

**HILARIO S. RAMIREZ, PETITIONER, VS. HON. COURT OF APPEALS,
CEBU CITY, HON. NLRC, 4TH DIVISION, CEBU CITY AND MARIO S.
VALCUEBA, RESPONDENTS.**

G.R. No. 182626. December 04, 2009

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-182626/>

CHICO-NAZARIO, J.:

This is a Petition for Review under Rule 45 of the Rules of Court assailing the (a) 13 July 2007 Resolution[1] of the Court of Appeals which dismissed the Petition for Certiorari under Rule 65 filed by petitioner Hilario Ramirez for failure to properly verify his petition and to state material dates and (b) the 7 March 2008 Resolution[2] of the same court denying petitioner's Motion for reconsideration.

The facts are:

Respondent Mario Valcueba (Valcueba) filed a Complaint[3] for illegal dismissal and nonpayment of wage differential, 13[th] month pay differential, holiday pay, premium pay for holidays and rest days, and service incentive leaves with claims for moral and exemplary damages and attorney's fees, against Hilario Ramirez (Ramirez). Valcueba claimed that Ramirez hired him as mechanic on 28 May 1999. By 2002, he was paid a daily wage of P140.00, which was increased to P165.00 a day in 2003 and to P190.00 in 2005. He was not paid for holidays and rest days. He was not also paid the complete amount of his 13[th] month pay. On 27 February 2006, Josephine Torres, secretary of Ramirez, informed Valcueba that he would not be allowed to return to work unless he agreed to work on pakyaw basis.[4] Aggrieved, he filed this case.

Ramirez, on the other hand, presented a different version of the antecedents, asserting that Valcueba was first hired as construction worker, then as helper of the mechanic, and eventually as mechanic. There were three categories of mechanics at the workplace. First were the mechanics assigned to specific stations. Second were the mechanics paid on pakyaw basis; and finally, those who were classified as rescue/emergency mechanics. Valcueba belonged to the last category. As emergency/rescue mechanic, he was assigned to various stations to perform emergency/rescue work. On 26 February 2006, while he was assigned at the Babag station, Ramirez directed him to proceed to Calawisan, Lapu-lapu City, as a unit had developed engine trouble and the mechanic assigned in that area was absent. Valcueba did not report to the Calawisan station. In fact, he did not report for work anymore, as he allegedly intended to return to Mindanao.[5]

Further, Ramirez insisted that Valcueba was never terminated from his employment. On the contrary, it was the latter who abandoned his job. On 26 February 2006, Valcueba, as rescue or emergency mechanic, temporarily assigned at Babag Station, did not report at Calawisan, Lapu-lapu City when Ramirez ordered him to answer an emergency call, which required him to fix Ramirez's troubled taxi unit. The mechanic assigned in the area was then absent at that time. The refusal of Valcueba to obey the lawful order of Ramirez was bolstered by his failure to report for work the following day, 27 February 2006. Valcueba advanced no reason regarding his failure to answer an emergency call of duty, nor did he file an application for a leave of absence when he failed to report for

work that day.

After hearing, the Labor Arbiter rendered her decision, where she pointed out that:

The allegation of complainant that his refusal to work on pakiao basis prompted respondent Hilario Ramirez to dismiss him from the service is not substantiated by any piece of evidence. Not even a declaration under oath by any affiant attesting to the credibility of complainant's allegation is presented. No documentary evidence purporting to clearly indicate that complainant was discharged was submitted for Our judicious consideration. A fortiori, there is reason for Us to doubt complainant's submission that he was dismissed from his employment grounded on disobedience to the lawful order of respondent.

On the side of respondent Ramirez, he insisted that complainant was never terminated from his employment. On the contrary, he alleged that it was complainant who abandoned his job. As rescue or emergency mechanic temporarily assigned at Babag Station, on February 26, 2006, complainant did not report at Calawisan, Lapu-Lapu City when respondent Ramirez ordered him to answer an emergency call, which required him to fix the respondent's troubled taxi unit. The mechanic assigned in the area was then absent at that time. The refusal of complainant to obey the lawful order of respondent Ramirez is bolstered by his failure to report for work the following day, February 27, 2006. Complainant advanced no reason as to why he failed to answer an emergency call of duty nor did he file an application for a leave of absence when he failed to report for work that day.

Nonetheless, as the records are bereft of any evidence that respondent sent complainant a letter which advised the latter to report for work, We do not rule out a case of abandonment because the overt act of not answering an emergency call is not insufficient to constitute abandonment.

