PHILIPPINE LONG DISTANCE TELEPHONE COMPANY, INC., PETITIONER, VS. HOMER IMPERIAL, RESPONDENT.

G.R. NO. 149379. June 15, 2006

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court seeking the nullification of the decision and Resolution dated December 20, 2000 and December 8, 2001, respectively, of the Court of Appeals in CA-G.R. SP No. 57807, entitled "Homer Imperial v. National Labor Relations Commission, et al.," declaring herein respondent Homer Imperial as having been illegally dismissed from employment by petitioner Philippine Long Distance Telephone Company, Inc. (PLDT).

The facts of the case are as follows:

Respondent Homer Imperial worked with petitioner PLDT since October 16, 1985. His initial position was a lineman helper and he was thereafter promoted to Job Grade II and Job Grade III with a total monthly compensation of P11,000.[1]

During his employment, Imperial was given a provincial assignment at petitioner's Malolos, Bulacan Exchange Branch. He was, however, re-assigned to the Makati Reposo Branch on September 1, 1992.

On the morning of September 1, 1992, Imperial was ordered by petitioner's Senior Line Foreman Antonio Calderon to drive the service vehicle, Fleet No. 1949, of the group of Foreman Victor Buenaventura, Wilfredo Barroga and Rommel Cruz to recover[2] cable wires in Tipas, Taguig, Metro Manila.

About 457 feet of cable wires cut into three rolls were recovered by the group. On their way back to the warehouse, however, the vehicle the group was riding was allegedly having a mechanical malfunction. This prompted Buenaventura to order the unloading of 254.3 feet of the recovered cables, which was valued at P26,900, from their service vehicle at a nearby house located at No. 4 Manalo St., Tipas, Taguig, Metro Manila, owned by the spouses Francisco and Edwina Flores. Francisco Flores at that time was an employee of petitioner PLDT.

After unloading, the group proceeded to Ortigas Extension, Taytay, Rizal, to recover messenger wires. Except for the 254.3 feet of cable wires, the rest were delivered by the group of Buenaventura to the PLDT warehouse along Reposo, Makati City.

Acting on an alleged report more than a week later or on September 11, 1992, operatives of the PLDT Security Department, accompanied by members of the Taguig Police Force, retrieved from the house of Flores the roll of cable that was unloaded from the service vehicle by the group of Buenaventura. Flores was then summoned to the police station for questioning.[3]

Subsequently, the Taguig Police Station endorsed a case for Qualified Theft before the Office of the Provincial

Prosecutor of Rizal against respondent Imperial, Rommel Cruz, Wilfredo Barroga, Victor Buenaventura and Francisco Flores for appropriate action.

In their "Pinagsanib na Sinumpaang Salaysay" dated October 29, 1992, respondent Imperial, Wilfredo Barroga and Rommel Cruz stated that the service vehicle sustained a "sliding clutch" necessitating for them, upon the instruction of Buenaventura, to unload the cables in the Flores residence.

During the company-level investigation, however, respondent Imperial, Barroga and Cruz submitted a joint written explanation on December 15, 1992 regarding the incident stating that due to the heavy weight of the cable wires, Foreman Victor Buenaventura ordered them to unload a portion of the cable wires from the service vehicle. Upon unloading, he proceeded to a nearby house owned by the spouses Flores. After talking to Edwina Flores, he went back to his group and instructed them to leave the 254.3 feet of cable wires at the Flores house.[4]

Meanwhile, Prosecutor Leodegario C. Quilatan recommended that an Information for Qualified Theft be filed against Imperial, Victor Buenaventura, Wilfredo Barroga, Rommel Cruz and Francisco Flores. This was approved by Provincial Prosecutor Mauro Castro. Accordingly, an information for qualified theft was filed before the Regional Trial Court of Pasig City, and the case was docketed as Criminal Case No. 96-739.[5]

On March 5, 1993, petitioner terminated the employment of all the accused in view of the afore-stated criminal case and the conflicting explanations and statements made by the employees concerned. Said action by petitioner was also bolstered by the fact that on September 2, 1992, Barroga filed Vehicle Trouble Repair Report No. 69537 for Fleet No. 1949, detailing that the defect of the vehicle was on the muffler.

