MTM GARMENT MFG., INC. AND ROBERTO FLORES, PETITIONERS, VS. COURT OF APPEALS, NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER ARTHUR L. AMANSEC, LABOR ARBITER GODOFREDO V. SE...

G.R. NO. 152336. June 09, 2005

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Assailed in this petition are the Resolutions[1] dated December 11, 2001 and February 14, 2002 of the Court of Appeals in CA-G.R. SP No. 67967, which affirmed the Resolution dated September 17, 2001 of the National Labor Relations Commission (NLRC) in NLRC NCR Case No. 10-07630-97 (NLRC CA No. 025328-2000). The labor tribunal earlier affirmed the findings of the Labor Arbiter that private respondents were illegally dismissed. Petitioners' Motion for Annulment of Judgment and Quashal of the Alias Writ of Execution were denied by NLRC.

The following pertinent facts of the case are culled from the records:

On October 24, 1997, private respondents filed a complaint before the Labor Arbiter against herein petitioners, namely MTM Garment Mfg., Inc. and its President and General Manager Roberto "Totoy" Flores. Said respondents claimed differentials from underpayment of wages, overtime pay, 13th month pay, five (5) days service incentive leave, legal/special holiday pay, and other benefits as well as attorney's fees and the costs of suit.

After filing their original complaint, on December 23, 1997, the private respondents were laid-off and petitioner corporation relocated to Malinta, Valenzuela, Bulacan. Thus, on March 26, 1998, private respondents amended their complaint to include their illegal dismissal.

On December 18, 1998, Labor Arbiter Arthur L.[2] Amansec resolved said complaint. He decreed:

> WHEREFORE, judgment is hereby made, finding respondents to have illegally dismissed complainants from employment on December 23, 1997 and, concomitantly, respondents are hereby ordered to pay complainant BACKWAGES from said date of dismissal up to the writing of this Decision, plus separation pay, computed at thirty (30) days pay for every [year] of service.
>
> Other claims for lack of merit and for the above-reasons are hereby DENIED.
>
> SO ORDERED.[3]

Counsel for herein petitioners, through one Fely Velasco, received a copy of the Decision on February 10, 1999,[4] but failed to appeal the Labor Arbiter's decision on time. Thus, said decision became final and executory on February 20, 1999.

On May 12, 1999, herein private respondents, by counsel, filed their Motion for Issuance of Writ of Execution.

On July 2, 1999, the Computation & Examination Unit of the NLRC submitted a report pegging the total monetary entitlement of private respondents at P5,876,120.

On July 9, 1999, Labor Arbiter Arthur L. Amansec issued an Order directing both parties to submit their comments on the computation within ten (10) days from receipt of the Order, which was received by petitioners' counsel on August 4, 1999.[5]

Despite this receipt, herein petitioners failed to comply with the Order of the Labor Arbiter. Thus, on August 24, 1999, Labor Arbiter Amansec issued another Order approving the Computation Report. Forthwith, on October 28, 1999, private respondents filed another Motion for Execution praying that a writ of execution be issued for the enforcement of the Decision dated December 18, 1998, and Order dated August 24, 1999.

On November 9, 1999, the instant case was re-raffled to Labor Arbiter Godofredo V. Señires, Jr. On November 24, 1999, a Writ of Execution was issued, but remained unserved and unsatisfied. Acting upon the private respondents' Manifestation and Motion for Issuance of Alias Writ of Execution, the Labor Arbiter issued an Alias Writ of Execution on May 2, 2000.

Petitioner Roberto Flores, at this juncture, interposed a Motion to Quash Alias Writ on June 21, 2000, arguing that he never received the copy of the Decision dated December 18, 1998, which was sent to him at his former address, 1002 C.M. Recto Avenue, Manila. He claimed that due to improper service of the decision, he was deprived of his right to appeal. Petitioner Flores additionally argued that the Alias Writ of Execution did not contain the computation of the amount being levied thus depriving him of the opportunity to view, evaluate or object to the amounts being claimed by herein complainants, again, due to lack of proper notice and service.

