

CESAR V. GARCIA, CARLOS RAZON, ALBERTO DE GUZMAN, TOMAS RAZON, OMER E. PALO, RIZALDE VALENCIA, ALLAN BASA, JESSIE GARCIA, ORAG, ROMMEL PANGAN, RUEL SOLIMAN, AND CENEN CANLAPAN, ...

G.R. No. 196830. February 29, 2012

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition[1] for review on certiorari under Rule 45 of the Rules of Court. The petition challenges the 29 April 2011 Decision[2] of the Court of Appeals in CA-G.R. SP No. 115851, affirming the 8 February[3] and 25 June[4] 2010 Resolutions of the National Labor Relations Commission (NLRC) in NLRC-LAC-No. 12-004061-08. The NLRC set aside the 30 October 2008 Decision[5] of the Labor Arbiter in NLRC Case No. RAB-III-02-9779-06.

The Facts

Respondent KJ Commercial is a sole proprietorship. It owns trucks and engages in the business of distributing cement products. On different dates, KJ Commercial employed as truck drivers and truck helpers petitioners Cesar V. Garcia, Carlos Razon, Alberto De Guzman, Tomas Razon, Omer E. Palo, Rizalde Valencia, Allan Basa, Jessie Garcia, Juanito Paras, Alejandro Orag, Rommel Pangan, Ruel Soliman, and Cenen Canlapan (petitioners).

On 2 January 2006, petitioners demanded for a P40 daily salary increase. To pressure KJ Commercial to grant their demand, they stopped working and abandoned their trucks at the Northern Cement Plant Station in Sison, Pangasinan. They also blocked other workers from reporting to work.

On 3 February 2006, petitioners filed with the Labor Arbiter a complaint[6] for illegal dismissal, underpayment of salary and non-payment of service incentive leave and thirteenth month pay.

The Labor Arbiter's Ruling

In his 30 October 2008 Decision, the Labor Arbiter held that KJ Commercial illegally dismissed petitioners. The Labor Arbiter held:

After a careful examination and evaluation of the facts and evidences adduced by both parties, we find valid and cogent reasons to declare that these complainants were illegally dismissed from their work to be entitled to their separation in lieu of reinstatement equivalent to their salary for one (1) month for every year of service and backwages from the time that they were terminated on January 2, 2006 up to the date of this Decision.

We carefully examined the defense set up by the respondents that these complainants were not terminated from their employment but were the one [sic] who abandoned their work by staging strike and refused to perform their work as drivers of the trucks owned by the respondents on January 2, 2006, vis-à-vis, he [sic] allegations

and claims of the complainants that when they asked for an increase of their salary for P40.00, they were illegally dismissed from their employment without due process, and we gave more credence and value to the allegations of the complainants that they were illegally dismissed from their employment without due process and did not abandoned [sic] their work as the respondents wanted to project. We examined the narration of facts of the respondents in their Position Paper and Supplemental Position Paper and we concluded that these complainants were actually terminated on January 2, 2006 and did not abandoned [sic] their jobs as claimed by the respondents when the respondents, in their Position Paper, admitted that their cement plant was shutdown on January 3, 2006 and when it resumed its operation on January 7, 2006, they ordered the other drivers to get the trucks in order that the hauling of the cements will not incur further delay and that their business will not be prejudiced.

Granting for the sake of discussion that indeed these complainants abandoned their work on January 2, 2006, why then that [sic] the cement plant was shutdown on January 3, 2006 and resumed operation on January 7, 2006, when there are fifty (50) drivers of the respondents and only thirteen (13) of them were allegedly stopped from working. Further, if these complainants actually abandoned their work, as claimed by the respondents, they miserably failed to show by substantial evidence that these complainants deliberately and unjustifiably refused to resume their employment.

x x x x

The acts of these complainants in filing this instant case a month after they were terminated from their work is more than sufficient evidence to prove and show that they do not have the intention of abandoning their work. While we acknowledged the offer of the respondents for these complainants to return back to work during the mandatory conference, the fact that these complainants were illegally terminated and prevented from performing their work as truck drivers of the respondents and that there was no compliance with the substantive and procedural due process of terminating an employee, their subsequent offer to return to work will not cure the defect that there was already illegal dismissal committed against these complainants.[7]

KJ Commercial appealed to the NLRC. It filed before the NLRC a motion to reduce bond and posted a P50,000 cash bond.