The trial court, however, acquitted respondent and the rest of the accused of the offense charged for insufficiency of evidence.[6]

On March 26, 1996, respondent Imperial filed a Complaint for Illegal Dismissal before the Department of Labor and Employment, docketed as NLRC NRC Case No. 03-02046-96, against petitioner PLDT. Respondent Imperial prayed for: (1) reinstatement without loss of seniority rights; (2) payment of the corresponding backwages of P11,000 per month plus the regular monthly or yearly increases from March 25, 1993 until his actual reinstatement; (3) moral damages in the amount of P1,000,000; and, (4) P500,000 as exemplary damages.

On March 10, 1998, Labor Arbiter Donato G. Quinto, Jr. rendered a Decision, the pertinent portion of which reads:

> After an objective evaluation of the pleading, including the documentary evidence adduced by the parties, we are of the opinion that the complainant was dismissed for a just cause.
>
> It appears that on September 1, 1992, the complainant was assigned by Coordinator Antonio Calderon to go with the group of Foreman Victor Buenaventura to recover cable wires in Tipaz, Taguig, Metro Manila. Complainant was the driver of their vehicle (Fleet No. 1949). About 457 feet of cable wires were recovered by the group which were cut into three (3) rolls. Except for the rolled 250 (254.3) feet cable wires, which found its way into the house of Edwina Flores, the rest were delivered by the group to the PLDT warehouse. As to why the 250 feet cable wires were unloaded from their service vehicle and stored in the house of Edwina Flores, the explanations of the complainant are at variance. Complainant along with his companion[s], Rommel Cruz and Wilfredo Barroga, explained on October 29, 1992 that their service vehicle sustained sliding clutch (Annex "4", respondent's position paper). Then on December 5, 1992, complainant together with Rommel Cruz and Wilfredo Barroga claimed that "due to heavy load, the vehicle (Ford Fiera) cannot contain the cables (Annex "3", Ibid).
>
> Considering this glaring inconsistency and contradiction, we find the declaration of the complainant that the 250 cable feet wires [was] unloaded from their service vehicle for safekeeping in the house of Edwina Flores to

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be self-serving. As such, it has no probative value.

There is no doubt that the defect on the service vehicle is only on the muffler. This can be gleaned from the Vehicle Trouble Repair Report No. 69537 dated September 2, 1992 prepared by Wilfredo Barroga himself (Annex "5", Ibid). Certainly, such defect will not incapacitate the service vehicle from transporting the 250 feet cable wires to the PLDT warehouse. This explain(s) why the complainant and his group even proceeded to Ortigas Extension, Taytay, Rizal on the same day aboard the same service vehicle to recover messenger wires and was able to return to the office aboard the said vehicle. As driver of the said vehicle, complainant must be aware that the 250 feet cable wires can be transported directly to the warehouse without need of dropping them to the house of Edwina Flores. If complainant is really innocent as he professes to be, he should have defied the instruction of Foreman Buenaventura to bring the cables to the house of Edwina Flores and insist that the cables be brought directly to the warehouse.

The complainant even went to the extent of misleading this Office by alleging that Foreman Buenaventura made a report on the 250 feet cables found in the house of Edwina Flores. Records tend to show that he (complainant) already knew as early as October 24, 1992 that Foreman Buenaventura did not make a report on the said cables. Thus, the complainant alleged, among others, in their "Pinagsanib na Sinumpaang Salaysay" (Annex "4", Ibid.) that: "5. Na kung hindi ini-report ni Foreman Buenaventura (ang) pagkakaiwan ng kableng iyon sa bahay ni Edwina Flores o kung wala siyang hakbang na ginagawa upang kunin ang nasabing kable, siya na po ang dapat managot or mag-explain at hindi namin alam kung ano ang nasa kanyang isipan."

