

## **DIONISIO L. BACARRA, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND WILSON LEDESMA, RESPONDENTS.**

*G.R. No. 162445. October 20, 2005*

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-162445/>

---

### **CARPIO MORALES, J.:**

The present Petition for Review[1] assails the Resolutions dated June 11, 2003[2] and February 23, 2004[3] of the Court of Appeals in CA-G.R. SP No. 76774, "Dionisio L. Bacarra versus National Labor Relations Commission and Wilson Ledesma."

The facts which spawned the filing of the case subject of the present petition are as follows:

Dionisio L. Bacarra (petitioner) who was hired in 1993 as driver by Wilson Ledesma (respondent), proprietor of Linea Industries which is engaged in the trucking business, was on February 18, 1999 prevented from entering the company premises, drawing him to file a complaint for illegal dismissal against respondent.

Before the Labor Arbiter, respondent maintained that petitioner's dismissal was valid and justified in view of the then prevailing economic crisis and loss of its clients which consequently resulted in the closure or cessation of operation of his trucking business, a valid ground for termination of employment[4] under Article 283 of the Labor Code, as amended.

The Labor Arbiter found petitioner to have been illegally dismissed, the February 18, 1999 incident during which he was prevented from entering the company premises having amounted to constructive dismissal.

On respondent's claim that petitioner was terminated as early as May 1998, the Labor Arbiter held that even if that were true, respondent had not shown that a written notice had been served on petitioner and a termination report submitted to the Department of Labor and Employment as required by the Labor Code.[5]

Respondent appealed to the National Labor Relations Commission (NLRC) which, by Resolution of October 24, 2002, modified the decision of the Labor Arbiter, it finding that there was a valid cessation of operations.[6] The NLRC disposed as follows:

IN THE LIGHT OF THE FOREGOING, the decision is hereby MODIFIED deleting the award of backwages. Respondents are however ordered to pay complainant's Separation pay and Thirteen Month Pay in the total amount of TWENTY FOUR THOUSAND THREE HUNDRED TWENTY NINE PESOS AND THIRTY NINE CENTAVOS (P24,329.39) and Attorney's Fees of TWO THOUSAND FOUR HUNDRED THIRTY TWO PESOS (P2,432.00).[7] (Underscoring supplied)

Petitioner's Motion for Reconsideration having been denied by the NLRC by Resolution of January 23, 2003[8] which was received by petitioner on March 3, 2003,[9] petitioner filed before the Court of Appeals (CA) on April 30, 2003, a Motion for Extension[10] of thirty (30) days from May 2, 2003 to file a Petition for Certiorari, giving as reason behind the motion the heavy workload of his counsel.

Without awaiting the CA's action on his motion for extension, petitioner filed his petition for certiorari on May 9, 2003 or seven days beyond the 60-day reglementary period for the purpose.

By the first assailed Resolution[11] dated June 11, 2003, the CA denied the motion for extension of time and ordered that the petition filed on May 9, 2003 be expunged from the record and the case dismissed, citing Section 4, Rule 65 of the Rules of Court which provides:

Sec.4. When and where petition filed. - The petition may be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said motion.

x x x

No extension of time to file the petition shall be granted except for compelling reason and in no case exceeding 15 days. (Emphasis and underscoring supplied)

Citing *Velasco v. Ortiz*,[12] the CA ruled that a lawyer's heavy workload or loaded calendar is no excuse for failure to comply with reglementary periods prescribed by the Rules.

Petitioner's Motion for Reconsideration of the first assailed resolution having been denied by the CA by Resolution[13] of February 23, 2004, petitioner comes before this Court proffering the following:

GROUND S RELIED UPON FOR THE  
ALLOWANCE OF THE PETITION

I

The Court of Appeals committed reversal (sic) error in ordering the petition for certiorari expunged from the record and dismissing the case, because decision of the former (sic) was probably not in accord with law or with the applicable decisions of the Supreme Court.

II

The Court of Appeals committed reversal (sic) error in not finding respondent NLRC to have committed grave abuse of discretion in modifying the decision of the labor arbiter notwithstanding absence of evidence to substantiate its findings.[14]

The petition is impressed with merit.

On the first ground-basis of the petition, petitioner argues that the delay of seven days is not unreasonable, especially given the issues it raised which "involved primordial interest of substantial justice."

At the outset, it bears reminding that the invocation of "the interest of substantial justice" is not a magic wand that automatically compels this Court to suspend procedural rules.[15] Except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of thoughtlessness in not complying with the procedure prescribed, procedural rules must be followed.

In *Yutingco v. Court of Appeals*,[16] this Court explained why a petition for certiorari must be filed within a period of sixty days.

The New Rules on Civil Procedure, Section 4, Rule 65, prescribes a period of sixty (60) days within which to file a petition for certiorari. The 60-day period is deemed reasonable and sufficient time for a party to mull over and to prepare a petition asserting grave abuse of discretion by a lower court. The period was specifically set to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case. For these reasons, the 60-day period ought to be considered inextendible.[17]

(Emphasis and underscoring supplied)

In said case, this Court held that a delay in the filing of petition for certiorari may be excused only under exceptional circumstances on the ground of justice and equity. Where no such circumstances exist, the delay is fatal.[18]

Petitioner's Motion for Extension to file petition for certiorari before the CA was anchored on his counsel's heavy workload. Standing alone, heavy workload does not suffice to call for a deviation from the 60-day rule. Apropos in this connection is the reminder of this Court in *Miwa v. Medina*[19] for lawyers to handle only as many cases as they can efficiently handle because it is not enough that they are qualified to handle legal matters, for they are also required to prepare adequately and give the appropriate attention to their legal works.

