

REPUBLIC CEMENT CORPORATION, PETITIONER, VS. PETER I. GUINMAPANG, RESPONDENT.

G.R. No. 168910. August 24, 2009

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-168910/>

CARPIO, J.:

This is a petition for review[1] of the 17 March 2005 Decision[2] and 7 July 2005 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 86025. In its 17 March 2005 Decision, the Court of Appeals set aside the 29 January 2004[4] Order of the National Labor Relations Commission (NLRC) which dismissed the appeal of respondent Peter I. Guinmapang (Guinmapang) for being filed out of time. In its 7 July 2005 Resolution, the Court of Appeals denied the motion for reconsideration of petitioner Republic Cement Corporation (Republic Cement).

Guinmapang was an employee of Republic Cement from May 1996 to 15 August 2001. Guinmapang's last position was supervisor with a monthly salary of P13,100.

On 4 July 2001, Republic Cement issued General Circular No. 101-027 announcing the implementation of a retrenchment program. On 12 July 2001, Guinmapang received a notice from Republic Cement that his services were being terminated effective 15 August 2001 pursuant to the retrenchment program. On the same date, Republic Cement also sent the required notice to the Department of Labor and Employment. However, Guinmapang refused to receive the separation package offered by Republic Cement.

Thereafter, Guinmapang filed a complaint for illegal dismissal and other money claims against Republic Cement.[5]

On 30 May 2003, the Labor Arbiter ruled in Republic Cement's favor.[6] The dispositive portion of the 30 May 2003 decision provides:

WHEREFORE, premises considered, let the complaint be, as it is hereby, DISMISSED for lack of merit. However, respondent Republic Cement Corporation, is hereby ordered to pay the complainant his separation pay in the amount of Seventy Eight Thousand Six Hundred Pesos (Php 78,600).

SO ORDERED.[7]

The Labor Arbiter said that retrenchment to prevent losses is an authorized cause to terminate the employer-employee relationship. According to the Labor Arbiter, Republic Cement was able to prove that it sustained losses from 1998 to 2000. As to the procedural requirements, the Labor Arbiter found that Republic Cement complied with the notice requirement.

On 23 June 2003, Guinmapang's counsel received a copy of the Labor Arbiter's 30 May 2003 Decision. However, Guinmapang's counsel filed his appeal with the NLRC only on 4 July 2003, one day beyond the 10-day reglementary period to file an appeal.

In its 29 January 2004 Order, the NLRC dismissed Guinmapang's appeal. The 29 January 2004 Order of the

NLRC provides:

WHEREFORE, premises considered, the instant appeal, having been filed after the reglementary period, is hereby, DISMISSED.

The Decision herein sought to be appealed, is hereby, AFFIRMED, in toto.

SO ORDERED.[8]

The NLRC said that the 10-day reglementary period to perfect an appeal is mandatory and jurisdictional in nature. The NLRC added that Guinmapang's failure to file the appeal within the reglementary period rendered the Labor Arbiter's decision final and executory and deprived the NLRC of jurisdiction to alter the judgment, much less to entertain the appeal.

Guinmapang filed a motion for reconsideration. In its 31 May 2004 Order,[9] the NLRC denied the motion.

Thereafter, Guinmapang filed a petition for certiorari before the Court of Appeals. Guinmapang alleged that the NLRC acted with grave abuse of discretion amounting to lack of jurisdiction when, in affirming the Labor Arbiter's Decision, it held that Guinmapang's retrenchment was legal and that Guinmapang was not entitled to damages, attorney's fees and litigation costs.

The Court of Appeals granted Guinmapang's petition. The 17 March 2005 Decision of the Court of Appeals provides:

WHEREFORE, the petition is GRANTED. Accordingly, the January 29, 2004 Order and the May 31, 2004 Order, which denied the motion for reconsideration thereof, are hereby REVERSED and SET ASIDE. The public respondent is hereby ordered to decide the petitioner's appeal on the merits.