Even Foreman Buenaventura himself rebuked the complainant by declaring categorically that he did not make a report on the cables left in the house of Edwina Flores. Thus, Foreman Buenaventura declared on September 5, 1992, that: "Gusto ko lang po idagdag kaya po hindi nabalikan ang nasabing cable dahil wala po akong sasakyan at hindi ko na rin naireport na may iniwan akong kable sa bahay nila Mrs. Edwina Flores sa aking supervisor na si Mr. Expedito Gudawen dahil naghahanap ako ng sasakyan na mahihiram." (Annex "1-A", No. 13, Reply to the position paper of the complainant).

On the other hand, the evidence submitted by the respondent substantially proves that the complainant is involved in [the] pilferage of the 250 feet cable wires. He (complainant) was one of those who unloaded the cable wires from their service vehicle and then stored them in the house of Edwina Flores. This was borne out (sic) by the statement of his companion, Mr. Rommel Cruz (Annex "2", No. 6, Reply of the respondent) and by the memorandum of Prosecutor Leodegario Quilatan recommending that a criminal information for Qualified Theft be filed against complainant Imperial and his companion, namely: Victor Buenaventura, Rommel Cruz, Wilfredo Barroga and Francisco Flores (Annex "7," respondent's position paper). The cable wires remained in the house of Edwina Flores until it was retrieved therein by operatives of the PLDT Security Department and Taguig Police Force on September 11, 1992.

In a desperate attempt to conceal his liability, the complainant presented Cable Recovery No. 40726 (Annex "B-1," Affidavit of the complainant) which shows that Foreman Buenaventura allegedly turned over to the warehouse 250 feet cables on September 4, 1992. However, we found the Cable Recovery No. 40726 to be questionable. As correctly pointed out by the respondent, "How then can foreman Buenaventura return the questioned cables to the warehouse on September 4, 1992 when in fact it was still in the house of the spouses Flores and was only recovered therefrom by the police on September 11, 1992?"

WHEREFORE, foregoing premises considered, judgment is hereby rendered dismissing the instant complaint for lack of merit.[7]

Respondent appealed the above decision to the National Labor Relations Commission (NLRC) arguing that the Regional Trial Court of Pasig City acquitted him and his co-accused in the aforementioned criminal case filed against them by petitioner PLDT for insufficiency of evidence. He added that being a driver who was merely assigned to drive the group of Buenaventura that day, he was not responsible for making a report and should not

be held accountable for any recovered cable.[8]

On December 29, 1999, the NLRC issued a Resolution dismissing Imperial's appeal for lack of merit and affirming the decision of the labor arbiter, thus:

> x x x
>
> Complainant therefore, cannot solely rely on the reasonable doubt which led to his acquittal in the aforesaid criminal case and pray that because of the existence of such doubt, this complaint shall be resolved in his favor. Such proposition cannot be applied in this jurisdiction. As correctly found by the Labor Arbiter, there is on record substantial evidence sufficient to warrant complainant's valid dismissal. And as defined by the Supreme Court, substantial evidence is such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.
>
> Moreover, the High Tribunal [as] aptly observed that "the Labor arbiter, as trier of facts in the arbitral proceedings below, is at a vantage position offering him the first-hand opportunity to come out with credible factual findings x x x." Hence, the findings of the Labor Arbiter should be respected and left undisturbed there being substantial evidence to support them.
>
> WHEREFORE, all the foregoing premises considered, the appealed decision is hereby AFFIRMED and the appeal DISMISSED for lack of merit.[9]

Maintaining that a motion for reconsideration of the above resolution was unnecessary as the issues that would have been raised therein will only be a reiteration of the matters that had been passed upon and concluded in the NLRC, Imperial filed a Petition for Certiorari with the Court of Appeals alleging grave abuse of discretion on the part of the NLRC.

Declaring Imperial's failure to file a motion for reconsideration of the NLRC decision as a fatal procedural defect, the Court of Appeals, in its Resolution, dated June 9, 2000, dismissed the petition.

