

GEORGE A. ARRIOLA, PETITIONER, VS. PILIPINO STAR NGAYON, INC. AND/OR MIGUEL G. BELMONTE, RESPONDENTS.*G.R. No. 175689. August 13, 2014*

Ponente: LEONEN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-175689/>**LEONEN, J.:**

The prescriptive period for filing an illegal dismissal complaint is four years from the time the cause of action accrued. This four-year prescriptive period, not the three-year period for filing money claims under Article 291 of the Labor Code, applies to claims for backwages and damages due to illegal dismissal.

This is a petition for review on certiorari of the Court of Appeals' decision[1] and resolution[2] in CA-G.R. SP No. 91256, affirming the decision of the National Labor Relations Commission. The Commission affirmed the Labor Arbiter's findings that there was no illegal dismissal in this case and that petitioner George A. Arriola abandoned his employment with respondent Pilipino Star Ngayon, Inc.

In July 1986, Pilipino Star Ngayon, Inc. employed George A. Arriola as correspondent assigned in Olongapo City and Zambales. Arriola had held various positions in Pilipino Star Ngayon, Inc. before becoming a section editor and writer of its newspaper. He wrote "Tinig ng Pamilyang OFWs" until his column was removed from publication on November 15, 1999. Since then, Arriola never returned for work.[3]

On November 15, 2002, Arriola filed a complaint[4] for illegal dismissal, non-payment of salaries/wages, moral and exemplary damages, actual damages, attorney's fees, and full backwages with the National Labor Relations Commission. In his position paper,[5] Arriola alleged that Pilipino Star Ngayon, Inc. "arbitrarily dismissed"[6] him on November 15, 1999. Arguing that he was a regular employee, Arriola contended that his rights to security of tenure and due process were violated when Pilipino Star Ngayon, Inc. illegally dismissed him.[7]

Pilipino Star Ngayon, Inc. and Miguel G. Belmonte denied Arriola's allegations. In their position paper,[8] they alleged that around the third week of November 1999, Arriola suddenly absented himself from work and never returned despite Belmonte's phone calls and beeper messages. After a few months, they learned that Arriola transferred to a rival newspaper publisher, Imbestigador, to write "Boses ng Pamilyang OFWs." [9]

In his reply,[10] Arriola denied that he abandoned his employment. He maintained that Pilipino Star Ngayon, Inc. ordered him to stop reporting for work and to claim his separation pay. To prove his allegation, Arriola presented a statement of account[11] allegedly faxed to him by Pilipino Star Ngayon, Inc.'s accounting head. This statement of account showed a computation of his separation pay as of November 30, 1999.

Labor Arbiter Fatima Jambaro-Franco decided the case. At the outset, she ruled that laches had set in, emphasizing that Arriola took three years and one day to file his complaint. According to the Labor Arbiter, this was "contrary to the immediate and natural reaction of an aggrieved person." [12] If Arriola were indeed aggrieved, he would not have waited three years and one day to sue Pilipino Star Ngayon, Inc. [13]

The Labor Arbiter found that Arriola abandoned his employment with Pilipino Star Ngayon, Inc. to write for a

rival newspaper publisher.[14] She also noted Arriola's admission that he did not contemplate the filing of an illegal dismissal complaint but nevertheless filed one upon his lawyer's advice.[15]

On Arriola's money claims, the Labor Arbiter ruled that they have already prescribed.[16] She cited Article 291 of the Labor Code, which requires that all money claims arising from employer-employee relations be filed three years from the time the cause of action accrued. Since Arriola filed his complaint on November 15, 2002, which was three years and one day from his alleged illegal dismissal on November 15, 1999,[17] the Labor Arbiter ruled that his money claims were already barred.

Thus, in the decision[18] dated July 16, 2003, the Labor Arbiter dismissed Arriola's complaint for lack of merit.