The NLRC's Ruling

In its 9 March 2009 Decision,[8] the NLRC dismissed the appeal. The NLRC held:

Filed with respondents-appellants' Appeal Memorandum is a Motion to Reduce Appeal Bond and a cash bond of P50,000.00 only. x x x

We find no merit on [sic] the respondents-appellants' Motion. It must be stressed that under Section 6, Rule VI of the 2005 Revised Rules of this Commission, a motion to reduce bond shall only be entertained when the following requisites concur:

- The motion is founded on meritorious ground; and
- A bond of reasonable amount in relation to the monetary award is posted.

We note that while respondents-appellants claim that they could not possibly produce enough cash for the required appeal bond, they are unwilling to at least put up a property to secure a surety bond. Understandably, no surety agency would normally accept a surety obligation involving a substantial amount without a guarantee that it would be indemnified in case the surety bond posted is forfeited in favor of a judgment creditor. Respondents-appellants' insinuation that no surety company can finish the processing of a surety bond in ten days time is not worthy of belief as it is contrary to ordinary business experience. What is obvious is that respondents-appellants are not willing to accept the usual conditions of a surety agreement that is why no surety bond could be processed. The reduction of the required bond is not a matter of right o[n] the part of the

movant but lies within the sound discretion of the NLRC upon showing of meritorious grounds x x x. In this case, we find that the instant motion is not founded on a meritorious ground. x x x Moreover, we note that the P50,000.00 cash bond posted by respondents-appellants which represents less than two (2) percent of the monetary award is dismally disproportionate to the monetary award of P2,612,930.00 and that the amount of bond posted by respondents-appellants is not reasonable in relation to the monetary award. x x x A motion to reduce bond that does not satisfy the conditions required under NLRC Rules shall not stop the running of the period to perfect an appeal x x x.

Conversely, respondents-appellants failed to perfect an appeal for failure to post the required bond.[9]

KJ Commercial filed a motion[10] for reconsideration and posted a P2,562,930 surety bond. In its 8 February 2010 Resolution, the NLRC granted the motion and set aside the Labor Arbiter's 30 October 2008 Decision. The NLRC held:

x x x [T]his Commission opts to resolve and grant the Motion for Reconsideration filed by respondent-appellant seeking for reconsideration of Our Decision promulgated on March 9, 2009 dismissing the Appeal for non-perfection, there being an honest effort by the appellants to comply with putting up the full amount of the required appeal bond. Moreover, considering the merit of the appeal, by granting the motion for reconsideration, the paramount interest of justice is better served in the resolution of this case.

x x x x

Going over the record of the case, this Commission noted that in respondents' Supplemental Position Paper, in denying complainants' imputation of illegal dismissal, respondents categorically alleged "[.] that complainants were not illegally dismissed but on January 2, 2006, they abandoned their work by means of [']work stoppage['] or they engaged in an [']illegal strike['] when they demanded for a higher rate..[.] that while their respective assigned trucks were all in the cement plant ready to be loaded, complainants paralyzed respondents' hauling or trucking operation by staging a work stoppage at the premises of KJ Commercial compound by further blocking their co-drivers not to report for work." We have observed that despite these damaging allegations, complainants never bothered to dispute nor contradicted these material allegations. Complainants' silence on these material allegations consequently lends support to respondents-appellants['] contention that complainants were never dismissed at all but had stopped driving the hauler truck assigned to each of them when their demand for salary increase in the amount they wish was not granted by respondents-appellants.

Moreover, contrary to the findings of the Labor Arbiter, the purported shutdown of the cement plant being cited by the Labor Arbiter a quo as the principal cause of complainants' purported dismissal cannot be attributed to respondents because it was never established by evidence that respondents were the owner [sic] of the cement plant where complainants as truck drivers were hauling cargoes of cement with trucks owned by respondents whose business is confined to that of a cement distributor and cargo truck hauler. Based on the undisputed account of respondents-appellants, it appears that the cement plant was compelled to shut down because the hauling or trucking operation was paralyzed due to complainants' resort to work stoppage by refusing to drive their hauler trucks despite the order of the management for them to get the trucks which blockaded the cement plant.

