

**EUREKA PERSONNEL AND MANAGEMENT SERVICES, INC.,
PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND
APOLONIO A. BUENO, RESPONDENTS.**

G.R. No. 163013. April 30, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is a petition for review on certiorari seeking to set aside the Resolutions [1] dated December 3, 2003 and February 20, 2004, of the Court of Appeals in CA-G.R. SP No. 80746, which dismissed petitioner's special civil action for certiorari assailing the June 30, 2003 Decision[2] of the National Labor Relations Commission (NLRC) in NLRC NCR CA 031851-02 (OFW-01-08-1742-00).

The facts are undisputed.

Private respondent Apolonio A. Bueno was hired by petitioner Eureka Personnel and Management Services, Inc. in behalf of its principal, Saudi Archirodon, Ltd., as mechanic with a monthly salary of SR\$1,763.

On June 14, 1999, private respondent was deployed but was made to work as carpenter with a monthly salary of SR\$750. In the course of his employment, private respondent injured his right eyebrow and was treated at the Gosi Hospital in New Jeddah. Subsequent examinations showed that private respondent's eyes were still normal. However, private respondent remained in his quarters and refused to work.

On March 21, 2001, private respondent was repatriated. He also signed a receipt acknowledging that he received SR\$3,000 from Saudi Archirodon, Ltd.

Private respondent filed a complaint for illegal dismissal, non-payment and underpayment of salaries, and moral and exemplary damages against petitioner.

On February 28, 2002, the Labor Arbiter rendered a Decision [3] which reads:

WHEREFORE, the respondents are hereby ordered, jointly and severally, 1) to pay the complainant the equivalent of 3 months salary for the unexpired portion of the contract in the sum of SR\$5,289.00 (SR\$1763 x 3 = SR\$5,289); 2) to pay the complainant the sum of SR\$9,117.00 (SR\$1763 – SR\$750 = SR\$1,013 x 9 mos. = SR\$9,117.00) as salary differential. The rest of the claims are dismissed for lack of sufficient basis to make an award.

SO ORDERED.[4]

Petitioner appealed to the NLRC, which modified the Decision of the Labor Arbiter on June 30, 2003, as follows:

WHEREFORE, premises considered, judgment is hereby rendered MODIFYING the Decision dated 28 February 2002 by deleting the award of three (3) months salary but awarding salary differential for the whole period of its original contract, computed as follows:

SR\$1,763 – SR\$750 = SR\$1,013 x 12 mos. = SR\$12,156

SO ORDERED. [5]

Petitioner filed a special civil action for certiorari with the Court of Appeals which was dismissed for failure to comply with the provisions of Section 1, Rule 65 in relation to Section 3, Rule 46 of the Rules of Court. Petitioner moved for reconsideration alleging that it had complied with the Rules of Court and that the resolution did not point out the particular deficiencies of the petition.

The appellate court denied the motion noting that petitioner still failed to rectify the procedural deficiencies by not submitting the documents required under Section 3, Rule 46, such as the (1) complaint for illegal dismissal; (2) medical records; (3) contract of employment; (4) position papers; and (5) Labor Arbiter's decision.

Petitioner submits the following as issues for the consideration of the Court:

I.

THE DOCUMENTS NOTED BY THE COURT OF APPEALS AS NOT SUBMITTED BY PETITIONER AND WHOSE ABSENCE WAS GROUND FOR THE DISMISSAL OF THE PETITION ARE NOT MATERIAL TO THE ISSUE.

II.

THE COURT OF APPEALS ONLY POINTED OUT THE DEFICIENCIES AFTER PETITIONER FILED ITS MOTION FOR RECONSIDERATION. [6]

In our view, the main issue is whether the Court of Appeals erred in dismissing the petition due to petitioner's failure to attach the documents required under Section 3, Rule 46 of the Rules of Court.

Worth noting in this regard is Section 1, Rule 65 in relation to Section 3, Rule 46 of the Rules of Court, which provide that:

SECTION 1. Petition for certiorari. — . . .

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.

SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. — . . .

x x x x

It 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. . . .

x x x x

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition. (Emphasis supplied.)

In this case, annexed to the petition before the Court of Appeals were the following documents: (1) photocopy of the board resolution authorizing Divine Laus to file the petition; (2) certified true copy of the NLRC Decision dated June 30, 2003 modifying the Labor Arbiter's decision; and (3) certified true copy of the NLRC Resolution

dated September 5, 2003, denying petitioner's motion for reconsideration.

Petitioner's lone issue presented before the appellate court was the propriety of awarding salary differentials to private respondent using the salary rate of a mechanic. While it may appear that petitioner was merely assailing the proper computation of the salary differentials, it is actually disputing the basis of the private respondent's salary. Petitioner posits that since private respondent actually worked as a carpenter, he was not entitled to the salary rate of a mechanic as stipulated in his employment contract. This issue is not entirely new as private respondent had consistently complained of underpayment of wages in his complaint and position paper. Thus, to resolve this, it was necessary for the appellate court to review the parties' respective arguments, which were premised on the following documents: (1) complaint for illegal dismissal; (2) contract of employment; (3) position papers; and (4) Labor Arbiter's decision.

Under the circumstances, we hold that the documents attached to the petition were insufficient to support petitioner's allegations before the Court of Appeals. Besides, even petitioner recognized that the certified true copy of the NLRC Decision dated June 30, 2003 modifying the Labor Arbiter's decision was blurred and illegible, thus making it doubly difficult for the appellate court to resolve the issue raised.

Liberal construction of the Rules of Court has been allowed by this Court in the following cases: (1) where a rigid application will result in manifest failure or miscarriage of justice, especially if a party successfully shows that the alleged defect in the questioned final and executory judgment is not apparent on its face or from the recitals contained therein; (2) where the interest of substantial justice will be served; (3) where the resolution of the motion is addressed solely to the sound and judicious discretion of the court; and (4) where the injustice to the adverse party is not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. [7]

Here, petitioner has not shown any cogent reason for the Court to be liberal in the application of the rules. [8] Petitioner cannot evade its responsibility of complying with the rules by faulting the Court of Appeals of not stating in its first resolution the particular deficiencies of the petition. We note that despite having the chance to rectify its omission, petitioner still did not submit the necessary documents with its motion for reconsideration.

In sum, we sustain the dismissal of the petition by the Court of Appeals for failure to comply with pertinent provision of Rules 65 and 46 of the Rules of Court, now the Rules of Civil Procedure.

WHEREFORE, the petition is DENIED for lack of merit. The appealed Resolutions dated December 3, 2003 and February 20, 2004, of the Court of Appeals in CA-G.R. SP No. 80746 are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Carpio-Morales, Tinga, Velasco, Jr., and Brion, JJ., concur.

[1] Rollo, pp. 18, 20-21. Penned by Associate Justice Delilah Vidallon-Magtolis, with Associate Justices Jose L. Sabio, Jr. and Hakim S. Abdulwahid concurring.

[2] Records, pp. 247-252.

[3] Id. at 62-65.

[4] Id. at 65.

[5] Id. at 251.

[6] Rollo, p. 7.

[7] Manila Hotel Corporation v. Court of Appeals, G.R. No. 143574, July 11, 2002, 384 SCRA 520, 524.

[8] Jose v. Court of Appeals, G.R. No. 128646, March 14, 2003, 399 SCRA 83, 89.

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