On Arriola's appeal, the National Labor Relations Commission sustained the Labor Arbiter's findings and affirmed in toto the decision dated July 16, 2003.[19] The Commission likewise denied Arriola's motion for reconsideration[20] for lack of merit.[21]

Arriola filed a petition for certiorari with the Court of Appeals.[22]

The Court of Appeals noted that the petition for certiorari questioned whether Arriola was illegally dismissed. According to the appellate court, Arriola raised a factual issue "beyond the province of certiorari to resolve." [23] It added that the Labor Arbiter's factual findings, if affirmed by the National Labor Relations Commission, bound the appellate court.[24]

Nevertheless, the Court of Appeals resolved the factual issue "in the interest of substantial justice." [25]

The Court of Appeals ruled that Arriola was not illegally dismissed. Pilipino Star Ngayon, Inc. had the management prerogative to determine which columns to maintain in its newspaper. Its removal of "Tinig ng Pamilyang OFWs" from publication did not mean that it illegally dismissed Arriola. His employment, according to the appellate court, did not depend on the existence of the column.[26]

The appellate court enumerated the following factual findings belying Arriola's claim of illegal dismissal:

a)

In his complaint, Arriola alleged that he did not receive his salary for the period covering November 1, 1999 to November 30, 1999. This implied that he had worked for the whole month of November 1999. However, this was contrary to his claim that Pilipino Star Ngayon, Inc. dismissed him on November 15, 1999.

b)

Sometime in 1999, an Aurea Reyes charged Arriola with libel. Pilipino Star Ngayon Inc.'s counsel represented Arriola in that case and filed a counter-affidavit on November 24, 1999, nine days after Arriola's alleged illegal dismissal.

c)

Pilipino Star Ngayon, Inc. never sent Arriola any notice of dismissal or termination.[27]

Similar to the ruling of the Labor Arbiter and the National Labor Relations Commission, the Court of Appeals ruled that it was Arriola who abandoned his employment.[28] The Court of Appeals likewise ruled that his money claims have all prescribed based on Article 291 of the Labor Code.[29]

Thus, in the decision[30] dated August 9, 2006, the Court of Appeals found no grave abuse of discretion on the part of the National Labor Relations Commission and dismissed Arriola's petition for certiorari.

Arriola moved for reconsideration,[31] but the Court of Appeals denied the motion in its resolution[32] dated November 24, 2006.

In his petition for review on certiorari,[33] Arriola maintains that he did not abandon his employment. He insists that Pilipino Star Ngayon, Inc. illegally dismissed him when it removed his column, “Tinig ng Pamilyang OFWs,” from publication.[34]

On the finding that he abandoned his work in Pilipino Star Ngayon, Inc. to write “Boses ng Pamilyang OFWs” in Imbestigador, Arriola presents a certification[35] from Imbestigador’s Managing Editor, Almar B. Danguilan, stating that Arriola started writing for Imbestigador only on February 17, 2003. This was after he had filed his complaint for illegal dismissal on November 15, 2002.

As to the finding that his money claims have prescribed, Arriola argues that the three-year prescriptive period under Article 291 of the Labor Code should be counted from December 1, 1999, not November 15, 1999. According to Arriola, Pilipino Star Ngayon, Inc. computed his separation pay up to November 30, 1999, as evidenced by the faxed statement of account. Consequently, he was deprived of his salary as a regular employee beginning December 1, 1999. His cause of action for payment of backwages and damages accrued only on December 1, 1999.[36]

Arriola argues that assuming that his cause of action accrued on November 15, 1999, he pleads that his one-day-late filing of the complaint be excused.

This court ordered Pilipino Star Ngayon, Inc. and Belmonte to comment on Arriola’s petition for review on certiorari.[37]

In their comment,[38] respondents argue that this court should not entertain Arriola’s petition for review on certiorari. Arriola raised questions of fact not allowed in a Rule 45 petition. They highlight that the Labor Arbiter, the National Labor Relations Commission, and the Court of Appeals all found that Arriola was not illegally dismissed and that he abandoned his employment. These factual findings, respondents argue, bind this court.[39]

Respondents maintain that Arriola was not illegally dismissed. On the contrary, it was Arriola who abandoned his employment in Pilipino Star Ngayon, Inc. According to respondents, they “must not be faulted if they presumed that [Arriola] was no longer interested in [writing for Pilipino Star Ngayon, Inc.]”[40] considering that he did not report for work for more than three years.