Furthermore, a perusal of the complainants' position paper and amended position paper failed to allege the overt acts showing how they were in fact dismissed on 02 January 2006. The complainants had not even alleged that they were specifically told that they were dismissed after they demanded for a salary increase or any statement to that effect. Neither had they alleged that they were prevented from reporting for work. This only shows there was never a dismissal to begin with.

x x x x

We cannot affirm the Labor Arbiter's conclusions absent showing a fact of termination or circumstances under

which the dismissal was effected. Though only substantial evidence is required in proceedings before the Labor Arbiter to support a litigant's claim, the same still requires evidence separate and different, and something which supports the allegations affirmatively made. The complainants' claim that they were dismissed on 02 January 2006, absent proof thereof or any supporting evidence thereto is at best self serving.[11]

Petitioners filed a motion for reconsideration. In its 25 June 2010 Resolution, the NLRC denied the motion for lack of merit. The NLRC held:

We stress that it is within the power and discretion of this Commission to grant or deny a motion to reduce appeal bond. Having earlier denied the motion to reduce bond of the respondents-appellants, this Commission is not precluded from reconsidering its earlier Decision on second look when it finds meritorious ground to serve the ends of justice. Settled is the norm in the matter of appeal bonds that letter-perfect rules must yield to the broader interest of substantial justice x x x. In this case, the Decision of the Labor Arbiter had not really become final and executory as respondents timely filed a Memorandum of Appeal with a Motion to Reduce Appeal Bond and a partial appeal bond. Although the respondents['] appeal was dismissed, in the earlier decision, the same Decision was later reconsidered on considerations that the Labor Arbiter committed palpable errors in his findings and the monetary awards to the appellees are secured by a partial bond and then later, by an appeal bond for the full amount of the monetary awards.[12]

Petitioners filed with the Court of Appeals a petition[13] for certiorari under Rule 65 of the Rules of Court.

The Court of Appeals' Ruling

In its 29 April 2011 Decision, the Court of Appeals dismissed the petition and affirmed the NLRC's 8 February and 25 June 2010 Resolutions. The Court of Appeals held:

After scrupulously examining the contrasting positions of the parties, and the conflicting decisions of the labor tribunals, We find the records of the case bereft of evidence to substantiate the conclusions reached by the Labor Arbiter that petitioners were illegally dismissed from employment.

While petitioners vehemently argue that they were unlawfully separated from work, records are devoid of evidence to show the fact of dismissal. Neither was there any evidence offered by petitioners to prove that they were no longer allowed to perform their duties as truck drivers or they were prevented from entering KJ Commercial's premises, except for their empty and general allegations that they were illegally dismissed from employment. Such bare and sweeping statement contains nothing but empty imputation of a fact that could hardly be given any evidentiary weight by this Court. At the very least, petitioners should have detailed or elaborated the circumstances surrounding their dismissal or substantiate their claims by submitting evidence to buttress such contention. Without a doubt, petitioners' allegation of illegal dismissal has no leg to stand on. Accordingly, they should not expect this Court to swallow their asseveration hook, line and sinker in the absence of supporting proof. Allegation that one was illegally dismissed from work is not a magic word that once invoked will automatically sway this Court to rule in favor of the party invoking it. There must first be substantial evidence to prove that indeed there was illegal dismissal before the employer bears the burden to prove the contrary.[14]

Hence, the present petition.

The Issue

Petitioners raise as issue that the Labor Arbiter's 30 October 2008 Decision became final and executory; thus, the NLRC's 8 February and 25 June 2010 Resolutions and the Court of Appeals' 29 April 2011 Decision are void for lack of jurisdiction. Petitioners claim that KJ Commercial failed to perfect an appeal since the motion to reduce bond did not stop the running of the period to appeal.

The Court's Ruling

The petition is unmeritorious.

When petitioners filed with the Court of Appeals a petition for certiorari, they did not raise as issue that the Labor Arbiter's 30 October 2008 Decision had become final and executory. They enumerated the issues in their petition:

GROUND FOR THE PETITION

I.

THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION WHEN IT REVERSED THE DECISION OF THE LABOR ARBITER A QUO AND PRONOUNCED THAT THE PETITIONERS WERE NOT ILLEGALLY DISMISSED DESPITE CLEAR AND SUBSTANTIAL EVIDENCE ON THE RECORDS SHOWING THAT COMPLAINANTS WERE REGULAR EMPLOYEES TO BE ENTITLED TO SECURITY OF TENURE AND WERE ILLEGALLY DISMISSED FROM THEIR EMPLOYMENT.

