# PABLO POLSOTIN, JR., ARWIN RAYALA, GERONIMO LIMPANTE, RAUL DOMDOM, PRESENT: AND OSCAR ANDRIN, PETITIONERS, VS. DE GUIA ENTERPRISES, INC., RESPONDENT.

*G.R. No. 172624. December 05, 2011*

Ponente: DEL CASTILLO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-172624/

**DEL CASTILLO, J.:**

A worker cannot be deprived of his job, a property right, without satisfying the requirements of due process. As enshrined in our bill of rights, no person shall be deprived of life, liberty or property without due process of law. [1]

This Petition for Review on Certiorari [2] assails the January 26, 2006 Decision [3] of the Court of Appeals (CA) in CA-G.R. SP No. 89644, which denied due course and dismissed the Petition for Certiorari filed therewith by petitioners Pablo Polsotin, Jr. (Polsotin), Arwin Rayala (Rayala), Geronimo Limpante (Limpante), Raul Domdom (Domdom) and Oscar Andrin (Andrin) and consequently, affirmed the National Labor Relations Commission's (NLRC) dismissal of their appeal for non-compliance with procedural rules. Also assailed is the May 3, 2006 Resolution [4] of the CA wherein said court likewise refused to give due course to petitioners' Motion for Reconsideration and instead affirmed and reiterated its assailed Decision.

Factual Antecedents

Petitioners Polsotin, Rayala, Limpante, Domdom and Andrin (petitioners) were bus drivers and conductors of respondent De Guia Enterprises, Inc. (respondent). Alleging that they were dismissed without cause and due process, petitioners filed on July 17, 2001 a complaint for illegal dismissal and payment of backwages and damages against respondent before the NLRC.

During the hearings set before the Labor Arbiter, respondent failed to appear despite due notice. [5] It likewise failed to timely submit its position paper. Thus, on the last hearing held on January 14, 2002, the case was submitted for decision. [6]

On February 8, 2002, respondent filed its position paper without furnishing petitioners a copy of the same. [7]

Ruling of the Labor Arbiter

On December 27, 2002, the Labor Arbiter rendered a Decision [8] dismissing petitioners' complaint for lack of merit. It held that petitioners were validly terminated from employment for violation of company rules and regulations as well as for gross and habitual neglect of duties as supported by petitioners' employment records submitted by respondent. The Labor Arbiter added that the procedural requirements for dismissing petitioners were likewise satisfied.

Ruling of the National Labor Relations Commission

Without the assistance of counsel, petitioners, through Rayala as their representative, filed a Memorandum of

Appeal [9] with the NLRC. They contended that the Labor Arbiter committed grave abuse of discretion in rendering a decision anchored mainly on respondent's evidence. It was their assertion that by failing to appear at the scheduled hearings and to file a position paper on time without any justifiable reason, respondent should have been deemed to have waived its right to submit its own evidence. Thus, they prayed that respondent's belatedly filed position paper be considered a mere scrap of paper. They also pointed out that said position paper interposed arguments only as against petitioners Polsotin and Rayala and thus cannot be used against the other petitioners.

In a Resolution [10] dated January 30, 2004, the NLRC dismissed the appeal for failure of petitioners to append thereto a certificate of non-forum shopping and proof of service upon the other party. The NLRC then affirmed the Decision appealed from.

From this resolution, petitioners moved for reconsideration by explaining that their lapses were due to their ignorance of the existence of the New Rules of Procedure of the NLRC. Nevertheless, they clarified that they managed to duly furnish the respondent a copy of their Memorandum of Appeal and that the registry receipt showing proof of service was attached to the original copy of the said pleading when it was filed with the docket section of the NLRC. Moreover, at the bottom of said motion for reconsideration is a certification that there is no pending case involving the same cause of action in any court and that petitioners did not commit forum-shopping. [11]

The motion for reconsideration was however denied by the NLRC in an Order [12] dated February 18, 2005.