On Arriola’s money claims, respondents argue that these have all prescribed. According to respondents, Arriola’s one-day late filing of the complaint cannot be excused because prescription is a matter of substantive law, not technicality.[41]

Arriola replied to respondents’ comment, reiterating his arguments in his petition for review on certiorari.[42]

The issues for our resolution are the following:

- I. Whether Arriola’s money claims have prescribed
- II. Whether Pilipino Star Ngayon, Inc. illegally dismissed Arriola

The petition lacks merit.

I

Arriola's claims for backwages and damages have not yet prescribed when he filed his complaint with the National Labor Relations Commission

The Labor Arbiter, the National Labor Relations Commission, and the Court of Appeals all ruled that Arriola's claims for unpaid salaries, backwages, damages, and attorney's fees have prescribed. They cited Article 291 of the Labor Code, which requires that money claims arising from employer-employee relations be filed within three years from the time the cause of action accrued:

Art. 291. MONEY CLAIMS. All money claims arising from employer-employee relations accruing during the effectivity of this Code shall be filed within three (3) years from the time the cause of action accrued; otherwise they shall be forever barred.

Article 291 covers claims for overtime pay,[43] holiday pay,[44] service incentive leave pay,[45] bonuses,[46] salary differentials,[47] and illegal deductions by an employer.[48] It also covers money claims arising from seafarer contracts.[49]

The provision, however, does not cover "money claims" consequent to an illegal dismissal such as backwages. It also does not cover claims for damages due to illegal dismissal. These claims are governed by Article 1146 of the Civil Code of the Philippines, which provides:

Art. 1146. The following actions must be instituted within four years:

(1) Upon injury to the rights of the plaintiff[.]

In *Callanta v. Carnation Philippines, Inc.*,[50] Virgilio Callanta worked as a salesperson for Carnation Philippines, Inc. beginning in January 1974. On June 1, 1979, Carnation filed with the Regional Office No. X of the then Ministry of Labor and Employment an application for issuance of clearance to terminate Callanta. The application was granted, and Callanta's employment was declared terminated effective June 1, 1979.[51]

On July 5, 1982, Callanta filed a complaint for illegal dismissal with claims for backwages and damages. In its defense, Carnation argued that Callanta's complaint was barred by prescription.[52]

Carnation stressed that Callanta filed his complaint three years, one month, and five days after his termination. Since illegal dismissal is a violation of the Labor Code, Carnation argued that Callanta's complaint was barred by Article 290 of the Labor Code. [53] Under Article 290, offenses penalized under the Code shall prescribe in three years.[54]

As to Callanta's claims for backwages and damages, Carnation contended that these claims arose from employer-employee relations. Since Callanta filed his complaint beyond the three-year period under Article 291 of the Labor Code, his claims for backwages and damages were forever barred.[55]

This court ruled that Callanta's complaint for illegal dismissal had not yet prescribed. Although illegal dismissal is a violation of the Labor Code, it is not the "offense" contemplated in Article 290.[56] Article 290 refers to illegal acts penalized under the Labor Code, including committing any of the prohibited activities during strikes or lockouts, unfair labor practices, and illegal recruitment activities.[57] The three-year prescriptive period under Article 290, therefore, does not apply to complaints for illegal dismissal.