II.

THE NLRC HAS COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION WHEN IT GIVE [sic] MUCH WEIGHT TO PRIVATE RESPONDENTS['] BASELESS ALLEGATIONS IN ITS [sic] MOTION FOR RECONSIDERATION WHEN IT [sic] ALLEGED THAT COMPLAINANTS HAD ABANDONED THEIR WORK BY MEANS OF "WORK STOPPAGE" OR THEY ENGAGED IN AN "ILLEGAL STRIKE" WHEN THEY DEMANDED FOR A HIGHER RATE.

III.

THE NLRC GRAVELY ERRED TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION WHEN IT CONCLUDED THAT "COMPLAINANTS PARALYZED HAULING OR TRUCKING OPERATION BY STAGING A WORK STOPPAGE AT THE PREMISES OF KJ COMMERCIAL COMPOUND BY FURTHER BLOCKING THEIR CO-DRIVERS NOT TO REPORT FOR WORK" WITHOUT A SINGLE EVIDENCE TO SUPPORT SUCH ALLEGATIONS OF PRIVATE RESPONDENTS.

IV.

THE NLRC GRAVELY ERRED WHEN IT CONCLUDED THAT THE PRINCIPAL CAUSE OF COMPLAINANTS' DISMISSAL WAS DUE TO THE PURPORTED SHUTDOWN OF THE CEMENT PLANT CITED BY THE LABOR ARBITER IN HIS DECISION.[15]

Accordingly, the Court of Appeals limited itself to the resolution of the enumerated issues. In its 29 April 2011 Decision, the Court of Appeals held:

Hence, petitioners seek recourse before this Court via this Petition for Certiorari challenging the NLRC Resolutions and raising the following issues:

I.

THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION WHEN IT REVERSED THE DECISION OF THE LABOR ARBITER A QUO AND PRONOUNCED THAT PETITIONERS WERE NOT ILLEGALLY DISMISSED DESPITE CLEAR AND SUBSTANTIAL EVIDENCE ON THE RECORDS SHOWING THAT PETITIONERS WERE REGULAR EMPLOYEES TO BE ENTITLED TO SECURITY OF TENURE AND WERE ILLEGALLY DISMISSED

FROM THEIR EMPLOYMENT.

II.

THE NLRC HAS COMMITTED GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION WHEN IT GAVE MUCH WEIGHT TO PRIVATE RESPONDENTS BASELESS ALLEGATIONS IN ITS [sic] MOTION FOR RECONSIDERATION WHEN IT [sic] ALLEGED THAT PETITIONERS HAD ABANDONED THEIR WORK BY MEANS OF “WORK STOPPAGE” OR THEY ENGAGED IN AN “ILLEGAL STRIKE” WHEN THEY DEMANDED FOR A HIGHER RATE.

III.

THE NLRC GRAVELY ERRED WHEN IT CONCLUDED THAT “PETITIONERS PARALYZED HAULING AND TRUCKING OPERATION BY STAGING A WORK STOPPAGE AT THE PREMISES OF KJ COMMERCIAL COMPOUND BY FURTHER BLOCKING THEIR CO-DRIVERS NOT TO REPORT FOR WORK” WITHOUT A SINGLE EVIDENCE TO SUPPORT SUCH ALLEGATIONS OF PRIVATE RESPONDENTS.

IV.

THE NLRC GRAVELY ERRED WHEN IT CONCLUDED THAT THE PRINCIPAL CAUSE OF PETITIONERS’ DISMISSAL WAS DUE TO THE PURPORTED SHUTDOWN OF THE CEMENT PLANT CITED BY THE LABOR ARBITER IN HIS DECISION.[16]

Petitioners cannot, for the first time, raise as issue in their petition filed with this Court that the Labor Arbiter’s 30 October 2008 Decision had become final and executory. Points of law, theories and arguments not raised before the Court of Appeals will not be considered by this Court. Otherwise, KJ Commercial will be denied its right to due process. In *Tolosa v. National Labor Relations Commission*,[17] the Court held:

Petitioner contends that the labor arbiter’s monetary award has already reached finality, since private respondents were not able to file a timely appeal before the NLRC.