On July 19, 2000, however, the Court of Appeals reinstated the aforesaid petition. The court a quo pointed out that the non-filing of the motion for reconsideration before the NLRC falls "within one of the exemptions of exhaustion of administrative remedies, that is, where the matters to be raised in the motion for reconsideration have already been raised and passed" upon by the NLRC.[10]

After reviewing the merits of the case, the Court of Appeals, in its assailed Decision, dated December 20, 2000, reversed the ruling of the NLRC, thus:

> x x x
>
> [T]his court is convinced that petitioner merely acted according to the instructions of BUENAVENTURA. Petitioner's act of helping the other members of the group in unloading the cables is but logical and natural for him to do, especially that the same was done upon orders of his Foreman at that time, BUENAVENTURA, and that act of helping is by itself does not prove that petitioner had conspired with BUENAVENTURA or any members of the team. Accordingly, the statement of private respondent that he helped in unloading the cables cannot be relied upon to establish the alleged dishonesty of petitioner.
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> x x x
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> More importantly, We rule that the case of BLTB Co. vs. NLRC (166 SCRA 721) cited by private respondent has no application in the case at bar. The person who has the duty to report to his immediate supervisor of the recovery of the cables in question was not petitioner but BUENAVENTURA. To repeat, the fact that petitioner helped in unloading the cables to the house of Mrs. Flores is no evidence to support that herein petitioner is in connivance with BUENAVENTURA to steal the cables. What is clear, however, is the fact that petitioner was

> merely acting based on orders of his superior BUENAVENTURA who was the Foreman of the group at that time. In fact, it was Coordinator Antonio Calderon who instructed petitioner to drive the vehicle for the group of BUENAVENTURA. With the foregoing explanation, it cannot be said that petitioner's failure to disobey the orders of BUENAVENTURA constitute loss of trust. For loss of trust and confidence to be a valid ground for an employee's dismissal must be clearly established (Labor vs. NLRC, 248 SCRA 183).
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> x x x
>
> In the instant petition, the act of petitioner is not enough ground for his termination. Hence, We hold that the proofs presented by private respondent are insufficient to show dishonesty on the part of petitioner and that the latter was dismissed without just cause. Private respondent is deemed to have acted arbitrarily when it dismissed petitioner based on loss of confidence.
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> x x x
>
> WHEREFORE, premises considered, the decision of public respondent NLRC dated December 29, 1999 is REVERSED AND SET ASIDE for having been rendered with grave abuse of discretion. In view of Our ruling that petitioner was unjustifiably dismissed, private respondent is hereby ORDERED to reinstate petitioner to his former position or one reasonably equivalent thereto without loss of seniority rights, and to pay his backwages plus the regular monthly increase or yearly increase and benefits, if any, computed from the time of his dismissal, March 25, 1993, until his actual reinstatement. No pronouncement as to costs.
>
> SO ORDERED.[11]

Petitioner's motion for reconsideration of the above decision was denied by the Court of Appeals in its resolution issued on December 8, 2001.

Hence, this petition.

The grounds[12] upon which this petition is based are the following:

> I
>
> THE COURT OF APPEALS ERRED, CONTRARY TO LAW AND JURISPRUDENCE, IN REVERSING THE NLRC'S AND THE LABOR ARBITER'S FINDINGS OF FACT, WHICH WERE AMPLY SUPPORTED BY SUBSTANTIAL EVIDENCE. AS HELD BY THIS HONORABLE COURT IN A LONG LINE OF CASES, IN THE ABSENCE OF A DESPOTIC ABUSE OF ITS DISCRETION BY THE NLRC, THE NLRC'S FINDINGS OF FACT ARE NOT SUBJECT TO JUDICIAL REVIEW EVEN IF THERE BE A SIMPLE ERROR IN JUDGMENT - WHICH ERROR WAS NOT COMMITTED IN THIS CASE.
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> II
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> THE COURT OF APPEALS ERRED, CONTRARY TO LAW AND JURISPRUDENCE, AND LIKEWISE ABUSED ITS DISCRETION IN REINSTATING THE PETITION FOR CERTIORARI BEFORE IT, DESPITE RESPONDENT'S UNJUSTIFIABLE EXCUSE IN NOT MOVING FOR THE RECONSIDERATION OF THE NLRC'S ADVERSE RESOLUTION IN VIOLATION OF THE DOCTRINE OF EXHAUSTION OF ADMINISTRATIVE REMEDIES.

