LEANDRO M. ALCANTARA, PETITIONER, VS. THE PHILIPPINE COMMERCIAL AND INTERNATIONAL BANK, RESPONDENT.

G.R. No. 151349. October 20, 2010

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking to annul and set aside the Resolution[1] issued on September 27, 2001 by the former Special Sixth Division of the Court of Appeals in CA-G.R. SP No. 66405, entitled "Leandro M. Alcantara vs. Philippine Commercial and International Bank, et al." The Court of Appeals Resolution dismissed petitioner's petition for certiorari under Rule 65 of the Rules of Court assailing the Resolution[2] issued by the then Third Division of the National Labor Relations Commission (NLRC), which in turn affirmed the Decision[3] of Labor Arbiter Eduardo J. Carpio in NLRC-NCR Case No. 03-02573-98. The instant petition likewise seeks to annul and set aside the subsequent Court of Appeals Resolution[4] issued on December 20, 2001, which denied petitioner's motion for reconsideration of the aforesaid dismissal.

The NLRC succinctly outlined the pertinent facts of this case as follows:

> The [petitioner], Leandro M. Alcantara, had been an employee of PCIB from August 15, 1974. He rose from the ranks until he became a branch manager of the PCIB's branch in Rizal Avenue, Manila. It is not disputed that prior to the present controversy, the [petitioner] had never been subjected to disciplinary action by his employer. The last basic monthly salary of the complainant as branch manager was allegedly P43,900.00.
>
> Respondents alleged that on December 12, 1997, a certain Romy Espiritu called the office of Ms. Ana Lim of its Customer Care reporting the alleged involvement of the [petitioner] with a big syndicate. Two Certificates of Time Deposit (CTD) issued by PCIB were allegedly being used by the syndicate in their illegal activities.
>
> It appears that on December 23, 1997, the [petitioner] prepared two (2) CTD's with an aggregate amount of P538,000.00 and P360,000.00. The CTDs were signed by the [petitioner] and Guillerma F. Alcantara, the head of Sales. However, the CTDs were unbooked and the duplicate control copy and PCIAV Input Document Copy do not state the due dates and term of the two (2) CTDs. [Petitioner] was the one who prepared and processed the CTDs.
>
> The [petitioner] was dismissed from employment because it was allegedly determined that the [petitioner] took advantage of the trust and confidence reposed in his position as branch manager and "falsified Bank records in order to facilitate a transaction amounting to P538,360,000.00 that was prejudicial to the welfare and interest of the Bank" (Annex 4 of Respondent's Position Paper). Thus, the respondent stated in its Memorandum:
>
> "Please be informed that, after investigation, deliberation and a review of the records of the case against you, the BEC has determined that contrary to your duty and precisely taking advantage of the trust and confidence reposed in your position as Branch Manager, you falsified Bank records in order to facilitate a transaction amount to P538,360,000.00 that was prejudicial to the welfare and interest of the Bank.

> The following factual circumstances were considered by the BEC as evidence clearly showing that you acted contrary to your duties as an officer of the Bank for your personal benefit and gain and consequently to the prejudice and damage of the Bank's interests:
>
> 1. You personally processed two (2) Irregular Peso Certificates of Time Deposit at 8% interest rate, as follows:
>
> ACCOUNT NAME
>
> CTD NO.
>
> AMOUNT
>
> TERM
>
> DUE DATE
>
> Ampa Trading
>
> 003015
>
> P238.36MM
>
> 360 days
>
> Dec. 18/98
>
> Madelyn C. Benco
>
> 003016
>
> 300.00MM
>
> 360 days
>
> Dec. 18/98
>
> 2. As you admitted before your Area Manager, you photocopied said Certificates and gave them to the client knowing fully well that they are unfunded and therefore, spurious.
>
> 3. You deliberately failed to indicate on the duplicate Control Copy and PCIAC Document Copy its due date and term which proves your malicious intent to conceal the transaction and which itself is tantamount to tampering of Bank records.
>
> 4. Inspite of the fact that at time of the placement there was no "available quote" for a 360 day term, you unilaterally went thru the process of placement and which only shows that said placement will not materialize or therefore, spurious.