This argument cannot be passed upon in this appeal, because it was not raised in the tribunals a quo. Well-settled is the rule that issues not raised below cannot be raised for the first time on appeal. Thus, points of law, theories, and arguments not brought to the attention of the Court of Appeals need not — and ordinarily will not — be considered by this Court. Petitioner’s allegation cannot be accepted by this Court on its face; to do so would be tantamount to a denial of respondent’s right to due process.

Furthermore, whether respondents were able to appeal on time is a question of fact that cannot be entertained in a petition for review under Rule 45 of the Rules of Court. In general, the jurisdiction of this Court in cases brought before it from the Court of Appeals is limited to a review of errors of law allegedly committed by the court a quo.[18] (Emphasis supplied)

KJ Commercial’s filing of a motion to reduce bond and delayed posting of the P2,562,930 surety bond did not render the Labor Arbiter’s 30 October 2008 Decision final and executory. The Rules of Procedure of the NLRC allows the filing of a motion to reduce bond subject to two conditions: (1) there is meritorious ground, and (2) a bond in a reasonable amount is posted. Section 6 of Article VI states:

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

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

The filing of a motion to reduce bond and compliance with the two conditions stop the running of the period to

perfect an appeal. In *McBurnie v. Ganzon*,^[19] the Court held:

x x x [T]he 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.^[20]

The NLRC has full discretion to grant or deny the motion to reduce bond,²¹ and it may rule on the motion beyond the 10-day period within which to perfect an appeal. Obviously, at the time of the filing of the motion to reduce bond and posting of a bond in a reasonable amount, there is no assurance whether the appellant's motion is indeed based on "meritorious ground" and whether the bond he or she posted is of a "reasonable amount." Thus, the appellant always runs the risk of failing to perfect an appeal.

Section 2, Article I of the Rules of Procedure of the NLRC states that, "These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines and other relevant legislations, and to assist the parties in obtaining just, expeditious and inexpensive resolution and settlement of labor disputes." In order to give full effect to the provisions on motion to reduce bond, the appellant must be allowed to wait for the ruling of the NLRC on the motion even beyond the 10-day period to perfect an appeal. If the NLRC grants the motion and rules that there is indeed meritorious ground and that the amount of the bond posted is reasonable, then the appeal is perfected. If the NLRC denies the motion, the appellant may still file a motion for reconsideration as provided under Section 15, Rule VII of the Rules. If the NLRC grants the motion for reconsideration and rules that there is indeed meritorious ground and that the amount of the bond posted is reasonable, then the appeal is perfected. If the NLRC denies the motion, then the decision of the labor arbiter becomes final and executory.

In the present case, KJ Commercial filed a motion to reduce bond and posted a P50,000 cash bond. When the NLRC denied its motion, KJ Commercial filed a motion for reconsideration and posted the full P2,562,930 surety bond. The NLRC then granted the motion for reconsideration.

In any case, the rule that the filing of a motion to reduce bond shall not stop the running of the period to perfect an appeal is not absolute. The Court may relax the rule. In *Intertranz Container Lines, Inc. v. Bautista*,^[22] the Court held:

Jurisprudence tells us that in labor cases, an appeal from a decision involving a monetary award may be perfected only upon the posting of a cash or surety bond. The Court, however, has relaxed this requirement under certain exceptional circumstances in order to resolve controversies on their merits. These circumstances include: (1) fundamental consideration of substantial justice; (2) prevention of miscarriage of justice or of unjust enrichment; and (3) special circumstances of the case combined with its legal merits, and the amount and the issue involved.^[23]

In *Rosewood Processing, Inc. v. NLRC*,^[24] the Court held:

The perfection of an appeal within the reglementary period and in the manner prescribed by law is jurisdictional, and noncompliance with such legal requirement is fatal and effectively renders the judgment final and executory. The Labor Code provides:

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.

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.

Indisputable is the legal doctrine that the appeal of a decision involving a monetary award in labor cases may be perfected “only upon the posting of a cash or surety bond.” The lawmakers intended the posting of the bond to be an indispensable requirement to perfect an employer’s appeal.