Briefly, the issues to be determined are whether, under the circumstances: 1) the findings of facts of the Labor Arbiter and the NLRC are subject to judicial review; and, 2) the failure to file a motion for reconsideration of the NLRC resolution is a fatal procedural defect.

Petitioner questions the authority of the Court of Appeals in reversing the findings of the Labor Arbiter and the NLRC when the court a quo, upon re-examining the evidence on record, expressed that Imperial had been illegally dismissed for want of substantial proof as to his alleged complicity in relation to the wire cables that

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were not brought back to petitioner's warehouse.

To recapitulate, the NLRC grounded its findings supporting the dismissal of Imperial mainly on three instances: 1) when Imperial helped in the unloading of the cable wires in the house of Flores; 2) when the latter presented Cable Recovery No. 40726 (Annex "B-1," Affidavit of complainant) showing that Buenaventura allegedly turned over the 250 feet cable wires to the warehouse on September 4, 1993, manifesting an attempt for him to conceal his liability but which had failed otherwise because said cable wires were recovered from the house of Flores by the police on September 11, 1992; and, 3) the inconsistent statements given by the employees involved in the alleged pilferage with regard to the defect of the vehicle.

The Court of Appeals, upon reviewing the case, however, disagreed with the above assessment declaring that there was an utter failure to justify the termination of Imperial based on loss of trust and confidence. It added that the proofs presented by PLDT were not sufficient to show theft or dishonesty on the part of Imperial and that the latter was dismissed without just cause.[13]

The exercise of the power of judicial review is mandated under Section 1, Article VIII of the Constitution, which states:

> Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government.

The Court of Appeals, in view of its expanded jurisdiction over labor cases elevated to it through a petition for certiorari such as in this case, may look into the records of the case and re-examine the questioned findings if it considers the same to be necessary to arrive at a just decision.[14]

This rule is further enunciated in the case of St. Martin Funeral Homes v. NLRC,[15] wherein this Court stated:

> x x x Ever since appeals from the NLRC to the Supreme Court were eliminated, the legislative intendment was that the special civil action of certiorari was and still is the proper judicial review of decisions of the NLRC.
>
> x x x
>
> While we do not wish to intrude into the Congressional sphere on the matter of the wisdom of a law, on this score we add the further observation that there is a growing number of labor cases being elevated to this Court, which, not being a trier of fact, has at times been constrained to remand the case to the NLRC for resolution of unclear or ambiguous factual findings; that the Court of Appeals is procedurally equipped for that purpose, aside from the increased number of its component divisions; and that there is undeniably an imperative need for expeditious action on labor cases as a major aspect of constitutional protection to labor.
>
> Therefore all references in the amended Section 9 of B.P No. 129 to supposed appeals from the NLRC to the Supreme Court are interpreted and hereby declared to mean and refer to petitions for certiorari under Rule 65. Consequently, all such petitions should henceforth be initially filed in the Court of Appeals in strict observance of the doctrine on the hierarchy of courts as the appropriate forum for the relief desired."
>
> Thus, the law no longer provides for an appeal from the decisions of the Labor Arbiter or from the NLRC. The mode of review from said decisions is the special civil action for certiorari under Rule 65 of the Rules of Court in the Court of Appeals.
>
> Further, when the circumstances so warrant, the Court of Appeals can disregard the factual findings of the NLRC. While as a rule, factual findings of agencies exercising quasi-judicial functions such as the NLRC are accorded not only respect but even finality, [16] and that judicial review of labor cases does not go so far as to

