners' favor that they followed the pertinent rules on attaching certified copies of the orders subject of their petition below. As private respondent failed to show evidence to rebut this presumption, the presumption must stand. (Citations omitted) (Emphasis supplied)[18]

As in *Molina*, petitioner in the case at bar should not be faulted for the perceived defects of the certified true copy of the decision of the voluntary arbitrator attached to its petition filed before the Court of Appeals as petitioner did not have a hand in the preparation and issuance thereof.

A comparison of the "Certified True Copy" of the decision submitted before the Court of Appeals[19] with the "Certified True Copy" of the decision submitted before this Court[20] all pages of which latter copy bear the stamped words "Certified True Copy" and appear to have been signed by the same signatory as that submitted

before the Court of Appeals shows that the two documents are identical.

WHEREFORE, the Petition is GRANTED. The assailed Court of Appeals Resolution of May 30, 2000 is SET ASIDE. The case is REMANDED to the Court of Appeals which is DIRECTED to reinstate the petition in CA-G.R. SP No. 58481 and to thereafter take appropriate action thereon.

SO ORDERED.

Puno, (Chairman), Panganiban, and Corona, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

[1] Rollo at 80-81.

[2] Id. at 67-68.

[3] Id. at 82.

[4] Id. at 118-122.

[5] Id. at 122.

[6] Id. at 111.

[7] CA Rollo at 56-61.

[8] Id. at 131.

[9] Id. at 130, 132-230.

[10] Id. at 80-81.

[11] Id. at 38.

[12] People's Aircargo and Warehousing Co., Inc. v. Court of Appeals, 297 SCRA 170, 181 (1998); Panado v. Court of Appeals, 298 SCRA 110, 116 (1998).

[13] 324 SCRA 619 (2000).

[14] Id. at 624-626.

[15] CA Rollo at 166-171.

[16] Rollo at 39-40.

[17] G.R. No. 143156, January 13, 2003.

[18] Id.

[19] CA Rollo at 166-171.

[20] Rollo at 117-122.

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