On June 28, 2000, Labor Arbiter Godofredo V. Señires, Jr., of the NLRC National Capital Regional Arbitration Branch, denied petitioner Flores' Motion to Quash, ratiocinating thus:

> . . .
>
> The record of this case revealed that a copy of the decision rendered by Labor Arbiter Arthur L. Amansec was received by Atty. Julio F. Andres, counsel for respondent [herein petitioner], on February 10, 1999 (page 99, Record). The Order, dated July 9, 1999, furnishing the parties with the official computation of the awards to complainants and giving them ten (10) calendar days to submit their comments thereon was received by Atty. Julio F. Andres, counsel for respondent, on August 4, 1999.
>
> Section 5 a) Rule III of the NLRC Rules of Procedure, last paragraph, provides that for purposes of computing the period of appeal, the same shall be counted from receipt of such decision, awards or orders by the counsel/representative of record.
>
> There is no dispute that Atty. Julio F. Andres was the counsel of record of respondent during the proceedings before Labor Arbiter Arthur L. Amansec. Therefore, respondent had up to August 14, 1999, within which to appeal the decision.
>
> The record of this case further revealed that a copy of said decision was sent to respondent Roberto "Totoy" Flores, by registered mail, the first notice of which was sent to addressee on February 1, 1999 and the second notice was sent on February 16, 1999. (page 96, Record)
>
> Under Section 6, Rule III of the NLRC Rules of Procedure, service by registered mail is complete upon receipt by the addressee or his agent, but if the addressee fails to claim his mail from the post office within five (5) days from the date of first notice of the postmaster, service shall take effect after such time.
>
> The failure, therefore, of respondents to actually receive the copy of the decision sent to them was due to their own fault.

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. . .

WHEREFORE, the Motion To Quash Alias Writ of Execution is hereby DENIED, for lack of merit.

SO ORDERED.[6]

On July 17, 2000, petitioners filed with the NLRC a motion for reconsideration, which Commissioner Tito F. Genilo treated as an appeal. In their motion for reconsideration, petitioners reiterated their claim that Labor Arbiter Señires, Jr., deprived them of their right to due process of law when he issued the Alias Writ of Execution dated May 2, 2000, despite the fact that its earlier Decision dated December 18, 1998, was not received by them.[7]

Acting on this appeal, the NLRC on September 17, 2001, ruled that petitioners were not deprived of their right to due process when Labor Arbiter Señires, Jr., issued his Alias Writ of Execution dated May 2, 2000, implementing the Decision dated December 18, 1998, inasmuch as the same had long been rendered final and executory by petitioners' failure to appeal the adverse decision to the Commission. Not being reckless or gross, even if there was negligence on the part of their counsel, petitioners are bound by the inaction of counsel, the NLRC explained. The Commission further noted that petitioners failed to submit their affidavit of merit on the matter. Significantly, the NLRC concluded that the appeal was not perfected because of petitioners' failure to pay the corresponding appeal fee, pursuant to Section 3(a) Rule VI of the NLRC Rules of Procedure.[8] Thus, the NLRC, in its Decision, decreed as follows:

WHEREFORE, premises considered, the Motion for Reconsideration treated as an Appeal is hereby DISMISSED for lack of merit. Accordingly, the Resolution Appealed from is SUSTAINED in toto.

SO ORDERED.[9]

Petitioners then filed a petition for certiorari to the Court of Appeals to set aside the Resolution of respondent NLRC. But on December 11, 2001, the appellate court dismissed the petition on technical grounds, to wit: (1) failure to file a motion for reconsideration of the NLRC decision; (2) failure to observe the 60-day period in filing a petition for certiorari; and (3) petitioner Roberto Flores' lack of authorization from the board of directors to represent his co-petitioner MTM Inc. The motion for reconsideration filed by petitioners with the CA was also dismissed on February 14, 2002, in this wise:

The motion for reconsideration is without merit.

