

CESAR NAGUIT, PETITIONER, VS. SAN MIGUEL CORPORATION, RESPONDENT.

G.R. No. 188839. June 22, 2015

Ponente: PERALTA, J.

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PERALTA, J.:

Assailed in the present petition for review on certiorari under Rule 45 of the Rules of Court are the Resolutions[1] of the Court of Appeals (CA), dated February 13, 2009 and July 15, 2009 in CA-G.R. SP No. 107311. The Resolution of February 13, 2009 denied petitioner's Motion for Extension of Time to File Petition for Certiorari,[2] while the Resolution dated July 15, 2009 denied petitioner's Motion for Reconsideration.

Petitioner was employed as a machine operator of San Miguel Corporation Metal Closure and Lithography Plant, a division of herein respondent corporation which is engaged in the business of manufacturing printed metal caps and crowns for beer, beverage and pharmaceutical products.

Sometime in the afternoon of September 23, 2002, petitioner and one Renato Regala (Regala), also an employee of respondent corporation, got involved in an altercation in respondent corporation's Canlubang Plant. In his Position Paper, petitioner claimed that Regala went to the Canlubang Plant to distribute anti-union materials that are libelous and defamatory and that, as union steward, petitioner confronted Regala, which confrontation developed to a heated exchange of words. Petitioner then elbowed Regala, hitting him in the face, causing him to lose his balance and fall to the ground.

As a consequence, Regala filed a complaint with respondent corporation's Human Resources Department. Respondent corporation then conducted an administrative investigation giving both parties the opportunity to defend themselves. However, petitioner opted to remain silent and did not address the charges against him. On January 29, 2003, the company-designated investigator submitted his report and recommendation finding petitioner guilty of willful injury to another employee within company premises, which is an infraction of the company's rules and regulations. On February 7, 2003, respondent corporation served upon petitioner a letter informing him of the termination of his employment on the basis of the findings and recommendation of the investigator. Petitioner then filed a complaint for illegal dismissal against respondent corporation.[3]

On January 4, 2005, the Labor Arbiter (LA) assigned to the case rendered a Decision[4] in favor of respondent corporation. Accordingly, petitioner's complaint was dismissed for lack of merit.

Petitioner filed an Appeal[5] with the National Labor Relations Commission (NLRC). In its Decision[6] dated April 30, 2008, the NLRC dismissed petitioner's appeal and affirmed the Decision of the LA. Petitioner filed a motion for reconsideration, but the NLRC denied it in its Resolution[7] dated October 31, 2008.

Aggrieved, petitioner intended to file a special civil action for certiorari with the CA to assail the NLRC Decision.

On February 9, 2009, petitioner filed with the CA a Motion for Extension of Time to File Petition for Certiorari[8] Petitioner claimed that on December 10, 2008, his former counsel received a copy of the NLRC Resolution

denying his motion for reconsideration of the NLRC Decision dated April 30, 2008; that he had until February 9, 2009 to file a certiorari petition; and, that he just hired a new counsel who still had to study the records of the case.

On February 13, 2009, the CA promulgated a Resolution[9] denying petitioner's Motion for Extension of Time to File Petition for Certiorari. Citing the amended provisions of Section 4, Rule 65 of the Rules of Court, the CA held that the 60-day period to file a petition for certiorari is non-extendible.

On March 9, 2009, the CA issued another Resolution[10] resolving to consider petitioner's certiorari petition as filed out of time and declaring the questioned NLRC Decision as final and executory.

On even date, petitioner filed a Motion for Reconsideration[11] of the CA Resolution which denied his Motion for Extension of Time to File Petition for Certiorari.

On July 15, 2009, the CA promulgated its Resolution[12] denying petitioner's Motion for Reconsideration for lack of merit.

Hence, the present petition for review on certiorari raising the following ISSUES, to wit:

- WHETHER OR NOT THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION WHEN IT FAILED TO DECIDE THIS CASE ON THE MERITS IN ACCORDANCE WITH SUPREME COURT JURISPRUDENCE AFFORDED TO LABOR CASES;
- WHETHER OR NOT THE COURT OF APPEALS FAILED TO LOOK INTO THE SUBSTANTIAL FACTS AND APPLICABLE LAWS OF THIS CASE;
- WHETHER OR NOT THE PETITIONER HAD BEEN UNLAWFULLY DISMISSED AND THUS IS ENTITLED TO REINSTATEMENT AND FULL BACKWAGES AND OTHER BENEFITS AS WELL AS DAMAGES AND ATTORNEY'S FEES.[13]

The petition lacks merit.

As to the first issue raised, which pertains to the procedural aspect of the case, the Court is not persuaded by petitioner's contention that the CA should have decided the case on its merits and not simply dismissed his certiorari petition by denying his motion for extension to file the said petition.