Instead, "by way of supplement,"[58] Article 1146 of the Civil Code of the Philippines governs complaints for

illegal dismissal. Under Article 1146, an action based upon an injury to the rights of a plaintiff must be filed within four years. This court explained:

. . . when one is arbitrarily and unjustly deprived of his job or means of livelihood, the action instituted to contest the legality of one's dismissal from employment constitutes, in essence, an action predicated "upon an injury to the rights of the plaintiff," as contemplated under Art. 1146 of the New Civil Code, which must be brought within four [4] years.[59]

This four-year prescriptive period applies to claims for backwages, not the three-year prescriptive period under Article 291 of the Labor Code. A claim for backwages, according to this court, may be a money claim "by reason of its practical effect." [60] Legally, however, an award of backwages "is merely one of the reliefs which an illegally dismissed employee prays the labor arbiter and the NLRC to render in his favor as a consequence of the unlawful act committed by the employer." [61] Though it results "in the enrichment of the individual [illegally dismissed], the award of backwages is not in redress of a private right, but, rather, is in the nature of a command upon the employer to make public reparation for his violation of the Labor Code." [62]

Actions for damages due to illegal dismissal are likewise actions "upon an injury to the rights of the plaintiff." Article 1146 of the Civil Code of the Philippines, therefore, governs these actions.[63]

Callanta filed his complaint for illegal dismissal with claims for backwages and damages three years, one month, and five days from his termination. Thus, this court ruled that Callanta filed his claims for backwages and damages well within the four-year prescriptive period.[64]

This court applied the Callanta ruling in *Texon Manufacturing v. Millena*. [65] In *Texon*, Marilyn and Grace Millena commenced work for Texon Manufacturing in 1990 until Texon terminated their employment. Texon first dismissed Grace on May 31, 1994 then dismissed Marilyn on September 8, 1995.[66]

On August 21, 1995, Grace filed a complaint for money claims representing underpayment and non-payment of wages, overtime pay, and holiday pay with the National Labor Relations Commission. Marilyn filed her own complaint for illegal dismissal with prayer for payment of full backwages and benefits on September 11, 1995.[67]

Texon filed a motion to dismiss both complaints on the ground of prescription.[68] It argued that Grace and Marilyn's causes of action accrued from the time they began working in Texon. Their complaints, therefore, were filed beyond the three-year prescriptive period under Article 291 of the Labor Code.[69]

This court ruled that both complaints had not yet prescribed. With respect to Grace's complaint for overtime pay and holiday pay, this court ruled that the three-year prescriptive period under Article 291 of the Labor Code applied. Since Grace filed her claim one year, one month, and 21 days from her dismissal, her claims were filed within the three-year prescriptive period.[70]

With respect to Marilyn's complaint for illegal dismissal with claims for backwages, this court while citing Callanta as legal basis ruled that the four-year prescriptive period under Article 1146 of the Civil Code of the Philippines applied. Since Marilyn filed her complaint three days from her dismissal, she filed her complaint well within the four-year prescriptive period.[71]

Applying these principles in this case, we agree that Arriola's claims for unpaid salaries have prescribed. Arriola filed his complaint three years and one day from the time he was allegedly dismissed and deprived of his salaries. Since a claim for unpaid salaries arises from employer-employee relations, Article 291 of the Labor Code applies.[72] Arriola's claim for unpaid salaries was filed beyond the three-year prescriptive period.

However, we find that Arriola's claims for backwages, damages, and attorney's fees arising from his claim of illegal dismissal have not yet prescribed when he filed his complaint with the Regional Arbitration Branch for the National Capital Region of the National Labor Relations Commission. As discussed, the prescriptive period for filing an illegal dismissal complaint is four years from the time the cause of action accrued. Since an award of backwages is merely consequent to a declaration of illegal dismissal, a claim for backwages likewise prescribes in four years.

The four-year prescriptive period under Article 1146 also applies to actions for damages due to illegal dismissal since such actions are based on an injury to the rights of the person dismissed.

In this case, Arriola filed his complaint three years and one day from his alleged illegal dismissal. He, therefore, filed his claims for backwages, actual, moral and exemplary damages, and attorney's fees well within the four-year prescriptive period.

All told, the Court of Appeals erred in finding that Arriola's claims for damages have already prescribed when he filed his illegal dismissal complaint.

II

Arriola abandoned his employment
with Pilipino Star Ngayon, Inc.