[Petitioner] admitted that he was the one who processed and prepared the CTDs. He claims that the CTDs were not booked or recorded completely because the same were already cancelled. [Petitioner] alleged that no bank policy nor rules and regulations prohibit a Branch Manager from assisting a depositor or depositors of the bank. Nothing was done in secrecy and CTDs were allegedly promptly cancelled owing to the failure of the clients to come up with the money within the time frame given by [petitioner].[5]

On August 12, 1998, petitioner filed with the Regional Arbitration Branch of the NLRC a complaint for illegal dismissal; illegal suspension; payment of backwages; and non-payment of salaries/wages, allowance, separation pay, retirement benefits, service incentive leave pay, and accrued/unused sick leave and vacation leaves against respondent. In addition, petitioner asked for the payment of moral and exemplary damages, the suspension of his

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payment on his housing loan, and the return of his equity on his car loan.

Unable to reach an amicable settlement, the parties were ordered to submit their respective position papers.[6] Afterwards, the Labor Arbiter dismissed petitioner's complaint for illegal dismissal for lack of merit in a Decision dated February 1, 2000 wherein it was held that there was substantial evidence that petitioner manipulated the records of respondent to facilitate the anomalous transactions of the members of the alleged criminal syndicate. The dispositive portion of the said ruling states:

> WHEREFORE, judgment is hereby rendered dismissing the complaint for lack of merit.[7]

Petitioner appealed the Labor Arbiter's Decision. However, the NLRC affirmed the same and dismissed petitioner's appeal for lack of merit in a Resolution dated March 26, 2001, the dispositive portion of which states:

> WHEREFORE, premises considered, the decision appealed from is hereby AFFIRMED and the appeal DISMISSED for lack of merit.[8]

Undaunted, petitioner filed a Motion for Reconsideration but the same was denied by the NLRC in a Resolution[9] dated June 20, 2001. Thus, petitioner filed a petition for certiorari under Rule 65 of the Rules of Court with the Court of Appeals assailing the aforementioned NLRC resolutions which denied his appeal and motion for reconsideration. This petition was dismissed by the Court of Appeals in a Resolution dated September 27, 2001 on account of petitioner's failure to attach the material portions of the records of the NLRC case, and various relevant or pertinent documents, in accordance with paragraph 3, Section 3, Rule 46 of the 1997 Revised Rules of Civil Procedure.[10] The Court of Appeals held that due to the unavailability of the aforementioned portions of the record and relevant or pertinent documents, it was unable to resolve the issues presented to it and thus was constrained to dismiss the petition on account of the last paragraph of Section 3, Rule 46 of the 1997 Revised Rules of Civil Procedure, to wit:

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

Petitioner subsequently filed a Motion for Reconsideration but this was denied by the Court of Appeals in a Resolution dated December 20, 2001, to wit:

> The instant motion for reconsideration of the Resolution dated September 27, 2001, wherein petitioner pleads for a relaxation of the rules in his favor, deserves scant consideration.
>
> The petition for certiorari which was dismissed via the resolution sought to be reconsidered, did not substantially comply with paragraph 3, Section 3 of Rule 46 of the Revised Rules of Civil Procedure. Even if petitioner were to subsequently comply with said rule at this stage, the petition can no longer be reinstated for per Resolution dated September 5, 2001, petitioner was given only until September 16, 2001 within which to file a valid petition, that is, one that conforms with the rules. As matters stand, the decision dated February 1, 2000 rendered by the National Labor Relations Commission in NLRC NCR CASE No. 03-02573-98 which he proposes to assail has already become final and executory.
>
> WHEREFORE, the motion for reconsideration is hereby DENIED for lack of merit.[11]

Thus, petitioner filed this instant petition wherein he raised the following issues:

> I.
>
> THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS IN DISMISSING THE PRESENT PETITION FAILED TO APPRECIATE THE FACT THAT IT WAS SEASONABLY FILED WITHIN THE PRESCRIBED PERIOD BEFORE THE SAID COURT AND AFTER SUBMITTING THEREWITH ALL

THE RELEVANT DOCUMENTS IN SUPPORT OF THE SAID PETITION VIA MOTION FOR RECONSIDERATION.

