ERWIN H. REYES, PETITIONER, VS.NATIONAL LABOR RELATIONS COMMISSION, COCA-COLA BOTTLERS PHILS. AND/OR ROTAIDA TAGUIBAO, RESPONDENTS.

G.R. No. 180551. February 10, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is a Special Civil Action for Certiorari under Rule 65 of the Revised Rules of Court filed by petitioner Erwin H. Reyes, seeking to reverse and set aside the Resolutions dated 10 November 2006[1] and 9 November 2007[2] of the Court of Appeals in CA-G.R. SP No. 96343. In its assailed Resolutions, the appellate court dismissed petitioner's Petition for Certiorari therein for failure to give an explanation why copy of the said Petition was not personally served upon the counsel of the respondents.

The present Petition arose from a Complaint for illegal dismissal with claims for moral and exemplary damages and attorney's fees filed by petitioner against respondents Coca Cola Bottlers Philippines (CCBP) and Rotaida Taguibao (Taguibao) before the Labor Arbiter on 14 June 2004.

Respondent CCBP is a corporation engaged in the business of production and distribution of carbonated drinks, and Taguibao is its Human Resource Manager.

In his Complaint, petitioner alleged that he was first employed by respondent CCBP, through Interserve Manpower Agency (Interserve), as a Leadman in February 1988. Petitioner was initially assigned to the Mendiola Sales Office of respondent CCBP. Petitioner's employment contract was renewed every five months and he was assigned a different task every time. Such an arrangement continued until petitioner was directly hired by respondent CCBP as a Route Salesman on 15 September 2000. Exactly one year from the time of petitioner's employment as a Route Salesman, respondent CCBP, thru Taguibao, terminated his services on 15 September 2001. Since he already acquired the status of a regular employee, petitioner asserted that his dismissal from employment without the benefit of due process was unlawful.

In opposing the Complaint, respondent CCBP refuted petitioner's allegation that he was a regular employee. Petitioner's employment was for a fixed period of three months, which was subsequently extended[3] with petitioner's consent. Petitioner was employed pursuant to the mini-bodega project of respondent CCBP wherein respondent CCBP sought to extend its market to areas that cannot be serviced by its regular salesmen. After the viability of this marketing scheme was found to be unsuccessful, respondent CCBP was constrained to discontinue petitioner's fixed-term employment. In addition, respondent Taguibao had no liability for terminating petitioner's employment when it was not effected in bad faith.

On 30 April 2005, the Labor Arbiter promulgated his Decision,[4] favoring petitioner, since there was insufficient evidence to sustain the averment of respondents CCBP and Taguibao that petitioner's employment was for a fixed period. The Labor Arbiter noted that respondents CCBP and Taguibao failed to present a copy of petitioner's purported Contract of Employment. The only evidence adduced by respondents CCBP and Taguibao to buttress

their contention of petitioner's fixed-period employment was the Affidavit of respondent Taguibao herself, which could not be afforded any evidentiary weight in the absence of independent corroborating evidence. The Labor Arbiter thus decreed:

> WHEREFORE, all the foregoing premises being considered, judgment is hereby rendered ordering [herein respondents CCBP and Taguibao] as follows:
>
> (1) To reinstate [herein petitioner] to his former position as route salesman, or to any substantially equivalent position with all the rights, privileges, and benefits appertaining thereto including seniority rights;
>
> (2) To pay [petitioner] his full backwages which as of August 30, 2005 already amount to P565,500.00 subject to re-computation to include salary increases granted during the intervening period and during the pendency of the instant case, as well as benefits and privileges due a regular employee; and
>
> (3) To pay [petitioner] the award of attorney's fees equivalent to 10% of the total judgment sum.

In compliance with the directive of the Labor Arbiter, respondents CCBP and Taguibao immediately reinstated petitioner to his former position as Route Salesman on 1 March 2006.[5] However, respondents CCBP and Taguibao, by filing a Memorandum of Appeal before the National Labor Relations Commission (NLRC) and posting the corresponding Supersedeas Bond, sought the stay of the execution of the monetary awards made by the Labor Arbiter in his Decision. Respondents CCBP and Taguibao asserted in their appeal that petitioner was merely employed for a particular project which turned out to be not viable. Petitioner was subsequently terminated from work on account of the expiration of his employment contract. Petitioner's claim of illegal dismissal was, therefore, tenuous.

