REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE ADMINISTRATOR OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA), PETITIONER, VS. RINCIPALIA MANAGEMENT AND PERSONNEL CO...

G.R. NO. 167639. April 19, 2006

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-167639/

YNARES-SANTIAGO, J.:

Petitioner assails the September 20, 2004 Resolution[1] of the Court of Appeals in CA-G.R. SP No. 86170, dismissing outright the petition for certiorari for failure to attach copies of all relevant pleadings and transcripts of the hearings, as well as the March 29, 2005 Resolution[2] denying the motion for reconsideration.

This case stemmed from two separate complaints filed before the Philippine Overseas Employment Administration (POEA) against Principalia Management and Personnel Consultants, Incorporated (Principalia) for violation of the 2002 POEA Rules and Regulations. The first complaint dated July 16, 2003 filed by Ruth Yasmin Concha (Concha) was docketed as POEA Case No. RV 03-07-1497. The second complaint dated October 14, 2003 filed by Rafael E. Baldoza (Baldoza) was docketed as POEA Case No. RV 03-07-1453.

In the first complaint, Concha alleged that in August 2002, she applied with Principalia for placement and employment as caregiver or physical therapist in the USA or Canada. Despite paying P20,000.00 out of the P150,000.00 fee required by Principalia which was not properly receipted, Principalia failed to deploy Concha for employment abroad.[3]

In its March 15, 2004 Order,[4] the Adjudication Office of the POEA found Principalia liable for violations of the 2002 POEA Rules and Regulations, particularly for collecting a fee from the applicant before employment was obtained; for non-issuance of official receipt; and for misrepresenting that it was able to secure employment for Concha. For these infractions, Principalia's license was ordered suspended for 12 months or in lieu thereof, Pricipalia is ordered to pay a fine of P120,000.00 and to refund Concha's placement fee of P20,000.00.

Baldoza initiated the second complaint on October 14, 2003[5] alleging that Principalia assured him of employment in Doha, Qatar as a machine operator with a monthly salary of $450.00. After paying P20,000.00 as placement fee, he departed for Doha, Qatar on May 31, 2003 but when he arrived at the jobsite, he was made to work as welder, a job which he had no skills. He insisted that he was hired as machine operator but the alternative position offered to him was that of helper, which he refused. Thus, he was repatriated on July 5, 2003.

On November 12, 2003, Baldoza and Principalia entered into a compromise agreement with quitclaim and release whereby the latter agreed to redeploy Baldoza for employment abroad. Principalia, however, failed to deploy Baldoza as agreed hence, in an Order dated April 29, 2004,[6] the POEA suspended Principalia's documentary processing.

Principalia moved for reconsideration which the POEA granted on June 25, 2004.[7] The latter lifted its order

suspending the documentary processing by Principalia after noting that it exerted efforts to obtain overseas employment for Baldoza within the period stipulated in the settlement agreement but due to Baldoza's lack of qualification, his application was declined by its foreign principal.

Meanwhile, on June 14, 2004, or before the promulgation of POEA's order lifting the suspension, Principalia filed a Complaint[8] (Complaint) against Rosalinda D. Baldoz in her capacity as Administrator of POEA and Atty. Jovencio R. Abara in his capacity as POEA Conciliator, before the Regional Trial Court (RTC) of Mandaluyong City for "Annulment of Order for Suspension of Documentation Processing with Damages and Application for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, and a Writ of Preliminary Mandatory Injunction." Principalia claimed that the suspension of its documentary processing would ruin its reputation and goodwill and would cause the loss of its applicants, employers and principals. Thus, a writ of preliminary injunction and a writ of mandatory injunction must be issued to prevent serious and irreparable damage to it.

On June 14, 2004,[9] Judge Paulita B. Acosta-Villarante of the RTC of Mandaluyong City, Branch 211, granted a 72-hour restraining order enjoining Administrator Baldoz and Atty. Abara to refrain from imposing the suspension orders before the matter can be heard in full. On June 17, 2004,[10] Judge Rizalina T. Capco-Umali, RTC of Mandaluyong City, Branch 212, held thus:

> WHEREFORE, in order to preserve status quo ANTE, the prayer for a Temporary Restraining Order is hereby GRANTED enjoining the defendant[s] ROSALINDA D. BALDOZ and ATTY. JOVENCIO ABARA, other officers of Philippine Overseas Employment Administration, their subordinates, agents, representatives and all other persons acting for and in their behalf, for (sic) implementing the Orders of Suspension under VC No. LRD 03-100-95 and POEA Case No. RV-03-07-1497.
>
> Let the hearing on Preliminary Injunction and Preliminary Mandatory Injunction be set on June 22, 2004 at 1:30 o'clock in the afternoon.
>
> SO ORDERED.[11]