SO ORDERED.[10]

The Court of Appeals noted that, in their pleadings, both parties discussed the merits of the case. However, since the NLRC's 29 January 2004 Order dealt only with the dismissal of the case for having been filed beyond the 10-day reglementary period, the Court of Appeals did not rule on the merits of the case. The Court of Appeals limited its discussion of the case to the procedural issue.

The Court of Appeals started by declaring that in labor cases, the rules of procedure are not to be strictly adhered to. The Court of Appeals said that technicalities should not be permitted to stand in the way of equitably and completely resolving the rights and obligations of the parties. The Court of Appeals gave credence to Guinmapang's explanation that the appeal was filed one day late because Guinmapang's counsel suffered from an asthma attack a few days before the last day for the filing of the appeal. The Court of Appeals added that the delay of one day was not deliberate. Moreover, the Court of Appeals found that Guinmapang's Memorandum of Appeal before the NLRC raised valid and meritorious arguments. Therefore, in the interest of justice, the Court of Appeals ruled that the NLRC should have taken cognizance of Guinmapang's appeal even if it was filed out of time.

Hence, this petition.

Republic Cement raises the sole issue:

THE COURT OF APPEALS GRAVELY ERRED IN REVERSING AND SETTING ASIDE THE DECISION OF THE NLRC AND ORDERING IT TO DECIDE THE APPEAL OF RESPONDENT PETER GUINMAPANG ON THE MERITS, DESPITE THE FAILURE OF THE RESPONDENT TO PERFECT HIS APPEAL WITHIN THE TEN (10) - DAY REGLEMENTARY PERIOD FOR APPEALING A DECISION

OF THE LABOR ARBITER TO THE NLRC.[11]

The petition has no merit.

Republic Cement, while acknowledging that technical rules of procedure are not binding in labor cases, argues that the NLRC should not disregard and violate the implementing rules which it had itself promulgated. Republic Cement insists that, in the settlement of labor disputes, delays cannot be countenanced.

On the other hand, Guinmapang argues that in labor cases, the technical rules of procedure are not to be strictly applied. Guinmapang explains that his counsel presented a medical certificate showing that he suffered from "mild resistant asthma" on the last day of filing. Guinmapang maintains that the one day delay was not a gross violation of the rules on filing an appeal.

Article 223 of the Labor Code, the governing law on the timeliness of an appeal from the decisions, awards or orders of the Labor Arbiter, provides that the aggrieved party has 10 calendar days from receipt thereof to appeal to the NLRC. Section 1 of Rule VI of the 2005 Revised Rules of the NLRC implements the said provision of the Labor Code. Section 1 provides:

Section 1. Periods of Appeal. - Decisions, awards or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt thereof x x.

There is no dispute that Guinmapang received a copy of the Labor Arbiter's Decision on 23 June 2003. Thus, pursuant to Article 223 of the Labor Code and Section 1, Rule VI of the 2005 Revised Rules of the NLRC, Guinmapang had only until 3 July 2003, the 10[th] calendar day from 23 June 2003, within which to file an appeal. However, due to the asthma attack suffered by Guinmapang's counsel, Guinmapang's appeal was filed on 4 July 2003, a day late.

The general rule is that the perfection of an appeal in the manner and within the period prescribed by law is, not only mandatory, but jurisdictional, and failure to conform to the rules will render the judgment sought to be reviewed final and unappealable.[12] By way of exception, unintended lapses are disregarded so as to give due course to appeals filed beyond the reglementary period on the basis of strong and compelling reasons, such as serving the ends of justice and preventing a grave miscarriage thereof.[13] The purpose behind the limitation of the period of appeal is to avoid an unreasonable delay in the administration of justice and to put an end to controversies.[14]

In *Chronicle Securities Corporation v. NLRC*,[15] we ruled:

