

**LTS PHILIPPINES CORPORATION AND JULIE L. EVANGELISTA,
PETITIONERS, VS. JOCELYN D. MALIWAT, MA. THERESA ROLLE,
MYRA ESTANISLAO AND RHODELIA BAUTISTA, RESPONDENTS.**

G.R. NO. 159024. January 14, 2005

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-159024/>

CALLEJO, SR., J.:

During the period from February 12, 2001 to February 23, 2001, respondents Jocelyn D. Maliwat, Branch Manager of LTS Philippines Corporation, Myra Estanislao, its Service Center Manager, Rhodelia Bautista, its Branch Manager for its Calamba, Laguna Branch, and Ma. Theresa Rolle, its Regional Manager, received separate notices of termination of employment from their employer, petitioner LTS Philippines Corporation. The notices alleged that the sales and profitability of the petitioner corporation had been completely affected by the recent economic crisis and that it had decided to reduce its personnel. The respondents then filed a complaint for illegal dismissal, damages and accrued monetary benefits against their employer and Julie Evangelista with the National Labor Relations Commission (NLRC).

After due proceedings, the Labor Arbiter rendered judgment, on November 21, 2001, in favor of the respondents and awarded to each of them vacation leave and sick leave conversion, 13th month pay and attorney's fees.[1]

On appeal by the petitioners to the NLRC, the latter rendered judgment[2] on September 30, 2002 affirming with modification the decision of the Labor Arbiter. Instead of awarding the complainants vacation leave and sick leave conversion, and 13th month pay, the NLRC awarded separation pay to the respondents.[3]

The petitioners received a copy of the decision of the NLRC on October 28, 2002 and filed their motion for reconsideration of the said decision on November 7, 2002.

On November 22, 2002, the NLRC resolved to deny the motion of the petitioners. The latter received a copy of the resolution on January 16, 2003. However, the petitioners filed their petition for certiorari with the Court of Appeals (CA) only on March 18, 2003, alleging that -

I

PUBLIC RESPONDENT NLRC GRAVELY ABUSED ITS DISCRETION IN ORDERING THE PAYMENT OF SEPARATION PAY TO PRIVATE RESPONDENTS, IN CLEAR DISREGARD OF THE RULING OF THE SUPREME COURT IN THE CASE OF NORTH DAVAO MINING CORPORATION VS. NLRC (254 SCRA 721).

II

PUBLIC RESPONDENT NLRC COMMITTED GRAVE ABUSE OF DISCRETION IN DISREGARDING THE FINDING MADE BY THE HONORABLE LABOR ARBITER THAT PETITIONER CORPORATION HAS SUFFERED SERIOUS BUSINESS LOSSES.[4]

The petitioners alleged that their petition was filed within sixty (60) days from notice of the November 22, 2002 Resolution of the NLRC.[5]

The CA issued a Resolution on March 21, 2003 dismissing the petition for having been filed beyond the reglementary period therefor. The petitioners filed a motion for reconsideration[6] of the resolution of the CA, pleading an honest mistake in their computation of the sixty-day period provided for in Section 1, Rule 65 of the Rules of Court which was caused by their counsel's heavy workload. The CA denied the motion.[7]

The petitioners filed the instant petition for review on certiorari, alleging that -

THE COURT OF APPEALS ERRED IN DISMISSING THE PETITION FOR CERTIORARI, IN A MANNER WHICH IS NOT IN ACCORD WITH THE APPLICABLE LAWS AND JURISPRUDENCE UPHOLDING THE TIME-HONORED PRINCIPLE THAT THE RULES OF PROCEDURE ARE LIBERALLY CONSTRUED TO EFFECT SUBSTANTIAL JUSTICE.[8]

The petitioners maintain that the petition had been prepared for filing in the CA three days before March 18, 2003, but because of the heavy workload of their counsel brought about by equally important and pressing matters, said counsel inadvertently computed March 18, 2003 as the last date for filing the petition, instead of March 17, 2003. The petitioners assert that by dismissing their petition merely because it was filed one (1) day beyond the reglementary period without taking into account the substantial issues raised therein, the CA thereby perpetuated the reversible error in affirming the decision of the NLRC awarding separation pay to each of the respondents in its decision and disregarding the findings of facts of the Labor Arbiter, as well as the losses suffered by the petitioner corporation and the rulings of this Court. The petitioners plead for a liberal application of the Rules of Court, in light of the substantial issues raised by them in the CA.