It should be noted that petitioners have not disputed that they did not file with the NLRC a motion for reconsideration of the Resolution dated September 17, 2001, so that said Resolution became final and executory after ten (10) calendar days from their receipt thereof. (ABS-CBN Employees Union vs. NLRC, 276 SCRA 123, 130)

Moreover, petitioner Roberto Flores admitted that he was not authorized by petitioner corporation to file the petition and no proof was submitted in support of the allegation that petitioner corporation had closed business.

WHEREFORE, the motion for reconsideration is DENIED for lack of merit.

SO ORDERED.[10]

Hence, this petition, ascribing the following errors to the Court of Appeals:

- THE COURT OF APPEALS ERRED IN RULING THAT THE FILING OF THE PETITION FOR CERTIORARI BEFORE IT IS PREMATURE SANS THE PREVIOUS FILING OF A MOTION FOR RECONSIDERATION.

- THE COURT OF APPEALS ERRED IN RULING THAT PETITIONER IS NOT AUTHORIZED OR HAS NO LEGAL CAPACITY TO FILE THE PETITION.

- THE COURT OF APPEALS ERRED IN RULING THAT THE PETITION FOR CERTIORARI WAS NOT FILED WITHIN THE REGLEMENTARY PERIOD.[11]

In our view, there is only one issue needing resolution now, namely: Did the Court of Appeals commit grave abuse of discretion in dismissing CA-G.R. SP No. 67967 on purely technical grounds, i.e., that the petition for certiorari was filed beyond the 60-day period, that it was filed without previously filing a motion for reconsideration, and without authorization from the board of directors of the MTM Garment Manufacturing, Inc.?

Petitioners now contend that they have substantially complied with the requirements of Section 1,[12] Rule 65, hence, in the interests of justice and equity, the Court of Appeals should have given due course to their special civil action for certiorari. Petitioners argue that they should not be faulted for such technical defects, which are ascribable to the negligence of their former counsel.

Private respondents, on the other hand, maintain that the petitioners' wanton disregard of the rule warrant the outright dismissal of their petition.

Basic is the rule that the extraordinary remedy of certiorari is proper if the tribunal, board, or officer exercising judicial or quasi-judicial functions acted without or in grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal or any plain, speedy, and adequate remedy in law. In this case, the petition failed to show any such grave abuse of discretion on the part of the Court of Appeals in rendering the assailed resolutions.

First, the Court of Appeals correctly ruled that the precipitate filing of petition for certiorari under Rule 65 without first moving for reconsideration of the assailed resolution warrants the outright dismissal of this case following current jurisprudence on this point.[13] A motion for reconsideration by a concerned party is indispensable for it affords the NLRC an opportunity to rectify errors or mistakes it might have committed before resort to the courts can be had.[14]

Second, the finding of the Court of Appeals that the petition was time-barred is neither whimsical nor capricious. In this case, the NLRC rendered a finding that petitioners were properly served copies of processes, but despite receipt, they failed to appeal within the reglementary period. Such finding on the basis of the evidence on record and as affirmed by the appellate court, becomes binding upon this Court, conformably with the rule that judicial review by this Court does not extend to a reevaluation of the sufficiency of the evidence upon which the proper labor tribunal has based its determination. The Supreme Court is not a trier of facts, and this doctrine applies with greater force in labor cases inasmuch as factual questions are mainly for the labor tribunals to resolve.[15]

On one point, however, we cannot fault petitioner Flores for failing to show he was authorized to represent MTM Inc. through a resolution of its board of directors. The records show that he was impleaded in the original action before the Labor Arbiter as "owner/manager" of MTM Inc. It was upon the instance of herein respondents that Flores became a party to the case below. Clearly, he has his own interest to protect albeit in his individual capacity. In protecting his own right, he does not need a resolution from the board of directors to appeal or move for reconsideration.

However, the petitioners herein still failed to show any grave abuse of discretion on the part of the Court of Appeals. This can be clearly shown by a brief elucidation of jurisprudence and the Rules pertinent on this point at hand.

True, the Court of Appeals relied on technical grounds in denying the petition for certiorari filed by petitioners.