Consequently, there being no dismissal nor abandonment involved in this case, it is best that the parties to this case should be restored to their previous employment relations. Complainant must go back to work within ten (10) days from receipt of this judgment, while respondent must accept complainant back to work, also within ten (10) days from receipt of this decision.[6]

In the end, the Labor Arbiter decreed:

WHEREFORE, VIEWED FROM THE FOREGOING, judgment is hereby rendered declaring respondent HILARIO RAMIREZ, OWNER OF H.R. TAXI, NOT GUILTY of illegally dismissing complainant from the service, it appearing that there is no dismissal to speak of in this case. Consequently, complainant is ordered to report back for work within ten (10) days from receipt hereof, and respondent Hilario Ramirez must complainant (sic) back to work as soon as the latter would express his intention to report for work or within the same period of ten (10) days from receipt hereof, whichever comes first. Proof of compliance hereof, must be submitted within the same period (sic), complainant would be guilty of abandonment and respondent of illegal dismissal.

In addition, respondent HILARIO RAMIREZ, owner of H.R. Taxi, is hereby ordered to pay complainant MARIO S. VALCUEBA the following:

- a. Wage Differential - P30,538.00
- b. 13[th] Month Pay - 15,287.98
- Total Award - P45,825.98

Philippine currency, within ten (10) days from receipt hereof, through the Cashier of this Arbitration Branch.

Other claims are DISMISSED for failure to substantiate.[7]

Records show that Ramirez received the Labor Arbiter's decision on 5 June 2006. He filed a Motion for Reconsideration and/or Memorandum of Appeal with Urgent Motion to Reduce Appeal Bond[8] on the 9[th] day

of the reglementary period or on 14 June 2006 before the National Labor Relations Commission (NLRC).

Resolving the motion, the NLRC issued a Resolution[9] dated 29 September 2006, which reads:

Upon a careful perusal of the motion to reduce bond, however, the Commission found that the same does not comply with Section 6, Rule VI of the NLRC Rules of Procedure.

x x x x

Respondent has not offered a meritorious ground for the reduction of the appeal bond and the amount of P10,000.00 he posted is not a reasonable amount in relation to the monetary award of P45,825.98. Consequently, his motion to reduce appeal bond shall not be entertained and his appeal is dismissed for non-perfection due to lack of an appeal bond.

The NLRC then held:

WHEREFORE, premises considered, the appeal of respondent is hereby DISMISSED for non-perfection due to want of an appeal bond.[10]

Ramirez filed a Motion for Reconsideration, which the NLRC resolved in a Resolution dated 20 December 2006 in this wise:

The mere filing of a motion to reduce bond without complying with the requisites of meritorious grounds and posting of a bond in a reasonable amount in relation to the monetary award does not stop the running of the period to perfect an appeal. Thus, respondent's failure to abide with the requisites so mentioned has not perfected his appeal. Verily, since the assailed Decision of the Labor Arbiter contains a monetary award in favor of complainant, it behooves upon respondent to post the required bond.

While the filing of a motion to reduce bond can be considered as a motion of preference in case of an appeal, the same holds true only when such motion complies with the requirements stated above. Consequently, respondent's motion to reduce bond which missed to comply with such requisites does not deserve to be entertained nor to be given a preferred resolution.

WHEREFORE, premises considered, the motion for reconsideration of respondent is hereby DENIED for lack of merit.[11]

The decision of the Labor Arbiter became final and executory on 19 February 2007 and was entered in the Book of Entries of Judgment on 4 May 2007.[12]

Ramirez went up to the Court of Appeals. The case was docketed as CA-G.R. SP No. 02614. In a resolution dated 13 July 2007,[13] the Court of Appeals dismissed the Petition outright for failure of Ramirez to properly verify his petition and to state material dates.

Ramirez's Motion for Reconsideration was denied by the Court of Appeals in a resolution dated 7 March 2008;[14] hence, this petition where Ramirez prays that the "dismissal resolution issued by the Court of Appeals be set aside and in its stead to give due course to this petition by dismissing the unwarranted claims imposed by the NLRC for being highly speculative, with no evidence to support of (sic)."[15]

The issues are:

I

PUBLIC RESPONDENT COURT OF APPEALS ERRED IN NOT CONSIDERING THE SUBSTANTIAL COMPLIANCE OF THE FILED PETITION.

