

MA. ELLAINE D. PANAGA, PETITIONER, VS. COURT OF APPEALS, RESPONDENT.

G.R. No. 164816. September 27, 2006

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Petitioner, Ma. Ellaine D. Panaga, Senior Personnel Supervisor of Toyota Cubao, Inc., filed a complaint[1] for illegal dismissal against her employer and its officials Leo Ferreira, Emmanuel Que, Lourdes de Lara and Eliza Lolita Julian.

By Decision[2] of March 31, 2003, the Labor Arbiter rendered judgment against Toyota Cubao, Inc. et al., the dispositive portion of which decision reads:

WHEREFORE, premises considered, judgment is hereby rendered ordering the respondents Toyota Cubao, Inc./Leo Ferreira/Emmanuel Que/ Lourdes De Lara/ Eliza Lolita Julian to:

- 1) reinstate complainant Ma. Ellaine D. Panaga to her former position without loss of seniority rights;
- 2) pay complainant the amount of ONE HUNDRED SIXTY ONE THOUSAND EIGHT HUNDRED NINETY SEVEN PESOS & 91/100 (P161,897.91) representing her backwages, proportionate 13th month pay, unpaid salary and attorney's fees.

All other claims are DISMISSED for lack of merit.[3]

On appeal, the National Labor Relations Commission (NLRC) reversed the Labor Arbiter's decision,[4] disposing as follows:

WHEREFORE, the appealed decision dated March 31, 2003 is SET ASIDE. Finding the complainant to be lawfully dismissed, her complaint for illegal dismissal is hereby dismissed. Respondent Toyota Cubao, Inc. is however ordered to pay the complainant the following:

- (a) P9,597.82, representing the complainant's proportionate 13th month pay from 1/1/02-8/7/02; and
- (b) P3,663.90, representing her unpaid salary from 8/1/02-8/7/02.

All other claims should be dismissed for lack of merit.

On petition for certiorari, the Court of Appeals, by Resolution[5] of May 12, 2004, dismissed petitioner's petition which was found to be fatally flawed, thus:

. . . [T]he instant petition for certiorari is fatally flawed for not containing an affidavit of proof of service as required in Section 13 of Rule 13, and for appending only the decisions of the Labor Arbiter and the NLRC, petitioner's Motion for Reconsideration and the NLRC Order denying the same, without the other pertinent pleadings and part of the records to support the petition pursuant to Section 1 of Rule 65.

x x x x (Emphasis and underscoring supplied)

Petitioner's counsel filed a Motion for Reconsideration of the appellate court's resolution. From the counsel's statement in the motion that the two annexes to the petition - the Motion for Reconsideration of the NLRC decision and the NLRC order denying the same - "were detached unnoticed from the copy of the petition that went to [the] Division while in the process of being transmitted for appropriate disposition," it would appear that petitioner's counsel misunderstood the resolution. That could explain why he again attached to the motion for reconsideration the said two documents. Additionally, he submitted pages of the "Handbook on Personnel Policies and Benefits (1999 Revision)" of Toyota Cubao, Inc.

On the absence of affidavit of proof of service, petitioner's counsel pointed out his substantial compliance with the Rules, "evident in the fact that the [o]riginal of the petition bears the rubber acknowledgment stamp of the NLRC, whereas the post office registry receipts issued by the Quezon City Post Office were stapled there[to] - P.O. No. 5643 to the Solicitor General and P.O. No. 5642 to Atty. Maria Cynthia A.V. Sardillo, counsel for private respondents."

By Resolution[6] of July 16, 2004, the appellate court denied petitioner's motion for reconsideration in this wise:

In the Motion for Reconsideration dated May 31, 2004, without the required affidavit of proof of service (Section 1, Rule 13), is DENIED.(sic) Instead of submitting the other lacking pleadings and other part of the records, the motion insists that the petition filed is complete with the annexes, contrary to what appears on record. Withal, the dismissal Order of May 12, 2004, did not say that the petitioner's Annexes "C" and "D" are missing. What We said in the dismissal order is that aside from the decisions of the Labor Arbiter and the NLRC, petitioner's Motion for Reconsideration and the order denying the same, the other required pleadings and part of the records to support the petition to Section 1 of Rule 65 (sic). (Emphasis and underscoring, partly in the original and partly supplied)

Hence, the present petition, faulting the appellate court to have "acted without or in excess of jurisdiction or with grave abuse of discretion in dismissing the meritorious petition, and later denying the motion for reconsideration."