On 31 May 2006, the NLRC promulgated its Decision[6] dismissing the appeal of respondents CCBP and Taguibao and affirming with modification the 30 April 2005 Decision of the Labor Arbiter. The NLRC reduced the amount of backwages awarded to petitioner underscoring the latter's unexplained delay (more than three years) in filing his Complaint for illegal dismissal. Instead, the NLRC reckoned the computation of backwages only from the time petitioner filed his Complaint for illegal dismissal before the Labor Arbiter.[7] The NLRC further modified the Labor Arbiter's Decision by deleting the order reinstating petitioner to his former position in view of the confidential nature of the latter's employment as a salesman, which exposed him to voluminous financial transactions involving the property of respondent CCBP. The NLRC likewise deleted the Labor Arbiter's award for attorney's fees. The fallo of the NLRC Decision reads:

> WHEREFORE, the decision dated 30 April 2005 is MODIFIED. The order reinstating [herein petitioner] is deleted. [Respondents CCBP and Taguibao] are hereby ordered to pay [petitioner] the following:
>
> 1. Backwages:
>
> 24 October 2004 to 30 April 2005
>
> Salary - P13,000 x 6.2 months = P 80,200.00
>
> 13[th] month pay - P 80,600 = 6,716.67
>
> 12 P87,316.67
>
> 2. Separation Pay
>
> 1 September 2000 to 30 April 2005
>
> P13,000 x 5 years = P 65,000.00

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P152, 316. 67

The award of 10% attorney's fees is deleted.

All the parties, namely petitioner and respondents CCBP and Taguibao, moved for the reconsideration of the foregoing NLRC Decision. Petitioner, on one hand, maintained that the reckoning point for the computation of his backwages must be from the time his employment was unlawfully terminated, and not from the institution of his Complaint for illegal dismissal. Respondents CCBP and Taguibao, on the other hand, reiterated their previous position that petitioner's employment was terminated only after the expiration of the fixed period for the same; and prayed that the NLRC vacate its previous finding of illegal dismissal.

In a Resolution dated 13 July 2006, the NLRC denied the Motions for Reconsideration of all the parties for lack of a valid reason to disturb its earlier disposition.

From the 13 July 2006 Resolution of the NLRC, only petitioner elevated his case before the Court of Appeals by filing a Petition for Certiorari, which was docketed as CA-G.R. S.P. No. 96343. Petitioner averred in his Petition that the NLRC abused its discretion in ignoring the established facts and legal principles when it modified the award for his backwages and deleted the order for his reinstatement.

The Court of Appeals, however, in its Resolution dated 10 November 2006, dismissed petitioner's Petition for Certiorari for his failure to give any explanation why a copy of the said Petition was not personally served upon the counsel of the adverse parties.

Since petitioner failed to timely file a Motion for Reconsideration, the Resolution dated 10 November 2006 of the Court of Appeals became final and executory, and an Entry of Judgment was made in CA-G.R. S.P. No. 96343 on 2 December 2006.

On 19 July 2007, petitioner's new counsel filed an Entry of Appearance with an Urgent Motion for Reconsideration. Petitioner, through his new counsel, sought for the liberality of the Court of Appeals, faulting his former counsel for the procedural defects of his Petition and for his failure to seasonably seek reconsideration of the 10 November 2006 Resolution of the appellate court. Also, this time, it would appear that petitioner provided the explanation required by Section 11, Rule 13 of the Revised Rules of Court.

In a Resolution dated 9 November 2007, the Court of Appeals denied petitioner's Urgent Motion for Reconsideration for being filed out of time.

Hence, petitioner comes before this Court via the instant Special Civil Action for Certiorari assailing the Resolutions dated 10 November 2006 and 9 November 2007 of the Court of Appeals. Petitioner raises the following issues in the Petition at bar:

I.

WHETHER OR NOT THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION IN NOT EXCUSING PETITIONER'S PROCEDURAL LAPSES.

II.

WHETHER OR NOT THE NLRC GRAVELY ABUSED ITS DISCRETION IN REDUCING THE AMOUNT OF BACKWAGES AWARDED COMPUTED FROM THE TIME THE COMPLAINT FOR ILLEGAL DISMISSAL WAS FILED.