II

THE DISMISSAL RESOLUTION (ANNEX "A") HAS NOT RESOLVED THE LEGAL ISSUES RAISED IN CA-G.R. SP NO. 02614.[16]

The case presents no novel issue.

We first resolve the propriety of dismissal by the NLRC.

At the outset, it should be stressed that the right to appeal is not a natural right or a part of due process; it is merely a statutory privilege, and may be exercised only in the manner prescribed by and in accordance with the provisions of law. The party who seeks to avail himself of the same must comply with the requirements of the rules. Failing to do so, he loses the right to appeal.[17]

Article 223 of the Labor Code provides for the procedure in case of appeal to the NLRC:

Art. 223. Appeal. - Decisions, awards, or orders of the Labor Arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such decisions, awards, or orders. Such appeal may be entertained only on any of the following grounds:

- If there is prima facie evidence of abuse of discretion on the part of the Labor Arbiter;
- If the decision, order or award was secured through fraud or coercion, including graft and corruption;
- If made purely on questions of law; and
- If serious errors in the finding of facts are raised which would cause grave or irreparable damage or injury to the appellant.

In case of a judgment involving a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Commission in the amount equivalent to the monetary award in the judgment appealed from. (Emphasis supplied.)

Sections 4(a) and 6 of Rule VI of the New Rules of Procedure of the NLRC, as amended, reaffirms the explicit jurisdictional principle in Article 223 even as it allows in justifiable cases the reduction of the appeal bond. The relevant provision states:

SECTION 4. REQUISITES FOR PERFECTION OF APPEAL. - (a) The appeal shall be: 1) filed within the reglementary period provided in Section 1 of this Rule; 2) verified by the appellant himself in accordance with Section 4, Rule 7 of the Rules of Court, as amended; 3) in the form of a memorandum of appeal which shall state the grounds relied upon and the arguments in support thereof, the relief prayed for, and with a statement of the date the appellant received the appealed decision, resolution or order; for in three (3) legibly type written or printed copies; and 5) accompanied by i) proof payment of the required appeal fee; ii) posting of a cash or surety bond as provided in Section 6 of this Rule; iii) a certificate of non-forum shopping; and iv) proof of service upon the other parties.

x x x x

SECTION 6. BOND. -- In case the decision of the Labor Arbiter or the Regional Director involves a monetary award, an appeal by the employer may be perfected only upon the posting of a bond, which shall either be in the form of cash deposit or surety bond equivalent in amount to the monetary award, exclusive of damages and attorney's fees.

x x x x

No motion to reduce bond shall be entertained except on meritorious grounds, and only upon the posting of a bond in a reasonable amount in relation to the monetary award.

The mere filing of a motion to reduce bond without complying with the requisites in the preceding paragraphs shall not stop the running of the period to perfect an appeal.

Under the Rules, appeals involving monetary awards are perfected only upon compliance with the following mandatory requisites, namely: (1) payment of the appeal fees; (2) filing of the memorandum of appeal; and (3) payment of the required cash or surety bond.[18]

The posting of a bond is indispensable to the perfection of an appeal in cases involving monetary awards from the decision of the labor arbiter. The intention of the lawmakers to make the bond a mandatory requisite for the perfection of an appeal by the employer is clearly expressed in the provision that an appeal by the employer may be perfected "only upon the posting of a cash or surety bond." The word "only" in Articles 223 of the Labor Code makes it unmistakably plain that the lawmakers intended the posting of a cash or surety bond by the employer to be the essential and exclusive means by which an employer's appeal may be perfected. The word "may" refers to the perfection of an appeal as optional on the part of the defeated party, but not to the compulsory posting of an appeal bond, if he desires to appeal. The meaning and the intention of the legislature in enacting a statute must be determined from the language employed; and where there is no ambiguity in the words used, then there is no room for construction.[19]

Clearly, the filing of the bond is not only mandatory but also a jurisdictional requirement that must be complied with in order to confer jurisdiction upon the NLRC. Non-compliance with the requirement renders the decision of the Labor Arbiter final and executory. This requirement is intended to assure the workers that if they prevail in the case, they will receive the money judgment in their favor upon the dismissal of the employer's appeal.

It is intended to discourage employers from using an appeal to delay or evade their obligation to satisfy their employees' just and lawful claims.[20]

In this case, although Ramirez posted an appeal bond, the same was insufficient, as it was not equivalent to the monetary award of the Labor Arbiter. Moreover, when Ramirez sought a reduction of the bond, he merely said that the bond was excessive and baseless without amplifying why he considered it as such.[21]

Colby Construction and Management Corporation v. National Labor Relations Commission[22] succinctly elucidates that an employer who files a motion to reduce the appeal bond is still required to post the full amount of cash or surety bond within the ten-day reglementary period, even pending resolution of his motion.