In not a few instances, we relaxed the rigid application of the rules of procedure to afford the parties the opportunity to fully ventilate their cases on the merits. 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. Technicality and procedural imperfections should thus not serve as bases of decisions. In that way, the ends of justice would be better served. For indeed, the general objective of procedure is to facilitate the application of justice to the rival claims of contending parties, bearing always in mind that procedure is not to hinder but to promote the administration of justice.[16]

Indeed the prevailing trend is to accord party litigants the amplest opportunity for the proper and just determination of their causes, free from the constraints of needless technicalities.[17]

A one-day delay in the perfection of the appeal was excused in *Gana v. NLRC*,[18] *Surigao del Norte Electric Cooperative v. NLRC*,[19] *City Fair Corporation v. NLRC*,[20] *Pacific Asia Overseas Shipping Corp. v. NLRC*,[21] and *Insular Life Assurance Co., Ltd. v. NLRC*. [22]

We agree with the Court of Appeals that since no intent to delay the administration of justice could be attributed to Guinmapang, a one day delay does not justify the appeal's denial.[23] More importantly, the Court of Appeals declared that Guinmapang's appeal, on its face, appears to be impressed with merit. The constitutional mandate to accord full protection to labor and to safeguard the employee's means of livelihood should be given proper attention and sanction.[24] A greater injustice may occur if said appeal is not given due course than if the reglementary period to appeal were strictly followed.[25] In this case, we are inclined to excuse the one day delay in order to fully settle the merits of the case. This is in line with our policy to encourage full adjudication of the merits of an appeal.[26]

WHEREFORE, we DENY the petition. We AFFIRM the 17 March 2005 Decision and the 7 July 2005 Resolution of the Court of Appeals in CA-G.R. SP No. 86025.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 25-28. Penned by Associate Justice Jose Catral Mendoza, with Associate Justices Romeo A. Brawner and Edgardo P. Cruz, concurring.

[3] Id. at 30-32.

[4] CA rollo, pp. 18-22. Penned by Presiding Commissioner Raul T. Aquino, with Commissioners Victoriano R. Calaycay and Angelita A. Gacutan, concurring.

[5] Id. at 31.

[6] Rollo, pp. 41-57. Penned by Labor Arbiter Florentino R. Darlucio.

[7] Id. at 57.

[8] CA rollo, p. 21.

[9] Id. at 25-26.

[10] Rollo, p. 28.

[11] Id. at 15.

[12] *Kathy-O Enterprises v. National Labor Relations Commission*, 350 Phil. 380 (1998); *Asuncion v. National Labor Relations Commission*, G.R. No. 109311, 17 June 1997, 273 SCRA 498; *Philippine Airlines, Inc. v. National Labor Relations Commission*, G.R. No. 120506, 28 October 1996, 263 SCRA 638.

[13] *Manaya v. Alabang Country Club Incorporated*, G.R. No. 168988, 19 June 2007, 525 SCRA 140; *Philippine Airlines, Inc. v. National Labor Relations Commission*, *supra*.

[14] *Philippine Amusement and Gaming Corporation v. Angara*, G.R. No. 142937, 15 November 2005, 475 SCRA 41; *Samala v. Court of Appeals*, 416 Phil. 1 (2001).

[15] 486 Phil. 560 (2004).

[16] Id. at 568.

[17] Philippine National Construction Corporation v. Matias, 497 Phil. 476 (2005).

[18] G.R. No. 164640, 13 June 2008, 554 SCRA 471.

[19] 368 Phil. 537 (1999).

[20] 313 Phil. 464 (1995).

[21] 244 Phil. 127 (1988).

[22] No. L-74191, 21 December 1987, 156 SCRA 740.

[23] Philippine Amusement and Gaming Corporation v. Angara, supra note 14; Dalton-Reyes v. Court of Appeals, 493 Phil. 631 (2005).

[24] Philippine National Construction Corporation v. Matias, supra.

[25] City Fair Corporation v. National Labor Relations Commission, supra note 20.

[26] Philippine Amusement and Gaming Corporation v. Angara, supra note 14.

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.