> evaluate the sufficiency of evidence on which the labor officials' findings rest; more so when both the labor arbiter and the NLRC share the same findings, such as in the present case, the Court cannot affirm the decision of the NLRC when its findings of fact on which the conclusion was based are not supported by substantial evidence. By substantial evidence, we mean the amount of relevant evidence which a reasonable mind might accept as adequate to justify the conclusion.[17]

Based on the foregoing, for want of substantial basis, in fact or in law, the factual findings of an administrative agency,[18] such as the NLRC, cannot be given the stamp of finality and conclusiveness normally accorded to it, as even decisions of administrative agencies which are declared "final" by law are not exempt form judicial review when so warranted.[19] Contrary to petitioner's assertion, therefore, the Court of Appeals, under the circumstances, may review the findings of fact made by the Labor Arbiter and the NLRC. Thus, this Court sees no error on the part of the Court of Appeals when it made a new determination of the case and, upon this, reversed the ruling of the NLRC.

As to the second issue, petitioner contends that the petition for certiorari filed by respondent before the Court of Appeals is dismissible for the latter's failure to move for a reconsideration of the NLRC resolution.

In this regard, the New Rules of Procedure of the NLRC mandates that a motion for reconsideration of any order, resolution or decision of the Commission must be filed within the ten-day reglementary period; otherwise, the assailed order, resolution or decision shall become final and executory after ten calendar days from receipt thereof.

Before certiorari may be availed of, the petitioner must have filed a motion for the reconsideration of the order or act complained of to enable the tribunal, board, or office concerned to pass upon and correct its mistakes without the intervention of the higher court.[20]

Thus, generally, a petitioner's failure to file a motion for reconsideration, for whatever reason, is a fatal procedural defect that warrants the dismissal of the petition.[21] One of the accepted exceptions[22] to this rule, however, is when a motion for reconsideration would have been useless. As explained in the case of Midas Touch Food Corp. v. NLRC:[23]

> Petitioners now come before us assailing the decision of the NLRC, without filing any motion for reconsideration. While a motion for reconsideration under the Rules of Court is required before a petition for certiorari is filed, the rules admit of certain exceptions, among which is the finding that under the circumstances of the case, a motion for reconsideration would be useless.
>
> In this case, the NLRC had reversed the decision of the Labor Arbiter and no new issues were raised in this appeal. We find it quite impossible for the NLRC to reverse itself under the foregoing facts and so, a motion for reconsideration will be deemed useless. Hence, by reason of justice and equity, we resolve to settle the issues on the merits in order to avoid further delay."
>
> Likewise, we have ruled that with regard to procedural errors committed by a party to a case, fundamental consideration of substantial justice persuades us to decide the case on the merits rather than to dismiss it on a technicality. In so doing, we exercise our prerogative in labor cases that no undue sympathy is to be accorded to any claim of procedural misstep, the idea being that our power must be exercised according to justice and equity and substantial merits of the controversy.[24]

In addition, in exceptional cases and for compelling reasons, this Court has disregarded procedural defects in order to correct a patent injustice. A writ of certiorari is a prerogative writ, not demandable as a matter of right, but issued in the exercise of judicial discretion. [25]

In view of the above, this Court finds that the Court of Appeals neither erred nor abused its discretion when it

admitted respondent's petition for certiorari. Considering that only questions of law may be raised in a petition for review on certiorari, [26] our jurisdiction in cases brought to us from the Court of Appeals is limited to reviewing and revising the errors of law imputed to it, its findings of fact being generally conclusive.

It is not the function of this Court to analyze or weigh evidence all over again. Barring, therefore, a showing that the findings complained of are totally devoid of support in the records, or that they are so glaringly erroneous as to constitute serious abuse of discretion, such findings must stand, for this Court is not expected or required to examine or assess the oral and documentary evidence submitted by the parties.[27]

WHEREFORE, the petition is DENIED. The Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 57807, dated December 20, 2000 and December 8, 2001, respectively, are AFFIRMED.