Very recently, in *McBurnie v. Guanzon*, the respondents therein filed their memorandum of appeal and motion to reduce bond on the 10th or last day of the reglementary period. Although they posted an initial appeal bond, the same was inadequate compared to the monetary award. The Court found no basis for therein respondent's contention that the awards of the Labor Arbiter were null and excessive. We emphasized in that case that it behooves the Court to give utmost regard to the legislative and administrative intent to strictly require the employer to post a cash or surety bond securing the full amount of the monetary award within the 10-day reglementary period. Nothing in the Labor Code or the NLRC Rules of Procedure authorizes the posting of a bond that is less than the monetary award in the judgment, or deems such insufficient posting as sufficient to perfect the appeal.[23]

By stating that the bond is excessive and baseless without more, and without proof that he is incapable of raising the amount of the bond, Ramirez did not even come near to substantially complying with the requirements of Art. 223 of the Labor Code and NLRC Rule of Procedure. Given that Ramirez is involved in taxi business, he has not shown that he had difficulty raising the amount of the bond or was unable to raise the amount specified in the award of the Labor Arbiter.

All given, the NLRC justifiably denied the motion to reduce bond, as it had no basis upon which it could actually and completely determine Ramirez's motion to reduce bond. We have consistently enucleated that a mere claim of excessive bond without more does not suffice. Thus, in *Ong v. Court of Appeals*,^[24] this Court held that the NLRC did not act with grave abuse of discretion when it denied petitioner's motion, for the same failed to elucidate why the amount of the bond was either unjustified or prohibitive.

In *Calabash Garments, Inc. v. National Labor Relations Commission*,^[25] it was held that "a substantial monetary award, even if it runs into millions, does not necessarily give the employer-appellant a 'meritorious case' and does not automatically warrant a reduction of the appeal bond."

It is clear from both the Labor Code and the NLRC Rules of Procedure that there is legislative and administrative intent to strictly apply the appeal bond requirement, and the Court should give utmost regard to this intention. There is a concession to the employer, in excluding damages and attorney's fees from the computation of the appeal bond. Not even the filing of a motion to reduce bond is deemed to stay the period for requiring an appeal. Nothing in the Labor Code or the NLRC Rules of Procedure authorizes the posting of a bond that is less than the monetary award in the judgment, or would deem such insufficient postage as sufficient to perfect the appeal.

On the other hand, Article 223 indubitably requires that the appeal be perfected only upon the posting of the cash or surety bond which is equivalent to the monetary award in the judgment appealed from. The clear intent of both statutory and procedural law is to require the employer to post a cash or surety bond securing the full amount of the monetary award within the ten (10)-day reglementary period. While the bond may be reduced upon motion by the employer, there is that proviso in Rule VI, Section [6] that the filing of such motion does not stay the reglementary period. The qualification effectively requires that unless the NLRC grants the reduction of the cash bond within the ten (10)-day reglementary period, the employer is still expected to post the cash or surety bond securing the full amount within the said ten (10)-day period. If the NLRC does eventually grant the motion for reduction after the reglementary period has elapsed, the correct relief would be to reduce the cash or surety bond already posted by the employer within the ten (10)-day period.^[26] (Emphases supplied.)

While in certain instances, we allow a relaxation in the application of the rules to set right an arrant injustice, we never intend to forge a weapon for erring litigants to violate the rules with impunity. The liberal interpretation and application of rules apply only to proper cases of demonstrable merit and under justifiable causes and circumstances, but none obtains in this case. The NLRC had, therefore, the full discretion to grant or deny Ramirez's motion to reduce the amount of the appeal bond. The finding of the labor tribunal that Ramirez did not present sufficient justification for the reduction thereof cannot be said to have been done with grave abuse of discretion.^[27]

While Section 6, Rule VI of the NLRC's New Rules of Procedure allows the Commission to reduce the amount of the bond, the exercise of the authority is not a matter of right on the part of the movant, but lies within the sound discretion of the NLRC upon a showing of meritorious grounds.^[28]

It is daylight-clear from the foregoing that while the bond may be reduced upon motion by the employer, this is subject to the conditions that (1) the motion to reduce the bond shall be based on meritorious grounds; and (2) a reasonable amount in relation to the monetary award is posted by the appellant; otherwise, the filing of the motion to reduce bond shall not stop the running of the period to perfect an appeal. The qualification effectively requires that unless the NLRC grants the reduction of the cash bond within the 10-day reglementary period, the employer is still expected to post the cash or surety bond securing the full amount within the said 10-day period.