Ruling of the Court of Appeals

Petitioners filed a Petition for Certiorari [13] imploring the CA to be more liberal in the application of the rules of procedure considering that their dismissal from service was effected without due process as they were not given ample opportunity to be heard and to refute respondent's allegations against them. They prayed that their appeal be given due course.

On January 26, 2006, the CA rendered a Decision [14] denying due course and dismissing the petition for the following reasons: first, the verification and certification of non-forum shopping attached to the petition was not signed by all of the petitioners; and, second, there was no showing of grave abuse of discretion since the NLRC merely complied with the procedural rules governing appeals before it. Therefore, it could not be faulted in denying petitioners' appeal.

Petitioners filed a Motion for Reconsideration [15] which was, however, denied by the CA in its Resolution [16] dated May 3, 2006.

Hence, petitioners, again without the benefit of counsel, brought this case before this Court to once more seek leniency in the application of the rules. It was only on September 8, 2010 or after the parties have submitted their respective Memoranda that the Public Attorney's Office entered its appearance on behalf on the petitioners. [17] On January 31, 2011, we resolved to note said entry of appearance. [18]

> Issue
>
> WHETHER X X X IN SPITE OF TECHNICALITIES, PETITIONERS ARE STILL ENTITLED TO X X X DUE CONSIDERATION OF THEIR PETITION X X X. [19]

Our Ruling

We find merit in the petition.

Strict application of technical rules


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

should be set aside to serve the broader
interest of substantial justice.

Petitioners' appeal before the NLRC was dismissed purely on technical grounds as it did not contain the required certification of non-forum shopping and proof of service upon the respondent. Immediately, petitioners rectified these lapses by filing their motion for reconsideration indicating therein that there was no intention on their part to commit forum shopping and that the registry receipt showing proof of service upon respondent was attached to their Memorandum of Appeal filed with the NLRC. With respect to their petition for certiorari with the CA, petitioners failed to affix their individual signatures on top of their typewritten names in the verification and certification of non-forum shopping attached to the petition. On this basis and on the conclusion that the NLRC did not commit grave abuse of discretion in dismissing petitioners' appeal on technical grounds, the CA denied due course to the petition and dismissed the same.

Note, however, that in both instances, petitioners were not represented by a lawyer. They had no counsel on record and had been filing and signing all pleadings only through their representative, petitioner Rayala. There was no showing that their case was directly handled or at the very least, that they were assisted by a counsel. Not being lawyers, petitioners' lack of thorough understanding of procedural rules as well as the importance of its strict observance is understandable. As held in a case, [20] a non-lawyer litigant cannot be expected to be well-versed on the rules of procedure as even the most experienced lawyers get tangled in the web of procedure.

Aware that petitioners are not represented by counsel, the CA could have been more prudent by giving petitioners time to engage the services of a lawyer or at least by reminding them of the importance of retaining one. It is worthy to mention at this point that the right to counsel, being intertwined with the right to due process, is guaranteed by the Constitution to any person whether the proceeding is administrative, civil or criminal. [21] The CA should have extended some degree of liberality so as to give the party a chance to prove their cause with a lawyer to represent or to assist them.

In line with this and as "the right of counsel is absolute and may be invoked at all times", [22] we required petitioners to enter the appearance of a counsel. [23] Upon petitioners' manifestation of their failure to secure the services of a counsel due to financial constraints, the Court resolved to appoint a counsel de oficio to assist them in litigating their case. [24]

It bears stressing that "the dismissal of an employee's appeal on purely technical ground is inconsistent with the constitutional mandate on protection to labor." [25] The Court has often set aside the strict application of procedural technicalities to serve the broader interest of substantial justice. [26]

Petitioners were denied the
right to due process.

A careful consideration of the facts of the case convinces us that petitioners' appeal should have been given due course. It may be recalled that respondent failed to timely submit its position paper when required by the Labor Arbiter, hence, the case was submitted for decision sans the same. Nonetheless, when respondent filed its position paper, the Labor Arbiter admitted the same and relied on it in coming up with a decision that petitioners were validly terminated. More important is that petitioners were not even furnished a copy of respondent's position paper in order for them to refute the contents and allegations therein. And since neither did respondent appear in any of the hearings conducted before the Labor Arbiter, petitioners were never really afforded an opportunity to rebut respondent's allegations and charges against them or to introduce evidence to refute them. Petitioners' right to due process was thus clearly violated.