No costs.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

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[1] Rollo, p. 28.

[2] To "recover" is "to deliver or return" as understood in warehouse transactions. (Rollo, p. 29).[3] CA Rollo, p. 44.[4] Id. at 62.[5] Rollo, p. 30.[6] Id.[7] Records, pp. 7-10.[8] Rollo, p. 33.[9] Id.[10] CA Rollo, pp. 95-96.[11] Rollo, pp. 37-41.[12] Id. at 10.[13] CA Rollo, pp. 157-159.[14] Globe Telecom, Inc. v. Florendo-Flores, G.R. No. 150092, September 27, 2002, 390 SCRA 201.[15] G.R. No. 130866, September 16, 1998, 295 SCRA 494.[16] Sta Fe. Construction Co. v. NLRC, G.R. No. 101280, March 2, 1994, 230 SCRA 593.[17] Nazario C. Austria v. National Labor Relations Commission, G.R. No. 123646, July 14, 1999, 310 SCRA 293, citing Fernandez v. NLRC, G.R. No. 108444, November 6, 1997, 281 SCRA 423; and, Panlilio v. NLRC, G.R. No. 117459, October 17, 1997, 281 SCRA 53.[18] The case of Industrial Timber Corporation v. NLRC, G.R. No.83616, January 20, 1989, 169 SCRA 341, states; "x x x [T]his court has never hesitated to exercise its corrective powers and to reverse administrative decisions in the following cases: (1) the conclusion is a finding grounded on speculations, surmises and conjectures; (2) the inferences made are manifestly mistaken, absurd or impossible; (3) there is a grave abuse of discretion; (4) there is a misapprehension of facts; (5) the court in arriving at its findings went beyond the issues of the case and the same are contrary to the admission s of the parties or the evidence presented; (6) where respondent commission has sustained irregular procedures and through the invocation of summary methods, including rules on appeal, has affirmed an order which tolerates a violation of due process; and, (7) where the rights of a party were prejudiced because the administrative findings, conclusions or decision were in violation of constitutional provisions, in excess of statutory authority, or jurisdiction, made upon irregular procedure, vitiated by fraud, imposition or mistake, not supported by substantial evidence adduced at the hearing or contained in the records or disclosed to the parties, or arbitrary, or capricious."[19] Chung Fu Industries (Phils.), Inc. v. Court of Appeals, G.R. No. 96283, February 25, 1992, 206 SCRA 545.[20] Philippine National Construction Corporation (PNCC) v. National Labor Relations Commission, G.R. No. 112629, July 7, 1995, 245 SCRA 668.[21] Labudahon, et al. v. National Labor Relations Commission, G.R. No. 112206, December 11, 1995, 251 SCRA 129.[22] Alindao v. Joson, G.R. No.114132, November 14, 1996, 264 SCRA 211, states: "It has been held that the requirement of a motion for reconsideration may be dispensed with in the following instances: (1) when the issue raised is one purely of law; (2) where public interest is involved; (3) in cases of urgency; and (4) where special circumstances warrant immediate or direct action. On the other hand, among the accepted exceptions to the rule on exhaustion of administrative remedies are: (1) where the question in dispute is purely a

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legal one; and, (2) where the controverted act is patently illegal or was performed without jurisdiction or in excess of jurisdiction."[23] G.R. No. 111639, July 29, 1996, 259 SCRA 652.[24] Antonio Surima v. National Labor Relations Commission, G.R. No. 121147, June 26, 1998, 291 SCRA 260.[25] Nayve v. Court of Appeals, G.R. No. 144117, February 27, 2003, 398 SCRA 355.[26] Superlines Transportation Company, Inc. v. ICC Leasing and Financing Corporation, G.R. No. 150673, February 28, 2003, 398 SCRA 508.[27] Universal Motors Corporation v. Court of Appeals, G.R. No. 47432, January 27, 1992, 205 SCRA 448.

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