In their comment on the petition, the respondents assert that the fact that the petitioners' counsel neglected to file their petition within the sixty-day period, is inexcusable negligence; hence, the appellate court did not commit any grave abuse of its discretion in dismissing their petition for certiorari.

The petition is denied.

We stress, at the outset, that the CA should not be faulted for dismissing the petition for certiorari of the petitioners for having been filed one (1) day beyond the reglementary period therefor. As a rule, periods prescribed to do certain acts must be followed with fealty as they are designed primarily to speed up the final disposition of the case. Such reglementary periods are indispensable interdictions against needless delays and for an orderly discharge of judicial business.[9] Deviations from the rules cannot be tolerated. More importantly, its observance cannot be left to the whims and caprices of the parties. What is worrisome is that parties who fail to file their pleading within the periods provided for by the Rules of Court, through their counsel's inexcusable neglect, resort to beseeching the Court to bend the rules in the guise of a plea for a liberal interpretation thereof, thus, sacrificing efficiency and order. As we emphasized in *Sublay v. NLRC*,[10] we cannot respond with alacrity to every claim of injustice and bend the rules to placate vociferous protestors crying and claiming to be victims of a wrong.

The petitioners' misplaced insistence that their counsel's failure to file their petition on time due to an incorrect computation of the last day for filing the said petition has been discredited. The inadvertent computation of the period for one to file a pleading is inexcusable, and have become an all too familiar and ready excuse on the part of lawyers remiss in their bounden duty to comply with the mandatory periods.[11]

In the present case, the petitioners' counsel was inexcusably negligent in failing to file their petition within the period therefor. It bears stressing that a lawyer has the responsibility of monitoring and keeping track of the

period of time left to file pleadings,[12] and to see to it that said pleadings are filed before the lapse of the period. If he fails to do so, his client is bound by his conduct, negligence and mistakes.[13] The petitioners knew and should have known that they had only until March 17, 2003 to file the petition, as shown on page 25 thereof. It was incumbent on the petitioners' counsel to arrange his workload and attend to important and pressing matters such that pleadings are filed within the prescribed period therefor. If the failure of the petitioners' counsel to cope with his heavy workload should be considered a valid justification to sidestep the reglementary period, there would be no end to litigations so long as counsel had not been sufficiently diligent or experienced.[14]

We are not swayed by the petitioners' plea for a deviation from the application of the reglementary period for filing their petition for certiorari, on their argument that the NLRC erred in ordering them to pay separation pay to the respondents contrary to and prescinding from the factual findings of the Labor Arbiter. We have reviewed the records and find that the errors ascribed by the petitioners to the NLRC are mere errors of judgment and not errors of jurisdiction.[15]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 122-123.

[2] Id. at 162-168.

[3] Id. at 167-168.

[4] Id. at 141.

[5] Id. at 135.

[6] Id. at 256-265.

[7] Id. at 45.

[8] Id. at 11.

[9] Neplum, Inc. v. Orbeso, 384 SCRA 466 (2002).

[10] 324 SCRA 188 (2000).

[11] Manila Hotel Corporation v. Court of Appeals, 384 SCRA 520 (2002).

[12] Sublay v. NLRC, supra.

[13] Bernardo v. Court of Appeals (Special Sixth Division), 275 SCRA 413 (1997).

[14] Sublay v. NLRC, supra.

[15] See Tensorex Industrial Corporation v. Court of Appeals, 316 SCRA 471 (1999).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.