II.

THE PUBLIC RESPONDENT COURT OF APPEALS IN DISMISSING THE PRESENT PETITION FAILED TO APPRECIATE THE FACT THAT THE NATIONAL LABOR RELATIONS COMMISSION (NLRC) IN AFFIRMING IN TOTO THE RESOLUTION OF THE LABOR ARBITER ACTED WITH GRAVE ABUSE OF DISCRETION WHEN THE ASSAILED RESOLUTION FAILED TO CONFORM WITH THE REQUIREMENT OF ARTICLE III SECTION 14 OF THE CONSTITUTION AS WELL AS RULE V SECTION 16 OF THE NLRC RULES OF PROCEDURE BY EXPRESSLY CLEARLY AND DISTINCTLY FAILING TO STATE THE FACTS AND THE LAW ON WHICH THE SAID DECISION IS BASED.

III.

THE PUBLIC RESPONDENT COURT OF APPEALS IN DISMISSING THE PRESENT PETITION FAILED TO APPRECIATE THE FACT THAT THE NLRC IN AFFIRMING THE RESOLUTION OF THE LABOR ARBITER COMMITTED SERIOUS REVERSIBLE ERRORS IN HIS FINDING OF FACTS, CONSEQUENTLY IN ARRIVING AT ERRONEOUS CONCLUSIONS OF LAW - WHICH ERRORS, IF NOT CORRECTED WOULD CAUSE GRAVE OR IRREPARABLE DAMAGE OR INJURY TO PETITIONER - IN HOLDING THAT PETITIONER MANIPULATED THE RECORDS OF THE BANK TO FACILITATE THE ANOMALOUS TRANSACTIONS OF THE CLIENTS; IN HOLDING THAT PETITIONER WAS OVERLY SOLICITOUS OF THE CLIENTS TO THE DETRIMENT OF PRIVATE RESPONDENT PCIB, THEREBY LENDING FULL FAITH AND CREDIT TO THE LATTER'S (PRIVATE RESPONDENTS') SELF-SERVING, UNFOUNDED AND BASELESS EVIDENCE TO THE EXCLUSION OF PETITIONER'S EVIDENCE.

IV.

THE PUBLIC RESPONDENT COURT OF APPEALS IN DISMISSING THE PRESENT PETITION FAILED TO APPRECIATE THE FACT THAT CONTRARY TO THE IMPRESSION OF THE NATIONAL LABOR RELATIONS COMMISSION, THERE WAS INDEED NO SUBSTANTIAL EVIDENCE TO WARRANT FOR THE CONSEQUENT DISMISSAL OF HEREIN PETITIONER FOR THE SO CALLED "LOSS OF TRUST AND CONFIDENCE."

V.

THE PUBLIC RESPONDENT COURT OF APPEALS IN DISMISSING THE PRESENT PETITION FAILED TO APPRECIATE THE FACT THAT THE NATIONAL LABOR RELATIONS COMMISSION IN AFFIRMING IN TOTO THE RESOLUTION OF THE HONORABLE LABOR ARBITER ACTED WITH GRAVE ABUSE OF DISCRETION AND REVERSIBLE ERROR IN NOT HOLDING PRIVATE RESPONDENT GUILTY FOR HAVING COMMITTED A VIOLATION OF PROCEDURAL DUE PROCESS AGAINST HEREIN PETITIONER.

VI.