III.

WHETHER OR NOT THE NLRC GRAVELY ABUSED ITS DISCRETION IN ORDERING THE

> PAYMENT OF SEPARATION PAY IN LIEU OF REINSTATEMENT.
>
> IV.
>
> WHETHER OR NOT THE NLRC GRAVELY ABUSED ITS DISCRETION IN DELETING THE AWARD FOR ATTORNEY'S FEE.

The Court first disposes the procedural issues involved in the present case.

It is evident from a perusal of the records that petitioner indeed failed to provide the Court of Appeals a written explanation as to why he did not personally serve a copy of his Petition therein upon the adverse parties, as required by Section 11, Rule 13[8] of the Revised Rules of Court. The records also readily reveal that petitioner did not file a timely Motion for Reconsideration of the 10 November 2006 Resolution of the Court of Appeals.

Petitioner, however, submits that he raised meritorious arguments in his Petition before the Court of Appeals, and the dismissal thereof on a mere technicality defeated the greater interest of substantial justice. Petitioner attributes the technical flaws committed before the appellate court to his former counsel, and urges the Court to excuse him therefrom since compliance with the procedural rules calls for the application of legal knowledge and expertise which he, as a layman, cannot be expected to know. Petitioner, thus, prays that this Court give his Petition due course and set aside the Resolutions dated 10 November 2006 and 9 November 2007 of the Court of Appeals in CA-G.R. SP No. 96343.

For their part, respondents CCBP and Taguibao had long conceded in this battle when they no longer appealed the 31 May 2006 Decision of the NLRC, therefore, rendering the same final and executory with respect to them. Yet, respondents CCBP and Taguibao still insist before this Court that petitioner was not illegally dismissed, since he was employed for a fixed-term only, and his services were terminated upon the expiration thereof. Respondents CCBP and Taguibao also argue that petitioner's procedural faux pas cannot be excused by merely attributing the same to his former counsel, in view of the doctrinal rule that negligence of the counsel binds his client.

The Court rules in favor of petitioner.

It is true that for petitioner's failure to comply with Section 11, Rule 13 of the Revised Rules of Court, his petition should be expunged from the records. In the case of Solar Team Entertainment, Inc. v. Ricafort,[9] the Court stressed the mandatory character of Section 11, Rule 13, viz:

> We thus take this opportunity to clarify that under Section 11, Rule 13 of the 1997 Rules of Civil Procedure, personal service and filing is the general rule, and resort to other modes of service and filing, the exception. Henceforth, whenever personal service or filing is practicable, in light of the circumstances of time, place and person, personal service or filing is mandatory. Only when personal service or filing is not practicable may resort to other modes be had, which must then be accompanied by a written explanation as to why personal service or filing was not practicable to begin with. In adjudging the plausibility of an explanation, a court shall likewise consider the importance of the subject matter of the case or the issues involved therein, and the prima facie merit of the pleading sought to be expunged for violation of Section 11. This Court cannot rule otherwise, lest we allow circumvention of the innovation introduced by the 1997 Rules in order to obviate delay in the administration of justice.

Nevertheless, the Rules of Court itself calls for its liberal construction, with the view of promoting their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.[10] The Court is fully aware that procedural rules are not to be belittled or simply disregarded for these prescribed procedures insure an orderly and speedy administration of justice. However, it is equally true that litigation is not merely a game of technicalities. Law and jurisprudence grant to courts the prerogative to relax compliance with procedural rules of

even the most mandatory character, mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.[11]

In numerous cases,[12] the Court has allowed liberal construction of Section 11, Rule 13 of the Revised Rules of Court when doing so would be in the service of the demands of substantial justice and in the exercise of the equity jurisdiction of this Court. In one such case, Fulgencio v. National Labor Relations Commission,[13] this Court provided the following justification for its non-insistence on a written explanation as required by Section 11, Rule 13 of the Revised Rules of Court:

> The rules of procedure are merely tools designed to facilitate the attainment of justice. They were conceived and promulgated to effectively aid the court in the dispensation of justice. Courts are not slaves to or robots of technical rules, shorn of judicial discretion. In rendering justice, courts have always been, as they ought to be, conscientiously guided by the norm that on the balance, technicalities take a backseat against substantive rights, and not the other way around. Thus, if the application of the Rules would tend to frustrate rather than promote justice, it is always within our power to suspend the rules, or except a particular case from its operation.