After the hearing on the preliminary injunction, Administrator Baldoz and Atty. Abara submitted their Memorandum (Memorandum).[12] In an Order dated July 2, 2004,[13] the trial court held that the issue on the application for preliminary mandatory injunction has become moot because POEA had already released the renewal of license of Principalia. However, on the issue against the implementation of the order of suspension, the trial court resolved, to wit:

> Accordingly, the only issue left for the resolution of this Court is whether or not a Writ of Preliminary Prohibitory Injunction will lie against the immediate implementation of the Order of Suspension of License of the Plaintiff dated March 15, 2004 under POEA case No. RV-03-07-1497, issued by the POEA Administrator Rosalinda D. Baldoz.
>
> In support of its Application for a Writ of Preliminary Prohibitory Injunction, Plaintiff presented evidence to prove the following:
>
> (1) that it has a license,
> (2) that the said license was renewed,
> (3) the existence of the two (2) suspension orders subject of this case;
> (4) the irreparable damages to the Plaintiff.
>
> The defendants on the other hand did not present evidence to controvert the evidence of the plaintiff. Instead, defendants submitted a Memorandum.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Upon a careful evaluation and assessment of the evidence by the plaintiff and their respective memoranda of the parties, this Court finds the need to issue the Writ of Preliminary Prohibitory Injunction prayed for by the plaintiff.
>
> It bears stressing that the Order of Suspension dated March 15, 2004 is still pending appeal before the Office of the Secretary of Labor and Employment.
>
> It is likewise significant to point out that the said Order dated March 15, 2004 does not categorically state that the suspension of Plaintiff's License is immediately executory contrary to the contention of the defendants.
>
> Counsel for POEA argued that the basis for the immediate implementation thereof is Section 5, Rule V, Part VI of the 2002 POEA Rules and Regulation, which is quoted hereunder, as follows:
> "Section 5. Stay of Execution. The decision of the Administration shall be stayed during the pendency of the appeal; Provided that where the penalty imposed carried the maximum penalty of twelve (12) months suspension o[r] cancellation of license, the decision shall be immediately executory despite pendency of the appeal."

The Order dated March 15, 2004 decreed Plaintiff as having violated Section 2 (a) (d) and (e) of Rule I, Part VI of the POEA Rules and Regulations and the Plaintiffs was imposed the penalty of twelve (12) months suspension of license (or in lieu, to pay fine of P120,000, it being it[s] first offense).

Violation of Section 2 (a) (d) and (e) Rule I, Part VI of POEA Rules and Regulations imposes a penalty of two (2) months to six (6) months suspension of license for the FIRST offender (sic). And in the absence of mitigating or aggravating circumstance, the medium range of the imposable penalty which is four (4) months shall be meted out. Being a first offender, the plaintiff was imposed suspension of license for four (4) months for each violation or an aggregate period of suspension for twelve (12) months for the three (3) violations.

It was not however made clear in the Order of Suspension dated March 15, 2004 that the Plaintiff's case falls under the EXCEPTION under Section 5 Rule V, Part VI of the 2002 POEA Rules and Regulation, warranting the immediate implementation thereof even if an appeal is pending with the POEA.

The Plaintiff had established that even if it has been granted a renewal license, but if the same is suspended under the March 15, 2004 Order in POEA case No. RV-03-07-1497, it could not use the license to do business. As earlier mentioned, the said Order is still pending appeal.

In the meantime that the appeal has not been resolved, Plaintiff's clients/principals will have to look for other agencies here and abroad, to supply their needs for employees and workers. The end result would be a tremendous loss and even closure of its business. More importantly, Plaintiff's reputation would be tarnished and it would be difficult, if not impossible for it to regain its existing clientele if the immediate implementation of the suspension of its license continues.

The defendants and even the POEA, upon the other hand, will not suffer any damage, if the immediate implementation of the suspension of plaintiff's license as decreed in the March 15, 2004 Order, is enjoined.