THE PUBLIC RESPONDENT COURT OF APPEALS IN DISMISSING THE PRESENT PETITION FAILED TO APPRECIATE THE FACT THAT THE NATIONAL LABOR RELATIONS COMMISSION (NLRC) IN AFFIRMING IN TOTO THE RESOLUTION OF THE HONORABLE LABOR ARBITER ACTED WITH GRAVE ABUSE OF DISCRETION AND REVERSIBLE ERROR IN NOT AWARDING THE PETITIONER OF HIS ACCRUED VACATION LEAVE, SICK LEAVE AND OTHER LABOR STANDARD BENEFITS EVEN ASSUMING FOR THE SAKE OF ARGUMENT THAT PETITIONER'S DISMISSAL IS FOUNDED ON LEGAL, VALID AND JUST CAUSE.[12]

The instant petition is partly meritorious.

In essence, this case revolves around two core issues:

> I.
>
> WHETHER OR NOT THE COURT OF APPEALS PROPERLY DISMISSED PETITIONER'S SPECIAL CIVIL ACTION FOR CERTIORARI AND PROPERLY DENIED HIS MOTION FOR RECONSIDERATION.
>
> II.
>
> WHETHER OR NOT PETITIONER'S TERMINATION FROM EMPLOYMENT WAS BOTH SUBSTANTIALLY AND PROCEDURALLY VALID.

Anent the first issue, petitioner does not dispute the Court of Appeals' dismissal of his special civil action for certiorari on the sole ground that his petition was patently defective due to his failure to attach thereto the material portions of the records of the NLRC along with other pertinent or relevant documents of the case. However, petitioner insists that the Court of Appeals should have accepted his belated submission on October 19, 2001 of the required attachments to his Petition for Certiorari that accompanied the filing of his Motion for Reconsideration because the admission of said documents will not automatically prejudice respondent's cause and that, in labor cases such as in the case at bar, the relaxation of procedural rules is allowed since what is at stake is the livelihood and survival of a dismissed employee.[13]

Respondent, on the other hand, argues that the Court of Appeals was correct in dismissing petitioner's Petition for Certiorari and his subsequent Motion for Reconsideration. It further explains in detail why petitioner's proffered reasons to explain his failure to attach the pertinent pleadings and documents to his Petition cannot be given credence. Thus, a liberal construction of procedural rules cannot be applied to petitioner's case.[14]

With respect to the procedural question raised herein, we hold that petitioner's assertions deserve credit.

This Court had previously sustained that failure to attach all pleadings and documents, by itself, is not a sufficient ground to dismiss a petition. In appropriate cases, the courts may liberally construe procedural rules in order to meet and advance the cause of substantial justice. Lapses in the literal observation of a procedural rule will be overlooked when they do not involve public policy, when they arose from an honest mistake or unforeseen accident, and when they have not prejudiced the adverse party or deprived the court of its authority.[15] The aforementioned conditions are present in the case at bar.

Furthermore, 14 days after petitioner's receipt of the September 27, 2001 Court of Appeals Resolution dismissing his petition, he filed a Motion for Reconsideration[16] along with the documents deemed by the Court of Appeals as lacking in his originally filed petition. Contrary to the pronouncement made in the December 20, 2001 Court of Appeals Resolution which denied the aforesaid Motion, petitioner's subsequent submission should be deemed substantial compliance with paragraph 3, Section 3, Rule 46 of the Revised Rules of Civil Procedure.