The call for a liberal interpretation of the Rules is even more strident in the instant case which petitioner's former counsel was obviously negligent in handling his case before the Court of Appeals. It was petitioner's former counsel who failed to attach the required explanation to the Petition in CA-G.R. SP No. 96343. Said counsel did not bother to inform petitioner, his client, of the 10 November 2006 Resolution of the appellate court dismissing the Petition for lack of the required explanation. Worse, said counsel totally abandoned petitioner's case by merely allowing the reglementary period for filing a Motion for Reconsideration to lapse without taking any remedial steps; thus, the 10 November 2006 Resolution became final and executory.

The basic general rule is that the negligence of counsel binds the client. Hence, if counsel commits a mistake in the course of litigation, thereby resulting in his losing the case, his client must perforce suffer the consequences of the mistake. The reason for the rule is to avoid the possibility that every losing party would raise the issue of negligence of his or her counsel to escape an adverse decision of the court, to the detriment of our justice system, as no party would ever accept a losing verdict. This general rule, however, pertains only to simple negligence of the lawyer. Where the negligence of counsel is one that is so gross, palpable, pervasive, reckless and inexcusable, then it does not bind the client since, in such a case, the client is effectively deprived of his or her day in court.[14]

The circumstances of this case qualify it under the exception, rather than the general rule. The negligence of petitioner's former counsel may be considered gross since it invariably resulted to the foreclosure of remedies otherwise readily available to the petitioner. Not only was petitioner deprived of the opportunity to bring his case before the Court of Appeals with the outright dismissal of his Petition on a technicality, but he was also robbed of the chance to seek reconsideration of the dismissal of his Petition. What further impel this Court to heed the call for substantial justice are the pressing merits of this case which, if left overshadowed by technicalities, could result in flagrant violations of the provisions of the Labor Code and of the categorical mandate of the Constitution affording protection to labor.

Higher interests of justice and equity demand that petitioner should not be denied his day in court and made him to suffer for his counsel's indiscretions. To cling to the general rule in this case would only to condone, rather than rectify, a serious injustice to a party -- whose only fault was to repose his faith and trust in his previous counsel -- and close our eyes to the glaring grave abuse of discretion committed by the NLRC.

This Court is aware that in the instant case, since petitioner's appeal before the Court of Appeals is to be given due

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course, the normal procedure is for us to remand the case to the appellate court for further proceedings. The Court, however, dispensed with this time-consuming procedure, since there is enough basis on which proper evaluation of the merits of the case may be had. Remand of this case would serve no purpose save to further delay its disposition contrary to the spirit of fair play. It is already an accepted rule of procedure for us to strive to settle the entire controversy in a single proceeding, leaving no root or branch to bear the seed of future litigation.[15]

Having thus settled the procedural matters in the instant case, the Court now proceeds to resolve the substantive issues.

The Court is convinced beyond cavil that the NLRC committed grave abuse of its discretion, amounting to lack or excess of jurisdiction, in modifying the 30 April 2005 Decision of the Labor Arbiter, for in so doing, the NLRC not only disregarded the elementary statutory and jurisprudential principles, but also violated the basic principles of social justice and protection to labor enshrined in the Constitution.

Explicit is Art. 279 of the Labor Code which states:

> Art. 279. Security of Tenure. -- In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement.

Applying the above-quoted statutory provision, this Court decreed in Pheschem Industrial Corporation v. Moldez[16]:

> Article 279 of the Labor Code provides that an illegally dismissed employee shall be entitled, inter alia, to the payment of his full backwages, inclusive of allowances and to his other benefits or their monetary equivalent computed from the time that his compensation was withheld from him, i.e., from the time of his illegal dismissal, up to the time of his actual reinstatement. Thus, where reinstatement is adjudged, the award of backwages and other benefits continues beyond the date of the Labor Arbiter's Decision ordering reinstatement and extends up to the time said order of reinstatement is actually carried out. (Emphasis supplied.)