Section 1, Rule 65 of the Rules of Court reads:

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, or 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. (Emphasis and underscoring supplied)

In *Quintano v. National Labor Relations Commission*,[7] this Court, passing on the requirement to attach relevant and pertinent pleadings and documents to the petition, held:

. . . The Rules do not specify the precise documents, pleadings or parts of the records that should be appended to the petition other than the judgment, final order, or resolution being assailed. The Rules only state that such documents, pleadings or records should be relevant or pertinent to the assailed order, resolution, or judgment or orders; as such, the initial determination of which pleading, documents or parts of the records are relevant to the assailed order, resolution or judgment, falls upon the petitioner. The CA will ultimately determine if the supporting documents are sufficient to even make out a prima facie case. . . [8] (Emphasis and underscoring supplied)

Thus, while the initial determination of what pleadings or relevant or pertinent documents should be attached to the petition lies on petitioner, the final determination thereof lies on the appellate court.

Still in Quintano, this Court ruled, in finding that the appellate court erred in dismissing the petition for certiorari assailing a decision of the NLRC on the ground that the therein petitioner appended only the decision and resolution of the NLRC, but failed to append a copy of his complaint before the labor arbiter, his motion for formal hearing, the decision of the labor arbiter, and his notice appeal, held:

. . . The material allegations filed before the Labor Arbiter were summarized in the assailed resolution of the NLRC; hence there was no need for petitioner to append a copy of his complaint.

. . . Neither was there any need for the petitioner to append to his petition a copy of his motion for a formal hearing or the notice of appeal of the Labor Arbiter's decision. It must be stressed that no issue pertaining to the said motion, or even the timeliness of the appeal, was raised in the CA.

. . . There was, likewise, no need for the petitioner to append a copy of the said decision of the Labor Arbiter, considering that the NLRC delved into and even affirmed, in toto, the said decision. The petitioner was, in effect, assailing the resolution of the NLRC affirming the decision of the Labor Arbiter in the CA. (Emphasis and underscoring supplied)

x x x x[9]

In the present case, the labor arbiter summarized in its decision the material allegations in the respective pleadings of the parties. The NLRC decision, on the other hand, fully quoted the report and recommendation on petitioner's appeal which summarized Toyota Cubao, Inc. et al.'s memorandum of appeal. Given these, and taking into consideration the contents of the two documents appended to petitioner's petition for certiorari filed before it, the appellate court could determine whether the petition make out a prima facie case.

As to the proof of service, with respect to those pleadings served by registered mail, petitioner indeed failed to comply with the requirements provided by Section 13, Rule 13 of the Rules of Court as she only attached the registry receipts, without an affidavit of the person mailing.

SEC. 13. Proof of service. - Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 7[10] of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee. (Emphasis, italics, and underscoring supplied)

The procedural flaw notwithstanding, especially considering that this is a labor case and the decision of the NLRC differs from that of the Labor Arbiter, the ends of substantial justice would be better served by relaxing the application of technical rules of procedure.[11]

WHEREFORE, the Resolutions of the Court of Appeals dated May 12, 2004 and July 16, 2004 are SET ASIDE. The case is REMANDED to the appellate court which is DIRECTED to REINSTATE to its docket

CA-G.R. SP No. 83344, "Ma. Ellaine D. Panaga v. National Labor Relations Commission, Toyota Cubao, Inc., and/or Leo Ferreira, Emmanuel Que, Lourdes de Lara and Eliza Lolita Juan," and take appropriate action thereon.

SO ORDERED

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

* Petitioner should have instead impleaded as respondents Toyota Cubao, Inc. and/or Leo Ferreira, Emmanuel Que, Lourdes de Lara and Eliza Lolita Julian in whose favor the Court of Appeals rendered the assailed decision subject of the present petition. Section 4 of Rule 45 provides that the petition shall state the adverse party as respondent without impleading the lower courts or judges thereof either as petitioners or respondents.

[1] National Labor Relations Commission (NLRC) records, p. 2.

[2] NLRC records, pp. 128-134.

[3] Id. at 134.

[4] Id. at 207-217.

[5] Court of Appeals (CA) rollo, p. 41.

[6] Rollo, p. 37.

[7] G.R. No. 144517, December 13, 2004, 446 SCRA 193.

[8] Id. at 204.

[9] Ibid.

[10] RULES OF COURT, Rule 13, Sec. 7. "Service by registered mail shall be made by depositing the copy in the post office, in a sealed envelope, plainly addressed to the party or his counsel at his office, if known, otherwise at his residence, if known, with postage fully pre-paid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered. If no registry service is available in the locality of either the sender or the addressee, service may be done by ordinary mail."

[11] Garcia v. Philippine Airlines, Inc., G.R. No. 160798, June 8, 2005, 459 SCRA 768, 783-784.

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