NATIONAL TOBACCO ADMINISTRATION, PETITIONER, VS. DANIEL CASTILLO, RESPONDENTS.

G.R. No. 154124. August 13, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

Petitioner National Tobacco Administration (NTA) seeks the review of the decision dated March 22, 2002 (denying NTA's petition for review),[1] and the resolution dated June 26, 2002 (denying NTA's motion for reconsideration),[2] both promulgated by the Court of Appeals (CA) in CA-G.R. SP No. 67551 entitled National Tobacco Administration v. Daniel Castillo.

The respondent was one of the employees adversely affected by the reorganization of NTA. He was terminated from his employment due to the abolition of his item as Cashier I in its Isabela Branch. He appealed to the Civil Service Commission (CSC), which on January 26, 2000 set aside the termination and ordered NTA to re-appoint him "to a position in the new staffing pattern which is comparable to latter's former position under the same employment status."[3] NTA moved for the reconsideration of the CSC resolution, but its motion for reconsideration was denied for lack of merit on July 21, 2000.[4] NTA filed a second motion for reconsideration, which the CSC also denied on October 13, 2000 because its rules allowed only one motion for reconsideration.[5] NTA persisted by filing on December 8, 2000 a petition for the admission of the second motion for reconsideration and of herein supplemental manifestation.[6] However, the CSC denied the petition for admission on April 2, 2001.[7]

Undaunted, NTA filed a petition for relief in the CSC, arguing that it had been unable to appeal from the CSC's earlier resolutions due to excusable negligence; that it had a meritorious defense; and that the questioned resolutions were inconsistent with the CSC's pronouncement in Dabu v. NTA (CSC Case No. 99-0767), a case whose facts were identical to those of this case. It explained that its former counsel's excessively numerous duties (in addition to his being the Deputy Administrator for Operations of NTA) had rendered his compliance with all the legal requirements of NTA's cases physically and mentally impossible for him, leading him to inadvertently and erroneously file a second motion for reconsideration instead of taking an appeal to the CA.

On October 12, 2001, the CSC dismissed the petition for relief on the ground that such a recourse was not a proper remedy against an adverse decision under its Uniform Rules on Administrative Cases in the Civil Service; and that an appeal in due course to the CA was the proper remedy of NTA.[8]

NTA elevated the dismissal to the CA via a petition for review under Rule 43 of the Rules of Court. It assailed the CSC's dismissal of its petition for relief, claiming that its failure to file its appeal had been due to excusable negligence.

On March 22, 2002, the CA denied NTA's petition for lack of merit, and found NTA's claims of excusable negligence and a meritorious defense unconvincing. The CA held that the assailed resolutions of the CSC had also already become final and executory by virtue of NTA's failure to appeal pursuant to the Uniform Rules on

Administrative Cases in the Civil Service and the Rules of Court.[9]

NTA moved for the reconsideration, but the CA denied its motion for reconsideration through the assailed resolution of June 26, 2002.[10]

Hence, this recourse, whereby NTA contends that the CA erred in declaring that the termination of the respondent had been without notice and hearing, and in not finding that NTA's counsel had been guilty of excusable negligence.

The decisive considerations are whether the negligence of NTA's counsel was excusable, and whether NTA's appeal was still allowable.

We rule against NTA.

NTA's argument that its former counsel faced the "herculean task of personally handling the numerous legal cases of the petitioner" without any lawyer assistant in addition to his "regular duties and responsibilities as Deputy Administrator for Operations of the agency,"[11] even assuming it to be true, did not justify the erroneous filing of a second motion for reconsideration and a petition for relief from judgment in the CSC where such recourses were not allowed under the Uniform Rules on Administrative Cases in the Civil Service. NTA's former counsel ought to have known of the correct recourses to take from the adverse resolution of the CSC.

Moreover, the oversight of NTA's counsel in not seasonably appealing to the CA was not excusable. For one, mere volume of the work of an attorney has never excused an omission to comply with the period to appeal. Also, NTA itself caused its own counsel to be overburdened with work by not employing additional lawyers to handle its excessive legal work and avoid its present predicament. Clearly, the neglect of counsel in not filing the appeal on time was not something that ordinary diligence and prudence could not have guarded against.[12]

A client is generally bound by the mistakes of his lawyer; otherwise, there would never be an end to a litigation as long as a new counsel could be employed, and who could then allege and show that the preceding counsel had not been sufficiently diligent or experienced or learned.[13] The legal profession demands of a lawyer that degree of vigilance and attention expected of a good father of a family; such lawyer should adopt the norm of practice expected of men of good intentions.[14] Moreover, a lawyer owes it to himself and to his clients to adopt an efficient and orderly system of keeping track of the developments in his cases, and should be knowledgeable of the remedies appropriate to his cases.

Compounding the dire situation of NTA was that its appeal to the CA was too belated. Thereby, the assailed resolution of the CSC attained finality and became executory,[15] resulting in the CSC resolution becoming immutable and unalterable, that is, it might no longer be altered, modified, or reversed in any respect even if the alteration, modification, or reversal was meant to correct erroneous conclusions of fact or law, and whether the alteration, modification, or reversal would be made by the court or office that rendered the resolution or by the highest court of the land.[16]

WHEREFORE, we deny the petition for review on certiorari, and affirm the decision dated March 22, 2002 and the resolution dated June 26, 2002 promulgated by the Court of Appeals in CA-G.R. SP No. 67551.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Abad,[*] and Villarama, Jr., JJ., concur.

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[*] Additional member per Special Order No. 843 dated May 17, 2010.

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[1] Rollo, pp. 30-36; penned by Associate Justice Eliezer R. De los Santos (deceased), and concurred in by Associate Justice Buenaventura J. Guerrero (retired) and Associate Justice Rodrigo V. Cosico (retired).

[2] Id., pp. 38-39.

[3] Id., pp. 111-116 (CSC Resolution No. 000239).

[4] Id., pp. 129-131 (CSC Resolution No. 001702).

[5] Id., pp. 135-136 (CSC Resolution No. 002324).

[6] Id., pp. 137-147.

[7] Id., pp. 148-149 (CSC Resolution No. 010729).

[8] Id., pp. 165-166 (CSC Resolution No. 011656).

[9] Id., pp. 30-36.

[10] Id., pp. 38-39.

[11] Id., p. 23.

[12] Gold Line Transit, Inc. v. Ramos, 415 Phil. 492 (2001).

[13] Tesoro v. Court of Appeals, 153 Phil. 580, 588 (1973).

[14] Gonzales v. Court of Appeals, G.R. No. 129090, April 30, 2003, 402 SCRA 247.

[15] Manipor v. Ricafort, G.R. No. 150159, July 25, 2003, 407 SCRA 298.

[16] Union Bank of the Philippines v. Pacific Equipment Corporation, G.R. No. 172053, October 6, 2008, 567 SCRA 573.

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