In general, we do not entertain questions of fact in a petition for review on certiorari.[73] We do not try facts.[74] Rule 45, Section 1 of the Rules of Court is clear that in a petition for review on certiorari with this court, only questions of law may be raised:

Section 1. Filing of petition with Supreme Court.

A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth. (Emphasis supplied)

A question of fact exists "when the doubt arises as to the truth or falsity of the alleged facts." [75] On the other hand, there is a question of law "when there is doubt as to what the law is on a certain state of facts." [76] As this court explained in *Century Iron Works, Inc. v. Bañas*: [77]

... For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact. [78]

This court has made exceptions to this rule. We may review questions of fact in a petition for review on certiorari if:

(1) the findings are grounded entirely on speculations, surmises, or conjectures; (2) the inference made is manifestly mistaken, absurd, or impossible; (3) there is a grave abuse of discretion; (4) the judgment is based on misappreciation of facts; (5) the findings of fact are conflicting; (6) in making its findings, the same are contrary to the admissions of both appellant and appellee; (7) the findings are contrary to those of the trial court; (8) the findings are conclusions without citation of specific evidence on which they are based; (9) the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; and (10) the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record. [79]

In his petition for review on certiorari, Arriola raises questions of fact. He invites us to examine the probative value of a faxed letter[80] containing a computation of his separation pay, and a certification[81] from Imbestigador's Managing Editor, stating that Arriola started writing for Imbestigador only on February 17, 2003. These pieces of documentary evidence allegedly prove that Pilipino Star Ngayon, Inc. illegally dismissed Arriola and that he did not abandon his employment.

This court has ruled that the issues of illegal dismissal[82] and abandonment of employment[83] are factual issues which cannot be raised in a petition for review on certiorari. Arriola also failed to persuade us why we should make an exception in this case.

We agree that Pilipino Star Ngayon, Inc. did not illegally dismiss Arriola. As the Court of Appeals ruled, "the removal of [Arriola's] column from private respondent [Pilipino Star Ngayon, Inc.'s newspaper] is not tantamount to a termination of his employment as his job is not dependent on the existence of the column 'Tinig ng Pamilyang OFWs.'"[84] When Pilipino Star Ngayon, Inc. removed "Tinig ng Pamilyang OFWs" from publication, Arriola remained as section editor.

Moreover, a newspaper publisher has the management prerogative to determine what columns to print in its newspaper.[85] As the Court of Appeals held:

. . . it is a management prerogative of private respondent [Pilipino Star Ngayon, Inc.] to decide on what sections should and would appear in the newspaper publication taking into consideration the business viability and profitability of each section. Respondent [Pilipino Star Ngayon, Inc.] decided to replace the "Pamilyang OFWs" section with another which it ought would better sell to the reading public. Every business enterprise endeavors to increase its profits. In the process, it may adopt or devise means designed towards that goal. Even as the law is solicitous of the welfare of the employees, it must also protect the right of an employer to exercise what are clearly management prerogatives. . . . The free will of management to conduct its own business affairs to achieve its purposes cannot be denied.[86]

Arriola abandoned his employment with Pilipino Star Ngayon, Inc. Abandonment is the "clear, deliberate and unjustified refusal of an employee to continue his employment, without any intention of returning."[87] It has two elements: first, the failure to report for work or absence without valid or justifiable reason and, second, a clear intention to sever employer-employee relations exists.[88] The second element is "the more determinative factor and is manifested by overt acts from which it may be deduced that the employee has no more intention to work."[89]

Assuming that Arriola started writing for Imbestigador only on February 17, 2003, he nonetheless failed to report for work at Pilipino Star Ngayon, Inc. after November 15, 1999 and only filed his illegal dismissal complaint on November 15, 2002. He took three years and one day to remedy his dismissal. This shows his clear intention to sever his employment with Pilipino Star Ngayon, Inc.