We have always stressed that Article 223, which prescribes the appeal bond requirement, is a rule of jurisdiction

and not of procedure. There is little leeway for condoning a liberal interpretation thereof, and certainly none premised on the ground that its requirements are mere technicalities. It must be emphasized that there is no inherent right to an appeal in a labor case, as it arises solely from grant of statute, namely, the Labor Code.

For the same reason, we have repeatedly emphasized that the requirement for posting the surety bond is not merely procedural but jurisdictional and cannot be trifled with. Non-compliance with such legal requirements is fatal and has the effect of rendering the judgment final and executory.[29]

That settled, we next resolve the issue of whether or not the Court of Appeals correctly dismissed the petition of Ramirez. The Court of Appeals found that he committed the following fatal defects in his petition:

1. Failure of petitioner to properly verify the petition in accordance with A.M. No. 00-2-10-SC amending Section 4, Rule 7 in relation to Section 1, Rule 65 of the Rules of Court which now requires that a pleading must be verified by an affidavit that the affiant has read the pleading and the allegations therein are true and correct of his personal knowledge or based on authentic records, as a consequence of which the petition is treated as an unsigned pleading, which under Section 3, Rule 7 of the Rules of Court, produces no legal effect.
2. Petitioner failed to indicate in the petition the material dates showing when notice of the resolution subject hereof was received and when the motion for reconsideration was filed in violation of Section 3, Rule 46 of the Rules of Court.[30]

On Ramirez's failure to verify his petition, it is true that verification is merely a formal requirement intended to secure an assurance that matters that are alleged are true and correct. Thus, the court may simply order the correction of unverified pleadings or act on them and waive strict compliance with the rules.[31] However, this Court invariably sustains the Court of Appeals' dismissal of the petition on technical grounds under this provision, unless considerations of equity and substantial justice present cogent reasons to hold otherwise. In *Moncielcoji Corporation v. National Labor Relations Commission*,[32] the Court states the rationale -

Rules of procedure are tools designed to promote efficiency and orderliness as well as to facilitate attainment of justice, such that strict adherence thereto is required. The application of the Rules may be relaxed only when rigidity would result in a defeat of equity and substantial justice. But, petitioner has not presented any persuasive reason for this Court to be liberal, even pro hac vice. Thus, we sustain the dismissal of its petition by the Court of Appeals on technical grounds.

Again as in the NLRC, Ramirez has not shown any justifiable ground to set aside technical rules for his failure to comply with the requirement regarding the verification of his petition.

For the same reasons above, we also find no reversible error in the assailed resolution of the Court of Appeals dismissing Ramirez's petition on the ground of failure to state material dates, because in filing a special civil action for certiorari without indicating the requisite material date therein, Ramirez violated basic tenets of remedial law, particularly Rule 65 of the Rules of Court, which states:

SECTION 1. Petition for certiorari. - x x x.

x x x x

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.

On the other hand, the pertinent provision under Rule 46 is explicit:

Sec. 3. Contents and filing of petition; effect of non-compliance with requirements. - x x x .

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.

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.

There are three material dates that must be stated in a petition for certiorari brought under Rule 65. First, the date when notice of the judgment or final order or resolution was received; second, the date when a motion for new trial or for reconsideration was filed; and third, the date when notice of the denial thereof was received. In the case before us, the petition filed with the Court of Appeals failed to indicate when the notice of the NLRC Resolution was received and when the Motion for Reconsideration was filed, in violation of Rule 65, Section 1 (2nd par.) and Rule 46, Section 3 (2nd par.).

As explicitly stated in the aforementioned Rule, failure to comply with any of the requirements shall be sufficient ground for the dismissal of the petition.

The rationale for this strict provision of the Rules of Court is not difficult to appreciate. In *Santos v. Court of Appeals*,^[33] the court explains that the requirement is for purpose of determining the timeliness of the petition, thus:

The requirement of setting forth the three (3) dates in a petition for certiorari under Rule 65 is for the purpose of determining its timeliness. Such a petition is required to be filed not later than sixty (60) days from notice of the judgment, order or Resolution sought to be assailed. Therefore, that the petition for certiorari was filed forty-one (41) days from receipt of the denial of the motion for reconsideration is hardly relevant. The Court of Appeals was not in any position to determine when this period commenced to run and whether the motion for reconsideration itself was filed on time since the material dates were not stated. x x x.