In this regard, the Court's ruling in the recent case of *Thenamaris Philippines, Inc. (Formerly Intermare Maritime Agencies, Inc.) v. Court of Appeals*[14] is instructive, to wit:

In *Republic v. St. Vincent de Paul Colleges, Inc.*, we had the occasion to settle the seeming conflict on various jurisprudence touching upon the issue of whether the period for filing a petition for certiorari may be extended. In said case, we stated that the general rule, as laid down in *Laguna Metis Corporation v. Court of Appeals*, is that a petition for certiorari must be filed strictly within 60 days from notice of judgment or from the order denying a motion for reconsideration. This is in accordance with the amendment introduced by A.M. No. 07-7-12-SC where no provision for the filing of a motion for extension to file a petition for certiorari exists, unlike in the original Section 4 of Rule 65 which allowed the filing of such a motion but only for compelling reason and in no case exceeding 15 days. Under exceptional cases, however, and as held in *Domdom v. Third and Fifth Divisions of the Sandiganbayan*, the 60-day period may be extended subject to the court's sound discretion. In *Domdom*, we stated that the deletion of the provisions in Rule 65 pertaining to extension of time did not make the filing of such pleading absolutely prohibited. "If such were the intention, the deleted portion could just have simply been reworded to state that 'no extension of time to file the petition shall be granted.' Absent such a prohibition, motions for extension are allowed, subject to the court's sound discretion."

Then in *Labao v. Flores*, we laid down some of the exceptions to the strict application of the 60-day period

rule, thus:

[T]here are recognized exceptions to their strict observance, such as: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules.[15]

In the instant case, petitioner asserts that, due to the unavailability of his former lawyer, he retained the services of a new counsel who has a heavy workload and that the records were forwarded to the latter only a week before the expiration of the period for filing of the petition with the CA.

The Court is not convinced.

Suffice it to say that workload and resignation of the lawyer handling the case are insufficient reasons to justify the relaxation of the procedural rules.[16] Heavy workload is relative and often self-serving.[17]

In addition, it is also the duty of petitioner to monitor the status of his case and not simply rely on his former lawyer, whom he already knew to be unable to attend to his duties as counsel. It is settled that litigants represented by counsel should not expect that all they need to do is sit back and relax, and await the outcome of their case.[18] They should give the necessary assistance to their counsel, for at stake is their interest in the case.[19]

Moreover, it is true that rules of procedure are tools designed to facilitate the attainment of justice. Also, the general rule is that every litigant must be given amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities. However, the Court agrees with the CA that petitioner's failure to file his petition on time does not involve mere technicality but is jurisdictional.[20] Petitioner's failure to timely file his petition renders the questioned NLRC Decision final and executory, thus, depriving the CA of its jurisdiction over the said petition.[21]

Furthermore, no one has a vested right to file an appeal or a petition for certiorari. These are statutory privileges which may be exercised only in the manner prescribed by law. Rules of procedure must be faithfully complied with and should not be discarded with by the mere expediency of claiming substantial merit.[22] In *Lanzaderas v. Amethyst Security and General Services, Inc.*,[23] this Court held that:

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xxx Although technical rules of procedure are not ends in themselves, they are necessary, however, for an effective and expeditious administration of justice. It is settled that a party who seeks to avail of certiorari must observe the rules thereon and non-observance of said rules may not be brushed aside as "mere technicality." While litigation is not a game of technicalities, and that the rules of procedure should not be enforced strictly at the cost of substantial justice, still it does not follow that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation, assessment and just resolution of the issues. Procedural rules should not be belittled or dismissed simply because they may have resulted in prejudice to a party's substantial rights. Like all rules, they are required to be followed except only for compelling reasons.[24]

As to the substantive aspect of the case, petitioner, in the second and third issues raised, insists on questioning the findings of fact of the LA and the NLRC. However, it is settled that in a petition for review on certiorari with this

Court, only questions of law may be raised. Questions of fact may not be inquired into. While there are exceptions to this rule, to wit:

(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.[25]

the Court finds that none exists in the instant case.

Equally settled is the rule that factual findings of quasi-judicial bodies like the NLRC, if supported by substantial evidence, are accorded respect and even finality by this Court, more so when they coincide with those of the LA.[26]

In any case, even if the case be decided on its merits, the Court still finds no cogent reason to depart from the findings of the LA and the NLRC that petitioner was validly dismissed from his employment. As noted by both the LA and the NLRC, substantial evidence exists to show that petitioner committed acts which are tantamount to serious misconduct and willful disobedience of company rules and regulations. On the other hand, the Labor Arbiter noted that, other than his bare allegations, petitioner did not submit proof to support his allegations nor did he provide evidence to counter those which were submitted by respondent.

Lastly, the Court does not agree with petitioner's argument that the penalty of dismissal imposed upon him is too harsh and is not commensurate to the infraction he has committed, considering that he has been in respondent's employ for fifteen years and that this is just his first offense of this nature.