The Court was more emphatic in Philippine Industrial Security Agency Corporation v. Dapiton,[17] when it ruled that backwages had to be paid by the employer as part of the price or penalty he had to pay for illegally dismissing his employee. It was to be computed from the time of the employee's illegal dismissal (or from the time his compensation was withheld from him) up to the time of his reinstatement.

One of the natural consequences of a finding that an employee has been illegally dismissed is the payment of backwages corresponding to the period from his dismissal up to actual reinstatement. The statutory intent of this matter is clearly discernible. The payment of backwages allows the employee to recover from the employer that which he has lost by way of wages as a result of his dismissal.[18] Logically, it must be computed from the date of petitioner's illegal dismissal up to the time of actual reinstatement. There can be no gap or interruption, lest we defeat the very reason of the law in granting the same. That petitioner did not immediately file his Complaint should not affect or diminish his right to backwages, for it is a right clearly granted to him by law -- should he be found to have been illegally dismissed -- and for as long as his cause of action has not been barred by prescription.

The law fixes the period of time within which petitioner could seek remedy for his illegal dismissal and for as long as he filed his Complaint within the prescriptive period, he shall be entitled to the full protection of his right to backwages. In illegal dismissal cases, the employee concerned is given a period of four years from the time of his illegal dismissal within which to institute the complaint. This is based on Article 1146 of the New Civil Code which states that actions based upon an injury to the rights of the plaintiff must be brought within four years.[19]

The four-year prescriptive period shall commence to run only upon the accrual of a cause of action of the worker.[20] Here, petitioner was dismissed from service on 15 September 2001. He filed his complaint for illegal dismissal on 14 June 2004. Clearly, then, the instant case was filed within the prescriptive period.

The Labor Arbiter, in his computation of the award for backwages to petitioner, had followed the long-settled rule[21] that full backwages should be awarded, to be reckoned from the time of illegal dismissal up to actual reinstatement. The NLRC, however, modified the Labor Arbiter's award for backwages by computing the same only from the time petitioner filed his Complaint for illegal dismissal before the Labor Arbiter, i.e., on 24 October 2004, up to the day when the Labor Arbiter promulgated his judgment, i.e., 30 April 2005. The NLRC provided no other explanation for its modification except that it was just and equitable to reduce the amount of backwages given to petitioner since, having been dismissed on 15 September 2001, it took him more than three years to file his Complaint against respondents CCBP and Taguibao.

We find no justice or rationality in the distinction created by the NLRC; and when there is neither justice or rationality, the distinction transgresses the elementary principle of equal protection and must be stricken out. Equal protection requires that all persons or things similarly situated should be treated alike, as to both rights conferred and responsibilities imposed.[22] There is no sufficient basis why petitioner should not be placed in the same plane with other illegally dismissed employees who were awarded backwages without qualification.

Herein petitioner, having been unjustly dismissed from work, is entitled to reinstatement without loss of seniority rights and other privileges and to full backwages, inclusive of allowances, and to other benefits or their monetary equivalents computed from the time compensation was withheld up to the time of actual reinstatement.[23] Accordingly, backwages must be awarded to petitioner in the amount to be computed from the time his employment was unlawfully terminated by respondents CCBP and Taguibao on 15 September 2001 up to the time he was actually reinstated on 1 March 2006.

We also do not agree with the NLRC in deleting the directive of the Labor Arbiter for the reinstatement of petitioner to his former position, on the flimsy excuse that the petitioner's position as Route Salesman was confidential in nature and that the relationship between petitioner and respondents CCBP and Taguibao was already strained.

To protect the employee's security of tenure, the Court has emphasized that the doctrine of "strained relations" should be strictly applied so as not to deprive an illegally dismissed employee of his right to reinstatement. Every labor dispute almost always results in "strained relations," and the phrase cannot be given an overarching interpretation; otherwise, an unjustly dismissed employee can never be reinstated.[24] The assumption of strained relations was already debunked by the fact that as early as March 2006 petitioner returned to work for respondent CCBP, without any antagonism having been reported thus far by any of the parties. Neither can we sustain the NLRC's conclusion that petitioner's position is confidential in nature. Receipt of proceeds from sales of respondent CCBP's products does not make petitioner a confidential employee. A confidential employee is one who (1) assists or acts in a confidential capacity, in regard to (2) persons who formulate, determine, and effectuate management policies specifically in the field of labor relations.[25] Verily, petitioner's job as a salesman does not fall under this qualification.