There is ample jurisprudence holding that the subsequent and substantial compliance of an appellant may call for the relaxation of the rules of procedure. In these cases,[17] we ruled that the subsequent submission of the missing documents with the motion for reconsideration amounts to substantial compliance. The reasons behind the failure of the petitioners in these two cases to comply with the required attachments were no longer scrutinized. What we found noteworthy in each case was the fact that the petitioners therein substantially complied with the formal requirements. We ordered the remand of the petitions in these cases to the Court of Appeals, stressing the ruling that by precipitately dismissing the petitions "the appellate court clearly put a premium on technicalities at the

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expense of a just resolution of the case."[18]

While it is true that the rules of procedure are intended to promote rather than frustrate the ends of justice, and the swift unclogging of court docket is a laudable objective, it nevertheless must not be met at the expense of substantial justice. This Court has time and again reiterated the doctrine that the rules of procedure are mere tools aimed at facilitating the attainment of justice, rather than its frustration. A strict and rigid application of the rules must always be eschewed when it would subvert the primary objective of the rules, that is, to enhance fair trials and expedite justice. Technicalities should never be used to defeat the substantive rights of the other party. Every party-litigant must be afforded the amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities. Considering that there was substantial compliance, a liberal interpretation of procedural rules in this labor case is more in keeping with the constitutional mandate to secure social justice.[19]

Clearly, the Court of Appeals erred in dismissing petitioner's special civil action for certiorari despite subsequent substantial compliance with the rules on procedure, and in so doing, unduly upheld technicalities at the expense of a just resolution of the case. Ordinarily, court procedure dictates that the Court of Appeals should be tasked with properly disposing the petition, a second time around, on the merits.

However, when there is enough basis on which a proper evaluation of the merits of petitioner's case may be had, the Court may dispense with the time-consuming procedure of remand in order to prevent further delays in the disposition of the case.[20] Clearly, a remand of the instant case to the Court of Appeals would only unnecessarily prolong its resolution which had been pending for nearly a decade.

It is already an accepted rule of procedure for us to strive to settle the entire controversy in a single proceeding, leaving no root or branch to bear the seeds of future litigation. If, based on the records, the pleadings, and other evidence, the dispute can be resolved by us, we will do so to serve the ends of justice instead of remanding the case to the lower court for further proceedings.[21] In any event, petitioner himself prayed that the Court resolve this case on the merits.[22]

The disposition of the technical issues paves the way for us to resolve the remaining substantive issue concerning the validity of petitioner's dismissal from employment.

Petitioner argues that his dismissal from respondent's employ was not well-founded because he claims that the ground on which he was dismissed, loss of trust and confidence, was not supported by substantial evidence and that the manner by which he was terminated lacked procedural due process.

However, a careful perusal of the record strongly suggests otherwise and leaves us no choice but to affirm the identical conclusions reached by both the Labor Arbiter and the NLRC that petitioner was indeed properly dismissed from work.

Loss of confidence as a just cause for termination of employment is premised from the fact that an employee concerned holds a position of trust and confidence. This situation holds where a person is entrusted with confidence on delicate matters, such as the custody, handling, or care and protection of the employer's property. But, in order to constitute a just cause for dismissal, the act complained of must be "work-related" such as would show the employee concerned to be unfit to continue working for the employer.[23]

As Branch Manager of the Rizal Avenue-Doroteo Jose Branch of the respondent bank, petitioner undoubtedly held a position of trust and confidence. Furthermore, the June 18, 1998 Decision[24] of respondent's Bankwide Evaluation Committee, the relevant portions of which are discussed in the narration of the facts of this case as culled from the March 26, 2001 NLRC Resolution, clearly laid out the reasons why it imposed on petitioner, "the principal penalty of DISMISSAL FROM EMPLOYMENT with automatic forfeiture of benefits."[25]