Equally true, Rule 1, Section 6 of the 1997 Rules of Civil Procedure[16] provides that said rules should be construed liberally to effect substantial justice. All these do not mean, however, that procedural rules are to be ignored or disdained at will to suit the convenience of a party. Procedural law has its own rationale in the orderly administration of justice, namely: to ensure the effective enforcement of substantive rights by providing for a system that obviates arbitrariness, caprice, despotism, or whimsicality in the settlement of disputes. Hence, it is a mistake to suppose that substantive law and procedural law are contradictory to each other, or as often suggested, that enforcement of procedural rules should never be permitted if it would result in prejudice to the substantive rights of the litigants.[17]

As we have repeatedly stressed, the right to file a special civil action of certiorari is neither a natural right nor an essential element of due process; a writ of certiorari is a prerogative writ, never demandable as a matter of right, and never issued except in the exercise of judicial discretion. Hence, he who seeks a writ of certiorari must apply for it only in the manner and strictly in accordance with the provisions of the law and the Rules.[18]

Herein petitioners have not shown any compelling reason for us to relax the rule and the requirements under current jurisprudence. As observed by the NLRC, the fault of petitioners and their counsel should not prejudice the private respondents, who have diligently pursued their case since 1997, quite a long period of time already. Proceedings before the Labor Arbiter and the National Labor Relations Commission would be rendered inutile if we allow litigants to disregard the calls of the Arbitration Branch to appear and submit evidence and, later on, to question a decision duly rendered on the flimsy ground that their counsel handled their case in a slipshod or negligent manner.

What is more, petitioners were equally guilty of negligence. They failed to coordinate with their counsel on the progress of their case, when such is their duty as a party. Indeed, a party cannot blame his counsel for negligence when he himself was guilty of neglect.[19]

For the foregoing reasons, we are constrained to agree with the Court of Appeals. It is a settled rule that relief will not be granted to a party who seeks to be relieved from the effects of the judgment when the loss of the remedy at law was due to his own negligence.

WHEREFORE, the instant petition is DISMISSED. The assailed Resolutions dated December 11, 2001 and February 14, 2002, of the Court of Appeals in CA-G.R. SP No. 67967, are AFFIRMED. Costs against petitioners.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

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[1] Rollo, pp. 39-41. Penned by Associate Justice Marina L. Buzon, with Associate Justices Buenaventura J. Guerrero, and Alicia L. Santos concurring.

[2] “A” in other parts of the records.

[3] Rollo, pp. 24-25.

[4] CA Rollo, p. 53.

[5] Id. at 53-54.

[6] Rollo, pp. 30-32.

[7] Id. at 34-38.

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[8] Section 3. Requisites for Perfection of Appeal. - (a) The appeal shall be filed within the reglementary period as provided in Section 1 of this Rule; shall be under oath with proof of payment of the required appeal fee and the posting of a cash or surety bond as provided in Section 5 of this Rule; shall be accompanied by a memorandum of appeal which shall state the grounds relied upon and the arguments in support thereof; the relief prayed for; and a statement of the date when the appellant received the appealed decision, order or award and proof of service on the other party of such appeal.

. . . (Emphasis supplied.)

[9] Rollo, p. 38.

[10] Id. at 43.

[11] Id. at 9.

[12]SECTION 1. Petition for certiorari. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.
The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46.

[13] Association of Trade Unions v. Hon. Abella, G.R. No. 100518, 24 January 2000, 380 Phil. 6, 16; Escorpizo v. University of Baguio, G.R. No. 121962, 30 April 1999, 366 Phil. 166, 174.

[14] Association of Trade Unions v. Hon. Abella, ibid.

[15] Alfaro v. Court of Appeals, G.R. No. 140812, 28 August 2001, 416 Phil. 310, 318.

[16] SEC. 6. Construction. – These Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

[17] Sebastian v. Morales, G.R. No. 141116, 17 February 2003, 397 SCRA 549, 558.

[18] NYK International Knitwear Corporation Philippines v. National Labor Relations Commission, G.R. No. 146267, 17 February 2003, 397 SCRA 607, 615.

[19] Amatorio v. People, G.R. No. 150453, 14 February 2003, 397 SCRA 445, 455.

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