In the instant case, the petition was bereft of any persuasive explanation as to why Ramirez failed to observe procedural rules properly. ^[34]

Quite apparent from the foregoing is that the Court of Appeals did not err, much less commit grave abuse of discretion, in denying due course to and dismissing the petition for certiorari for its procedural defects. Ramirez's failure to verify and state material dates as required under the rules warranted the outright dismissal of his petition.

We are not unmindful of exceptional cases where this Court has set aside procedural defects to correct a patent injustice. However, concomitant to a liberal application of the rules of procedure should be an effort on the part of the party invoking liberality to at least explain its failure to comply with the rules.

In sum, we find no sufficient justification to set aside the NLRC and Court of Appeals resolutions. Thus, the decision of the Labor Arbiter is already final and executory and binding upon this Court.^[35]

The relaxation of procedural rules cannot be made without any valid reasons proffered for or underpinning it. To merit liberality, Ramirez must show reasonable cause justifying his non-compliance with the rules and must convince the court that the outright dismissal of the petition would defeat the administration of substantive justice. The desired leniency cannot be accorded, absent valid and compelling reasons for such procedural lapse. The appellate court saw no compelling need meriting the relaxation of the rules; neither do we see any.^[36]

Wherefore, premises considered, the petition is Denied for lack of merit. The Resolutions of the Court of Appeals

dated 13 July 2007 and 7 March 2008 and the Resolutions of the NLRC dated 29 September 2006 and 20 December 2006 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Nachura, and Peralta, JJ., concur.

[1] Penned by Associate Justice Agustin S. Dizon with Associate Justices Pampio A. Abarintos and Francisco P. Acosta, concurring. Rollo, p. 23.

[2] Rollo, pp. 25-27.

[3] Records, p. 1.

[4] Or on task basis, paid on the basis of output. (Cebu Metal Corporation v. Saliling, G.R. No. 154463, 5 September 2006, 501 SCRA 61.)

[5] Records, p. 13.

[6] Rollo, pp. 43-44.

[7] Id. at 49.

[8] Ramirez submitted Postal Money Order in the amount of P10,000.00 for the appeal bond (Rollo, p. 57).

[9] Rollo, p. 58.

[10] Id. at 59.

[11] Id. at 60-61.

[12] Records, p. 297.

[13] Rollo, p. 23.

[14] Id. at 25.

[15] Id. at 20.

[16] Id. at 14.

[17] Colby Construction and Management Corporation v. National Labor Relations Commission, G.R. No. 170099, 28 November 2007, 539 SCRA 159, 168.

[18] Ciudad Fernandina Food Corporation Employees Union-Associate Labor Unions v. Court of Appeals, G.R. No. 166594, 20 July 2006, 495 SCRA 807, 817.

[19] Mcburnie v. Ganzon, G.R. Nos. 178034 & 178117 and G.R. Nos. 186984-85, 18 September 2009.

[20] Accessories Specialist, Inc. v. Alabanza, G.R. No. 168985, 23 July 2008, 559 SCRA 550, 562.

[21] Records, p. 49.

[22] Supra note 17.

[23] Mcburnie v. Ganzon, supra note 19.

[24] 482 Phil. 170 (2004).

[25] 329 Phil. 226 (1996).

[26] Colby Construction and Management Corporation v. National Labor Relations Commission, supra note 17.

[27] Mcburnie v. Ganzon, supra note 19.

[28] Ong v. Court of Appeals, supra note 24 at 675.

[29] Computer Innovations Center v. National Labor Relations Commission, G.R. No. 152410, 29 June 2005, 462 SCRA 183, 190-193.

[30] Rollo, pp. 23-24.

[31] Traveno v. Bobongon Banana Growers, G.R. No. 164205, 3 September 2009.

[32] 409 Phil. 486, 491-492 (2001).

[33] 413 Phil. 41, 53-54 (2001).

[34] Lapid v. Judge Laurea, 439 Phil. 887, 897 (2002).

[35] Heritage Hotel Manila v. National Labor Relations Commission, G.R. Nos. 180478-79, 3 September 2009.

[36] Daikoku Electronics, Phils. v. Raza, G.R. No. 181688, 5 June 2009.

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.