We cannot give credence to petitioner's claim that the Labor Arbiter and the NLRC decided his case purely on the basis of respondent's evidence. A perusal of petitioner's own pleadings[26] and evidence[27] readily showed his admission that he personally processed the two Certificates of Time Deposit (CTDs) at issue, despite his knowledge that they were unfunded. In fact, he admittedly issued them even before he received the purported manager's checks that would fund the time deposits and, again by his own allegation, he had to cancel the CTDs when the promised checks were not delivered to him at the appointed time. To be sure, it is incomprehensible why petitioner was so eager to issue the CTDs (which may be used as evidence of the existence of time deposits in the names of petitioner's clients for the total amount of P538,360,000.00) on the mere verbal representations of the clients and the expedient of being shown a passbook from a different bank. We hardly find it believable that petitioner was, as he averred, motivated by a noble desire to generate more business for the respondent bank. If he truly had the bank's best interests at heart, with more reason that he would exercise caution before issuing CTDs for enormous amounts by waiting for the funds to be actually deposited instead of exposing his employer to great risk. The fact that petitioner had the unfunded CTDs eventually cancelled is of no moment. He should have never issued those CTDs in the first place since, through those documents, he was in effect certifying the existence of time deposits in his branch that were actually fictitious. Thus, it can be said that his obvious laxity or negligence in the issuance of the said CTDs was even tainted with dishonesty. We can come to no other conclusion but that respondent bank was justified in terminating petitioner's employment on the ground of loss of trust and confidence.

The assailed findings may not be backed by proof beyond reasonable doubt but we, nevertheless, lend great weight and credence to them since they have been adopted by both the Labor Arbiter and the NLRC and are supported by substantial evidence. As we have consistently held, the degree of proof required in labor cases is not as stringent as in other types of cases.[28]

As a general rule, employers are allowed a wider latitude of discretion in terminating the employment of managerial personnel or those who, while not of similar rank, perform functions which by their nature require the employer's full trust and confidence. This must be distinguished from the case of ordinary rank and file employees, whose termination on the basis of these same grounds requires a higher proof of involvement in the events in question; mere uncorroborated assertions and accusations by the employer will not suffice.[29]

On the issue of due process, it is settled that notice and hearing constitute the essential elements of due process in the dismissal of employees. The employer must furnish the employee with two written notices before termination of employment can be legally effected. The first apprises the employee of the particular acts or omissions for which his dismissal is sought. The second informs the employee of the employer's decision to dismiss him. With regard to the requirement of a hearing, the essence of due process lies simply in an opportunity to be heard, and not that an actual hearing should always and indispensably be held.[30]

In the case at bar, the records would bear out that respondent gave petitioner a Memorandum[31] dated January 22, 1998, informing him of the specific acts or omissions constituting the alleged violation at issue and requiring him to explain within 72 hours from receipt thereof. Instead of submitting a written explanation, petitioner's then counsel, Atty. Epifanio C. Buen, wrote to respondent in a Letter[32] dated January 26, 1998 requesting that his client be afforded a face-to-face hearing. Respondent replied with a Memorandum[33] dated February 3, 1998 insisting that as per its internal administrative rules and established jurisprudence on the matter, due process is satisfied, not by a full-blown hearing, but by the mere opportunity to be heard. In addition, respondent gave petitioner 48 more hours from receipt thereof within which to tender his written explanation coupled with the caveat that non-compliance therewith would be deemed by respondent as a waiver of said right. In response, Atty. Buen again wrote a Letter[34] dated February 5, 1998 to respondent reiterating petitioner's previous request for a

hearing and, furthermore, requiring that all the papers used by respondent in its investigation be notarized. Respondent answered through a Letter[35] dated February 11, 1998 wherein it expressed its agreement to furnishing petitioner with the aforementioned documents albeit not notarized while again reminding him of the submission of his written explanation and its consequence if not complied with. However, petitioner remained adamant and, instead of giving his written explanation, sent a Letter[36] wherein he acknowledged Atty. Buen as his counsel and insisted on his demand for notarized documents. Thus, respondent's Bankwide Evaluation Committee issued its June 18, 1998 Decision[37] without petitioner's written explanation.

Judging from the aforementioned undisputed sequence of events, it is apt to conclude that respondent more than acted in accordance with the due process required in the termination of an employee. It gave petitioner considerable leeway with regard to the submission of his written explanation by allowing multiple extensions of time to submit the same and by furnishing him the documents used in respondent's investigation. Ultimately, even assuming that he was not fully heard during the employer's investigation, it was petitioner's fault because of his misguided insistence on having a trial-type hearing despite established jurisprudence stating that the mere opportunity to be heard would suffice as due process in administrative proceedings. In any event, petitioner was given full opportunity to prove his claim of illegal dismissal before the Labor Arbiter and the NLRC but he still failed to discharge his burden of proof.