Contrary to Arriola's claim, *Villar v. NLRC*,[90] *Globe Telecom, Inc. v. Florendo-Flores*,[91] and *Anflo Management & Investment Corp. v. Bolanio*[92] do not apply to this case. In these cases, the dismissed workers immediately took steps to remedy their dismissal, unlike Arriola who "slept on his rights." [93] In *Villar*, the workers filed their complaint within the month they were dismissed.[94] In *Globe*, the employee filed her complaint two months after she had been constructively dismissed.[95] In *Anflo*, the employee filed his complaint one day after he had been dismissed.[96]

With respect to the computation of Arriola's separation pay allegedly faxed by Pilipino Star Ngayon, Inc.'s accounting head, we agree with the Court of Appeals that this does not prove that Arriola was illegally dismissed:

[The faxed computation] does not conclusively show that the salaries were withheld from petitioner Arriola

starting 01 December 1999. It could not likewise be given probative value as the said document does not bear the signature of an unauthorized representative of private respondent PSN[.] [N]either does it bears (sic) the official seal of the company. Besides, the abovementioned computation for separation pay is not a conclusive proof of the existence of dismissal or termination from work. It is just a mere computations (sic) which the authenticity thereof is being assailed.[97] (Citations omitted)

Considering the foregoing, we will not disturb the Labor Arbiter's findings that Arriola was not illegally dismissed and that he abandoned his employment. This is true especially since the National Labor Relations Commission and the Court of Appeals affirmed these factual findings.[98]

WHEREFORE, the petition is DENIED. The Court of Appeals' decision dated August 9, 2006 and resolution dated November 24, 2006 in CA-G.R. SP No. 91256 are AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Villarama, Jr.,[*] and Mendoza, JJ., concur.

September 24, 2014

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on ___August 13, 2014___ a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on September 24, 2014 at 2:18 p.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[*] Villarama, Jr., J., designated as Acting Member per Special Order No. 1691 dated May 22, 2014 in view of the vacancy in the Third Division.

[1] Rollo, pp. 50–57. This decision is dated August 9, 2006. Associate Justice Bienvenido L. Reyes (now a Justice of this court) penned the decision, with Associate Justices Jose C. Reyes, Jr. and Enrico A. Lanzas concurring.

[2] Id. at 58–59.

[3] Id. at 7–8.

[4] Id. at 60–61.

[5] Id. at 62–72.

[6] Id. at 64.

[7] Id. at 65–67.

[8] Id. at 85–91.

[9] Id. at 87 and 63.

- [10] Id. at 141–155.
- [11] Id. at 136.
- [12] Id. at 97.
- [13] Id.
- [14] Id. at 98.
- [15] Id.
- [16] Id. at 98–99.
- [17] The year 2000 was a leap year.
- [18] Rollo, pp. 95–99.
- [19] Id. at 100–104.
- [20] Id. at 105–118.
- [21] Id. at 119–120.
- [22] Id. at 50.
- [23] Id. at 53.
- [24] Id.
- [25] Id.
- [26] Id. at 54.
- [27] Id. at 54–55.
- [28] Id. at 55.
- [29] Id. at 55–56.
- [30] Id. at 50–57.
- [31] Id. at 58.
- [32] Id. at 58–59.
- [33] Id. at 3–49.
- [34] Id. at 15–22.
- [35] Id. at 140.
- [36] Id. at 25–29.
- [37] Id. at 58, resolution dated January 29, 2007.
- [38] Id. at 59–70.
- [39] Id. at 59–60.
- [40] Id. at 63.

[41] Id. at 64–66.

[42] Id. at 75–105.

[43] Texon Manufacturing v. Millena, 471 Phil. 318 (2004) [Per J. Sandoval-Gutierrez, Third Division].

[44] Id.

[45] Auto Bus Transport Systems, Inc. v. Bautista, 497 Phil. 863 (2005) [Per J. Chico-Nazario, Second Division].

[46] Republic Planters Bank v. NLRC, 334 Phil. 124 (1997) [Per J. Bellosillo, First Division].

[47] University of Pangasinan v. Hon. Confesor, 344 Phil. 134 (1997) [Per J. Romero, Second Division].