Indeed, labor tribunals are mandated to use all reasonable means to ascertain the facts in each case speedily, objectively and without regard to technicalities of law or procedure. [27] However, in every proceeding before it, the fundamental and essential requirements of due process should not to be ignored but must at all times be respected. [28] Besides, petitioners' case concerns their job, considered as a property right, of which they could not be deprived of without due process. [29]

From the foregoing considerations, we find that the NLRC gravely erred in denying due course to petitioners' appeal and in sustaining the Labor Arbiter's Decision as same infringed upon petitioners' right to due process. We, therefore, remand the case to the Labor Arbiter to afford petitioners the opportunity to refute the allegations advanced by respondent, with the assistance of their counsel de oficio.

WHEREFORE, the petition is GRANTED. The January 26, 2006 Decision and May 3, 2006 Resolution of the Court of Appeals in CA-G.R. SP No. 89644 are REVERSED and SET ASIDE. The case is REMANDED to the Labor Arbiter a quo for further proceedings, in consonance with the requirements of due process.

**SO ORDERED.**

Corona, Leonardo-De Castro, Bersamin, and Villarama, Jr., concur.

---

[1] Constitution, Article III, Section 1.

[2] Rollo, pp. 3-9.

[3] CA rollo, pp. 97-103; penned by Associate Justice Jose L. Sabio, Jr. and concurred in by Associate Justices Jose C. Mendoza (now a member of this Court) and Arturo G. Tayag.

[4] Id. at 121.

[5] See Minutes of Hearing before the Labor Arbiter dated August 28, 2001, September 27, 2001, October 29, 2001, November 29, 2001, January 3, 2002 and January 14, 2002, rollo, pp 25-30.

[6] Id. at 30.

[7] Id. at 32.

[8] CA rollo, pp. 10-14; penned by Labor Arbiter Waldo Emerson R Gan.

[9] Id. at 15-18.

[10] Id. at 19-21; penned by Presiding Commissioner Roy V. Señeres and concurred in by Commissioners Vicente S.E. Veloso and Romeo L. Go.

[11] Petitioners' Motion for Reconsideration dated February 26, 2004, id. at 22-24.

[12] Id. at 25-26.

[13] Id. at 2-9.

[14] Supra note 3.

[15] CA rollo, pp. 106-109.

[16] Id. at 121.

[17] Rollo, p. 155.

[18] Id. at 159.

[19] Id. at 137.

[20] Hilario v. People, G.R. No. 161070, April 14, 2008, 551 SCRA 191, 201.

[21] Salaw v. National Labor Relations Commission, G.R. No. 90786, September 27, 1991, 202 SCRA 7, 13.

[22] Telan v. Court of Appeals, G.R. No. 95026, October 4, 1991, 202 SCRA 534, 541.

[23] See Court's Minute Resolution dated September 18, 2006, rollo, p. 58.

[24] See Court's Minute Resolution dated July 28, 2010, id. at 154.

[25] Pagdonsalan v. National Labor Relations Commission, 212 Phil. 426, 430 (1984).

[26] Estribillo v. Department of Agrarian Reform, G.R. No. 159674, June 30, 2006, 494 SCRA 218, 227; Agulto v. Tecson, 512 Phil. 760, 770 (2005); Great Southern Maritime Services Corp. v. Acuña, 492 Phil. 518, 529 (2005).

[27] LABOR CODE, Article 221.

[28] Ang Tibay v. Court of Industrial Relations, 69 Phil. 635, 641-642 (1940).

[29] Globe-Mackay Cable and Radio Corporation v. National Labor Relations Commission, G.R. No. 82511, March 3, 1992, 206 SCRA 701, 706; Brahm Industries, Inc. v. National Labor Relations Commission, 345 Phil. 1077, 1080 (1997).


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