WHEREFORE, the petition is DENIED. The assailed Resolutions of the Court of Appeals are REVERSED. However, the March 26, 2001 NLRC Resolution finding petitioner validly terminated from employment is AFFIRMED. No costs.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Del Castillo, and Perez, JJ., concur.

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[1] Rollo, pp. 46-48; penned by Associate Justice Ramon A. Barcelona with Associate Justices Rodrigo V. Cosico and Bienvenido L. Reyes, concurring.

[2] Id. at 95-101; penned by Commissioner Tito F. Genilo with Presiding Commissioner Lourdes C. Javier and Commissioner Ireneo B. Bernardo, concurring.

[3] Id. at 63-67.

[4] Id. at 50-51.

[5] Id. at 96-98.

[6] Id. at 144-151 & 235-264.

[7] Id. at 67.

[8] Id. at 100.

[9] CA rollo, pp. 45-48.

[10] [The petition] 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 indicated 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

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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.

[11] Rollo, pp. 50-51.

[12] Id. at 15-17.

[13] Id. at 413.

[14] Id. at 188-197.

[15] Honda Cars Makati, Inc. v. Court of Appeals, G.R. No. 165359, July 14, 2008, 558 SCRA 209, 219.

[16] Rollo, pp. 113-143.

[17] Cusi-Hernandez v. Diaz, 390 Phil. 1245, 1252 (2000); Piglas-Kamao (Sari-Sari Chapter) v. National Labor Relations Commission, 409 Phil. 735, 744 (2001).

[18] Jaro v. Court of Appeals, 427 Phil. 532, 547 (2002).

[19] Enriquez v. Bank of the Philippine Islands, G.R. No. 172812, February 12, 2008, 544 SCRA 590, 601-602, citing Philippine Amusement and Gaming Corporation v. Angara, G.R. No. 142937, November 15, 2005, 475 SCRA 41, 53-54; Peñaranda v. Baganga Plywood Corporation and Chua, G.R. No. 159577, May 3, 2006, 489 SCRA 94, 100-101.

[20] Somoso v. Court of Appeals, G.R. No. 78050, October 23, 1989, 178 SCRA 654, 663; Bach v. Ongkiko Kalaw Manhit & Acorda Law Offices, G.R. No. 160334, September 11, 2006, 501 SCRA 419, 426.

[21] Apo Fruits Corporation v. Court of Appeals, G.R. No. 164195, February 6, 2007, 514 SCRA 537, 555.

[22] Rollo, p. 41.

[23] Rentokil (Initial) Philippines, Inc. v. Sanchez, G.R. No. 176219, December 23, 2008, 575 SCRA 324, 333.

[24] Rollo, pp. 56-58.

[25] Id. at 57.

[26] See Petition, rollo, p. 30; Petitioner's Position Paper, pp. 4-5, rollo, pp. 147-148.

[27] Petitioner's Memorandum to Mr. Leslie Yu Cham dated December 29, 1997, rollo, pp. 120-121.

[28] Etcuban, Jr. v. Sulpicio Lines, Inc., G.R. No. 148410, January 17, 2005, 448 SCRA 516, 529.

[29] Coca-Cola Bottlers Philippines Incorporated v. National Labor Relations Commission, 254 Phil. 771, 778 (1989).

[30] Asian Terminals, Inc. v. Sallao, G.R. No. 166211, July 14, 2008, 558 SCRA 251, 259.

[31] Rollo, pp. 59-62.

[32] Id. at 153.

[33] Id. at 154-155.

[34] Id. at 156.

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[35] Id. at 157-158.

[36] Id. at 160.

[37] Id. at 56-58.

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