Finally, the Court overrules the deletion by the NLRC of the Labor Arbiter's award for attorney's fees to petitioner. Petitioner is evidently entitled to attorney's fees, since he was compelled to litigate[26] to protect his interest by reason of unjustified and unlawful termination of his employment by respondents CCBP and Taguibao.

WHEREFORE, premises considered, the instant Petition is GRANTED. The Resolutions dated 10 November 2006 and 9 November 2007 of the Court of Appeals in CA-G.R. SP No. 96343 and the Decision dated 31 May

2006 of the NLRC in NLRC NCR CA No. 044658-05 are REVERSED and SET ASIDE. The Decision of the Labor Arbiter in NLRC-NCR Case No. 00-06-07161-14 is hereby REINSTATED. Let the records of this case be remanded to the Labor Arbiter for implementation of this Decision, and he shall report his compliance herewith within ten (10) days from receipt hereof.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Corona[*], and Peralta, JJ., concur.

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[*] Associate Justice Renato C. Corona was designated to sit as additional member replacing Associate Justice Antonio Eduardo B. Nachura per Raffle dated 10 September 2008.

[1] Penned by Associate Justice Renato C. Dacudao with Associate Justices Rosmari D. Carandang and Estela M. Perlas-Bernabe, concurring. Rollo, pp. 34-35.

[2] Penned by Associate Justice Rosmari D. Carandang with Associate Justices Regalado E. Maambong and Estela M. Perlas-Bernabe, concurring. Rollo, pp. 37-38.

[3] Pleadings submitted by respondent CCBP were silent as to how long petitioner's employment was extended. No copy of the original contract or its extension was submitted by respondent CCBP.

[4] Rollo, pp. 175-179.

[5] Id. at 302.

[6] Id. at 38-45.

[7] The Complaint before the Labor Arbiter was filed on 14 June 2004 as shown in the upper right corner of the form, but the NLRC stated in its Decision that it was filed on 24 October 2004.

[8] SEC. 11. Priorities in modes of service and filing. - Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

[9] 355 Phil. 404, 413-414 (1998).

[10] 1997 Rules of Civil Procedure, Rule 1, Section 6.

[11] Barnes v. Padilla, G.R. No. 160753,28 June 2005, 461 SCRA 533, 539.

[12] Fulgencio v. National Labor Relations Commission, 457 Phil. 868, 881-882 (2003); Musa v. Amor, 430 Phil. 128, 138 (2002); Maceda v. De Guzman Vda. De Macatangay, G.R. No. 164947, 31 January 2006, 481 SCRA 415, 423; Barnes v. Reyes, 458 Phil. 430, 438 (2003).

[13] Id.

[14] Escudero v. Dulay, G.R. No. L-60578, 23 February 1988, 158 SCRA 69, 77.

[15] Bunao v. Social Security System, G.R. No. 159606, 13 December 2005, 477 SCRA 564, 571.

[16] G.R. No. 161158, 9 May 2005, 458 SCRA 339, 348.

[17] 377 Phil. 951, 966 (1999).

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[18] Santos v. National Labor Relations Commission, G.R. No. L-76721, 21 September 1987, 154 SCRA 168, 172.

[19] Callanta v. Carnation Philippines, Inc., 229 Phil. 279, 288-289 (1986).

[20] Ramos v. Our Lady of Peace School, 218 Phil. 708, 712 (1984).

[21] Labor Code, Art. 279; C-E Construction Corp. v. National Labor Relations Commission, 456 Phil. 597, 607-608 (2003); Dela Cruz v. National Labor Relations Commission, 359 Phil. 317, 329 (1998); Paramount Vinyl Products Corp. v. National Labor Relations Commission, G.R. No. 81200, 17 October 1990, 190 SCRA 525, 537.

[22] Lao Ichong v. Hernandez, 101 Phil. 1155, 1164 (1957).

[23] Labor Code of the Philippines, Article 279.

[24] Quijano v. Mercury Drug Corporation, 354 Phil. 112, 122 (1998).

[25] San Miguel Corp. Supervisors and Exempt Union v. Laguesma, 343 Phil. 143, 149 (1997).

[26] Civil Code of the Philippines , Art. 2208(2).

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