The settled rule is that fighting within company premises is a valid ground for the dismissal of an employee.[27] Moreover, the act of assaulting another employee is serious misconduct which justifies the termination of employment.[28]

Also, the Court agrees with respondent's contention that if petitioner's long years of service would be regarded as a justification for moderating the penalty of dismissal, it will actually become a prize for disloyalty, perverting the meaning of social justice and undermining the efforts of labor to cleanse its ranks of all undesirables.[29] In addition, where the totality of the evidence was sufficient to warrant the dismissal of the employees, the law warrants their dismissal without making any distinction between a first offender and a habitual delinquent.[30] In the present case, all the more should petitioner's years of service be taken against him in light of the finding of the lower tribunals that his violation of an established company rule was shown to be willful and such willfulness was characterized by a wrongful attitude. Moreover, petitioner has never shown any feelings of remorse for what he has done, considering that the lower tribunals found no justification on his part in inflicting injury upon a co-employee. To make matters worse, petitioner even exhibited a seemingly arrogant attitude in insisting to remain silent and rejecting requests for him to explain his side despite having been given numerous opportunities to do so.

On the basis of the foregoing, the Court finds no error on the part of the CA in denying petitioner's motion for extension of time to file his petition for certiorari.

WHEREFORE, the instant petition is DENIED. The Resolutions of the Court of Appeals, dated February 13, 2009 and July 15, 2009 in CA-G.R. SP No. 107311, are AFFIRMED.

SO ORDERED.

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

July 10, 2015

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on June 22, 2015 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on July 10, 2015 at 4:06 p.m.

Very truly yours,

(SGD.)

WILFREDO V. LAPITAN

Division Clerk of Court

[*] Designated Acting Member in lieu of Associate Justice Bienvenido L. Reyes, per Raffle dated May 20, 2015.

**] Designated Acting Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated June 22, 2015.

[1] Penned by Associate Justice Marlene Gonzales-Sison, with the Associate Justices Bienvenido L. Reyes (now a member of this Court) and Isaias P. Dicdican, concurring.

[2] Rollo, pp. 30-32.

[3] See Position Paper for the Complainant, id. at 52-56.

[4] Rollo, pp. 214-221.

[5] Id. at 223-230.

[6] Id. at 268-271.

[7] Id. at 272.

[8] Id. at 30-32.

[9] Id. at 281-284.

[10] Id. at 286-287.

[11] Id. at 288-294.

[12] Id. at 323-324.

[13] Id. at 11-12.

[14] G.R. No. 191215, February 3, 2014, 715 SCRA 153.

[15] Id. at 163-166, citing the cases of Republic v. St. Vincent de Paul Colleges, Inc., G.R. No. 192908, August 22, 2012, 678 SCRA 738, 747-750, Laguna Melts Corporation v. Court of Appeals, 611 Phil. 530 (2009), Domdom v. Third and Fifth Divisions of the Sandiganbayan, 627 Phil. 341 (2010), and Labao v. Flores, G.R. No.

187984, November 15, 2010, 634 SCRA 723, 732. (*Italics in the original*)

[16] *Mid-Islands Power Generation Corporation v. Court of Appeals*, G.R. No. 189191, February 29, 2012, 667 SCRA 342, 355.

[17] *Laguna Metts Corporation v. Court of Appeals*, *supra* note 14, at 537.

[18] *Spouses O and Cheng v. Spouses Javier and Dailisan*, 609 Phil. 434, 443 (2009).

[19] *Id.*

[20] See *Napocor v. Spouses Laohoo, et al.*, 611 Phil. 194, 217-218 (2009).

[21] *Id.*

[22] *Laguna Metts v. Court of Appeals*, *supra* note 14, at 534.

[23] 452 Phil. 621 (2003).

[24] *Lanzaderas v. Amethyst Security and General Services, Inc.*, *supra*, at 631-632.

[25] *Arriola v. Filipino Star Ngayon, Inc.*, G.R. No. 175689, August 13, 2014.

[26] *Emeritus Security and Maintenance Systems, Inc. v. Janrie C. Dailig*, G.R. No. 204761, April 2, 2014; *Oasay, Jr. v. Palacio del Govemador Condominium Corporation*, G.R. No. 194306, February 6, 2012, 665 SCRA 68, 77; *Bank of Lubao, Inc. v. Manabat*, G.R. No. 188722, February 1, 2012, 664 SCRA 772, 779.

[27] *Malaya Shipping Services, Inc. v. NLRC*, 351 Phil. 421, 429 (1998).

[28] See *Ha Yuan Restaurant v. NLRC*, 516 Phil. 124, 128 (2006); *Eastern Paper Mills, Inc. v. NLRC*, 252 Phil. 618, 619-620 (1989).

[29] *Etcuban, Jr. v. Sulpicio Lines, Inc.*, 489 Phil. 483, 499 (2005).

[30] *Aparente, Sr. v. NLRC*, 387 Phil. 96, 107 (2000).

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