WHEREFORE, as prayed for by the Plaintiff, the application for the issuance of the Writ of Preliminary Prohibitory Injunction is hereby GRANTED, upon posting of a bond in the amount of FIVE HUNDRED THOUSAND PESOS (Php 500,000.00), enjoining and restraining the Defendants ROSALINDA D. BALDOZ and Atty. Jovencio Abarra (sic), other officers of the POEA, their subordinates, agents, representative, and all other persons acting for and in their behalf, from immediately implementing the Order of Suspension dated March 15, 2004 under POEA Case No. RV-03-07-1497.

The Writ of Preliminary Prohibitory Injunction shall be in full force and effect immediately upon receipt thereof

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

and to be carried out on subsequent days thereafter pending the termination of this case and/or unless a contrary Order is issued by this court.[14] (Emphasis supplied)

The trial court stressed that it issued the injunctive writ because the order of suspension dated March 15, 2004 is still pending appeal before the Office of the Secretary of Labor and Employment; that there is a possibility that Principalia will suffer tremendous losses and even closure of business pending appeal; that POEA will not suffer any damage if the immediate implementation of the suspension of Principalia is enjoined; that the order does not categorically state that the suspension of the license is immediately executory.

POEA appealed to the Court of Appeals which was dismissed[15] outright for failure of POEA to attach copies of its Memorandum dated June 30, 2004, as well as the transcripts of the hearings conducted on June 22, 2004 and June 29, 2004 as required under Section 3 of Rule 46 of the Rules of Court. POEA's motion for reconsideration was denied[16] hence, this petition on the following grounds:

> I
>
> SECTION 1, RULE 65 OF THE REVISED RULES OF COURT REQUIRES ONLY THAT THE PETITION SHOULD BE ACCOMPANIED BY CERTIFIED TRUE COPIES OF THE JUDGMENT, ORDER OR RESOLUTION SUBJECT THEREOF AND OTHER DOCUMENTS RELEVANT AND PERTINENT THERETO. PETITIONER ATTACHED ALL THE DOCUMENTS PERTINENT TO THE PETITION FILED WITH THE COURT OF APPEALS.
>
> II
>
> THE REGIONAL TRIAL COURT GRAVELY ABUSED ITS DISCRETION WHEN IT GRANTED RESPONDENT PRICIPALIA'S APPLICATION FOR A WRIT OF PRELIMINARY INJUNCTION DESPITE THE ABSENCE OF A CLEAR AND CONVINCING RIGHT TO THE RELIEF DEMANDED.
>
> III
>
> THE REGIONAL TRIAL COURT COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT GRANTED RESPONDENT PRINCIPALIA'S APPLICATION DESPITE THE ABSENCE OF PROOF OF IRREPARABLE DAMAGE AS REQUIRED UNDER THE RULES OF COURT.
>
> IV
>
> THE INJUNCTIVE WRIT ISSUED BY THE REGIONAL TRIAL COURT DOES NOT LIE TO ENJOIN AN ACCOMPLISHED ACT.
>
> V
>
> THE ISSUANCE OF AN INJUNCTIVE WRIT BY THE REGIONAL TRIAL COURT IS TANTAMOUNT TO THE REVERSAL OF THE PRESUMPTION OF REGULARITY OF AN OFFICIAL ACT.[17]

The core issues for resolution are as follows: (1) whether the Court of Appeals erred in dismissing the Petition for Certiorari based on purely technical grounds; and (2) whether the trial court erred in issuing the writ of preliminary injunction.

POEA avers that the Court of Appeals' Resolution dismissing outright the petition for certiorari is not valid because the documents attached to the petition substantially informed the Court of Appeals that the trial court gravely abused its discretion in granting the preliminary injunction. Thus, the attached documents were sufficient to render an independent assessment of its improvident issuance.

We disagree.

The Court of Appeals dismissed the petition for certiorari due to POEA's failure to comply with Section 3, Rule 46 and Section 1, Rule 65 of the Rules of Court which read as follows:

> RULE 46
>
> SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. -The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.
>
> In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received.
>
> 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. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.
>
> 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)
>
> RULE 65
>
> 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, nor 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.

In the case at bar, the Court of Appeals dismissed the petition for certiorari due to POEA's failure to attach the following relevant documents: (1) the Memorandum filed by POEA in the trial court to oppose the Complaint; and (2) the transcripts of stenographic notes (TSN) of the hearings conducted by the trial court on June 22, 2004 and June 29, 2004. In its motion for reconsideration dated October 13, 2004,[18] POEA only attached the TSN dated June 30, 2004,[19] with the explanation that the trial court did not furnish it with copies of the other hearings. However, we note that POEA still failed to attach a copy of the Memorandum which the Court of Appeals deemed essential in its determination of the propriety of the trial court's issuance of the writ of preliminary prohibitory injunction.