[48] Anabe v. Asian Construction (Asiakonstrukt), G.R. No. 183233, December 23, 2009, 609 SCRA 213 [Per J. Carpio Morales, First Division].

[49] Southeastern Shipping v. Navarra, Jr., G.R. No. 167678, June 22, 2010, 621 SCRA 361 [Per J. Del Castillo, First Division].

[50] Callanta v. Carnation Philippines, Inc., 229 Phil. 279 (1986) [Per J. Fernan, Second Division].

[51] Id. at 283.

[52] Id.

[53] Id. at 283 and 285.

[54] LABOR CODE, art. 290 provides:

Art. 290. OFFENSES. Offenses penalized under this Code and the rules and regulations issued pursuant thereto shall prescribe in three (3) years.

[55] Rollo, p. 285.

[56] Id.

[57] Id. at 286.

[58] Id. at 288.

[59] Id. at 289.

[60] Id. at 287.

[61] Id.

[62] Id.

[63] Id. at 287–288.

[64] Id. at 289.

[65] 471 Phil. 318 (2004) [Per J. Sandoval-Gutierrez, Third Division].

[66] Id. at 321.

[67] Id.

[68] Id. at 322.

[69] Id. at 323.

[70] Id. at 324.

[71] Id. at 325.

[72] *University of Pangasinan v. Hon. Confesor*, 344 Phil. 134 (1997) [Per J. Romero, Second Division]; *Chavez v. Hon. Bonto-Perez*, 312 Phil. 88 (1995) [Per J. Puno, Second Division].

[73] RULES OF COURT, Rule 45, sec. 1.

[74] *New City Builders, Inc. v. NLRC*, 499 Phil. 207, 212 (2005) [Per J. Garcia, Third Division].

[75] *Century Iron Works, Inc. v. Bañas*, G.R. No. 184116, June 19, 2013, 699 SCRA 157, 166 [Per J. Brion, Second Division].

[76] Id.

[77] G.R. No. 184116, June 19, 2013, 699 SCRA 157 [Per J. Brion, Second Division].

[78] Id. at 166–167.

[79] *Macasero v. Southern Industrial Gases Philippines*, 597 Phil. 494, 498 (2009) [Per J. Carpio Morales, Second Division], citing *Uy v. Villanueva*, 553 Phil. 69, 79 (2009) [Per J. Nachura, Third Division].

[80] Rollo, p. 136.

[81] Id. at 140.

[82] *Cañedo v. Kampilan Security and Detective Agency, Inc.*, G.R. No. 179326, July 31, 2013, 702 SCRA 647, 658 [Per J. Del Castillo, Second Division].

[83] *Pure Blue Industries, Inc. v. NLRC*, 337 Phil. 710, 716 (1997) [Per J. Kapunan, First Division].

[84] Rollo, p. 54.

[85] See *Orozco v. The Fifth Division of the Honorable Court of Appeals*, 584 Phil. 35 (2008) [Per J. Nachura, Third Division].

[86] Rollo, p. 54.

[87] *Camua, Jr. v. NLRC*, 541 Phil. 650, 657 (2007) [Per J. Quisumbing, Second Division], citing *Cruz v. NLRC*, 381 Phil. 775, 784 (2000) [Per J. Purisima, Third Division].

[88] Id. at 657.

[89] Id.

[90] 387 Phil. 706 (2000) [Per J. Bellosillo, Second Division].

[91] 438 Phil. 756 (2002) [Per J. Bellosillo, Second Division].

[92] 439 Phil. 309 (2002) [Per J. Corona, Third Division].

[93] Rollo, p. 97.

[94] 387 Phil. 706, 709–710 (2000) [Per J. Bellosillo, Second Division].

[95] 438 Phil. 756, 760–761 (2002) [Per J. Bellosillo, Second Division].

[96] 439 Phil. 309, 313 (2002) [Per J. Corona, Third Division].

[97] Rollo, p. 56.

[98] Urbanes, Jr. v. Court of Appeals, 486 Phil. 276, 283–284 (2004) [Per J. Austria-Martinez, Second Division].

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