In *People v. Gako, Jr.*,[20] a petition for review filed under Rule 45 which assailed the dismissal of a Petition for Certiorari before the CA for being filed late, this Court, after considering the issues raised therein which proffered extenuating circumstances, held that the CA should have passed upon the merits of the petition. It accordingly granted the petition for review.

In his petition before the CA, petitioner raised the following:

#### GROUND

RESPONDENT NATIONAL LABOR RELATIONS COMMISSION COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OF JURISDICTION IN GRANTING THE APPEAL AND MODIFYING THE APPEALED DECISION OF THE LABOR ARBITER NOTWITHSTANDING THE FACT THAT THE APPEAL WAS NOT PERFECTED AS THERE WAS NO ADDITIONAL BOND POSTED BY THE RESPONDENT WILSON TO COMPLETE THE MONETARY AWARD AS DIRECTED IN THE RESOLUTION OF RESPONDENT NLRC PROMULGATED ON JANUARY 25, 2002, AND IN GIVING CREDIT/WEIGHT TO THE APPLICATION OF CESSATION OF BUSINESS WHICH WAS FILED ONLY ON JUNE 8, 2001 WHILE THE CASE FOR ILLEGAL DISMISSAL FILED AGAINST RESPONDENT WILSON WAS ALREADY SUBMITTED FOR DECISION.[21] (Emphasis and underscoring supplied)

The ground raised before the CA thus raised two issues, namely: (1) whether the NLRC gravely abused its discretion in giving the appeal due course despite the non-posting of the additional bond which the NLRC required in its January 25, 2002 Resolution; and (2) whether the NLRC gravely abused its discretion in justifying the dismissal of petitioner on the cessation of business of respondent application for which was filed only on June 8, 2001 or long after petitioner was dismissed on February 18, 1999.

Respecting the first issue raised before the CA, from the NLRC records of the case, it appears that, as claimed by respondent, it complied with the NLRC Resolution of January 25, 2002 by filing a bond in the amount of P344,600.00.[22]

It is with respect to the second issue raised by petitioner before the CA that this Court finds a relaxation of the 60-day rule to be warranted. For the records show that indeed, respondent filed its application "for retirement" of its business, effective July 30, 1998, only in June 2001.[23]

That petitioner filed the petition before the CA seven days beyond the 60-day reglementary period, which is still within the allowable 15-day period of extension, without awaiting the appellate court's resolution on his timely filed Motion for Extension, shows that he did not intend to unreasonably delay the disposition of the case. The rules, while designed to ensure a fair, orderly, and expeditious disposition of cases, are not meant to allow hasty judgments at the price of great injustice.[24]

Gutierrez v. Secretary of the Department of Labor and Employment[25] teaches:

The emerging trend in the rulings of this Court is to afford every party-litigant the amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities. This is in line with the time-honored principle that cases should be decided only after giving all the parties the chance to argue their causes and defenses. For, it is far better to dispose of a case on the merits which is a primordial end rather than on a technicality, if it be the case that may result in injustice.[26] (Underscoring supplied)

WHEREFORE, the assailed Resolutions of the Court of Appeals dated June 11, 2003 and February 23, 2004 are SET ASIDE. The case is, in light of the foregoing discussion, REMANDED to the Court of Appeals which is directed to reinstate the Petition for Certiorari in CA-GR SP No. 76774 and to take appropriate action thereon.

**SO ORDERED.**

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

---

[1] Rollo at 8-20.

[2]Id. at 96-97.

[3]Id. at 104-104A.

[4]Decision of the Labor Arbiter dated August 1, 2001, Rollo at 50-61.

[5] Article 283. CLOSURE OF ESTABLISHMENT AND REDUCTION OF PERSONNEL.

The employer may also terminate the employment of an employee due to the installation of labor-saving devices, redundancy, retrenchment to prevent losses or the closing or cessation of operation of the establishment or undertaking unless the closing is for the purpose of circumventing the provisions of this Title, by serving a written notice on the worker and the Ministry of Labor and Employment at least one (1) month before the intended date thereof. xxx

[6] Petition, Rollo at 10.

[7]Rollo at 87.

[8]Id. at 93-94.

[9] Id. at 96.

[10]CA Rollo at 2-4.

[11]Rollo at 96-97.

**[12] 184 SCRA 303 (1997).**

[13]Rollo at 104-104A.

[14] Id. at 12.

[15] Far Corporation v. Magdaluyo, 443 SCRA 218 (2004); Zaragoza v. Nobleza, 428 SCRA 410 (2004).

**[16] 386 SCRA 85 (2002).**

[17] Id. at 92.

[18] Id. at 91.

**[19] 412 SCRA 275 (2003).**

**[20] 348 SCRA 334 (2000).**

[21] CA Rollo at 9.

[22] NLRC Record at 263-265.

[23] Id. at 205.

[24] *Bahia Shipping Services, Inc. v. Mosquera*, 423 SCRA 305 (2004).

**[25] 447 SCRA 107 (2004).**

[26] Id. at 122.

**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.