The allowance of the petition on the ground of substantial compliance with the Rules is not a novel occurrence in our jurisdiction.[20] Indeed, if we apply the Rules strictly, we cannot fault the Court of Appeals for dismissing the petition[21] because the POEA did not demonstrate willingness to comply with the requirements set by the rules and to submit the necessary documents which the Court of Appeals need to have a proper perspective of the case.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

POEA avers that the trial court gravely abused its discretion in granting the writ of preliminary prohibitory injunction when the requirements to issue the same have not been met. It asserts that Principalia had no clear and convincing right to the relief demanded as it had no proof of irreparable damage as required under the Rules of Court.

We do not agree.

The trial court did not decree that the POEA, as the granting authority of Principalia's license to recruit, is not allowed to determine Principalia's compliance with the conditions for the grant, as POEA would have us believe. For all intents and purposes, POEA can determine whether the licensee has complied with the requirements. In this instance, the trial court observed that the Order of Suspension dated March 15, 2004 was pending appeal with the Secretary of the Department of Labor and Employment (DOLE). Thus, until such time that the appeal is resolved with finality by the DOLE, Principalia has a clear and convincing right to operate as a recruitment agency.

Furthermore, irreparable damage was duly proven by Principalia. Suspension of its license is not easily quantifiable nor is it susceptible to simple mathematical computation, as alleged by POEA. The trial court in its Order stated, thus:

> In the meantime that the appeal has not been resolved, Plaintiff's clients/principals will have to look for other agencies here and abroad, to supply their needs for employees and workers. The end result would be a tremendous loss and even closure of its business. More importantly, Plaintiff's reputation would be tarnished and it would be difficult, if not impossible for it to regain its existing clientele if the immediate implementation of the suspension of its license continues.[22]

If the injunctive writ was not granted, Principalia would have been labeled as an untrustworthy recruitment agency before there could be any final adjudication of its case by the DOLE. It would have lost both its employer-clients and its prospective Filipino-applicants. Loss of the former due to a tarnished reputation is not quantifiable.

Moreover, POEA would have no authority to exercise its regulatory functions over Principalia because the matter had already been brought to the jurisdiction of the DOLE. Principalia has been granted the license to recruit and process documents for Filipinos interested to work abroad. Thus, POEA's action of suspending Principalia's license before final adjudication by the DOLE would be premature and would amount to a violation of the latter's right to recruit and deploy workers.

Finally, the presumption of regular performance of duty by the POEA under Section 3 (m), Rule 131 of the Rules of Court, finds no application in the case at bar, as it applies only where a duty is imposed on an official to act in a certain way, and assumes that the law tells him what his duties are. Therefore the presumption that an officer will discharge his duties according to law does not apply where his duties are not specified by law and he is given unlimited discretion.[23] The issue threshed out before the trial court was whether the order of suspension should be implemented pending appeal. It did not correct a ministerial duty of the POEA. As such, the presumption on the regularity of performance of duty does not apply.

WHEREFORE, in light of the foregoing, the petition is DENIED for lack of merit.

SO ORDERED.

Panganiban, C.J., (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ. concur.

[1] Rollo, pp. 43-44. Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices

Cancio C. Garcia (now a Supreme Court Justice) and Remedios A. Salazar-Fernando.

[2] Id. at 45-46. Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Remedios A. Salazar-Fernando and Rosalinda Asuncion-Vicente.

[3] Id. at 105-106.

[4] Id. at 110-113.

[5] Id. at 107-108.

[6] Id. at 131.

[7] Id. at 132.

[8] Id. at 133-154.

[9] Id. at 155.

[10] Id. at 156-160.

[11] Id. at 159.

[12] Id. at 161-177.

[13] Id. at 185-188.

[14] Id. at 185-187.

[15] Id. at 43-44.

[16] Id. at 45-46.

[17] Id. at 24-25.

[18] Id. at 69-73.

[19] Id. at 74-104.

[20] Reyes v. Court of Appeals, 456 Phil. 520, 532 (2003).

[21] Security Bank Corporation v. Indiana Aerospace University, G.R. No. 146197, June 27, 2005, 461 SCRA 260, 268.

[22] Rollo, p. 187.

[23] R. Francisco, Basic Evidence, 39 (2nd ed., 1999).

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.