However, in a number of cases, this Court has relaxed this requirement in order to bring about the immediate and appropriate resolution of controversies on the merits. Some of these cases include: “(a) counsel’s reliance on the footnote of the notice of the decision of the labor arbiter that the aggrieved party may appeal within ten (10) working days; (b) fundamental consideration of substantial justice; (c) prevention of miscarriage of justice or of unjust enrichment, as where the tardy appeal is from a decision granting separation pay which was already granted in an earlier final decision; and (d) special circumstances of the case combined with its legal merits or the amount and the issue involved.”

In *Quiambao vs. National Labor Relations Commission*, this Court ruled that a relaxation of the appeal bond requirement could be justified by substantial compliance with the rule.

In *Globe General Services and Security Agency vs. National Labor Relations Commission*, the Court observed that the NLRC, in actual practice, allows the reduction of the appeal bond upon motion of the appellant and on meritorious grounds; hence, petitioners in that case should have filed a motion to reduce the bond within the reglementary period for appeal.

That is the exact situation in the case at bar. Here, petitioner claims to have received the labor arbiter’s Decision on April 6, 1993. On April 16, 1993, it filed, together with its memorandum on appeal and notice of appeal, a motion to reduce the appeal bond accompanied by a surety bond for fifty thousand pesos issued by Prudential Guarantee and Assurance, Inc. Ignoring petitioner’s motion (to reduce bond), Respondent Commission rendered its assailed Resolution dismissing the appeal due to the late filing of the appeal bond.

The solicitor general argues for the affirmation of the assailed Resolution for the sole reason that the appeal bond, even if it was filed on time, was defective, as it was not in an amount “equivalent to the monetary award in the judgment appealed from.” The Court disagrees.

We hold that petitioner’s motion to reduce the bond is a substantial compliance with the Labor Code. This holding is consistent with the norm that letter-perfect rules must yield to the broader interest of substantial justice.[25]

In *Ong v. Court of Appeals*,[26] the Court held that the bond requirement on appeals may be relaxed when there is substantial compliance with the Rules of Procedure of the NLRC or when the appellant shows willingness to post a partial bond. The Court held that, “While the bond requirement on appeals involving monetary awards has been relaxed in certain cases, this can only be done where there was substantial compliance of the Rules or where the appellants, at the very least, exhibited willingness to pay by posting a partial bond.”[27]

In the present case, KJ Commercial showed willingness to post a partial bond. In fact, it posted a P50,000 cash bond. In *Ong*, the Court held that, “Petitioner in the said case substantially complied with the rules by posting a partial surety bond of fifty thousand pesos issued by Prudential Guarantee and Assurance, Inc. while his motion to reduce appeal bond was pending before the NLRC.”[28]

Aside from posting a partial bond, KJ Commercial immediately posted the full amount of the bond when it filed its motion for reconsideration of the NLRC’s 9 March 2009 Decision. In *Dr. Postigo v. Philippine Tuberculosis Society, Inc.*,[29] the Court held:

x x x [T]he respondent immediately submitted a supersedeas bond with its motion for reconsideration of the NLRC resolution dismissing its appeal. In *Ong v. Court of Appeals*, we ruled that the aggrieved party may file the appeal bond within the ten-day reglementary period following the receipt of the resolution of the NLRC to forestall the finality of such resolution. Hence, while the appeal of a decision involving a monetary award in labor cases may be perfected only upon the posting of a cash or surety bond and the posting of the bond is an indispensable requirement to perfect such an appeal, a relaxation of the appeal bond requirement could be justified by substantial compliance with the rule.[30]

WHEREFORE, the Court DENIES the petition and AFFIRMS the 29 April 2011 Decision of the Court of Appeals in CA-G.R. SP No. 115851.

SO ORDERED.

Brion, Perez, Sereno, and Reyes, JJ., concur.

[1] Rollo, pp. 11-41.

[2] Id. at 48-55. Penned by Associate Justice Samuel H. Gaerlan, with Associate Justices Rosmari D. Carandang and Ramon R. Garcia concurring.

[3] Id. at 149-157. Penned by Presiding Commissioner Herminio V. Suelo, with Commissioners Angelo Ang Palana and Numeriano D. Villena concurring.

[4] Id. at 163-167.

[5] Id. at 102-119. Penned by Labor Arbiter Mariano L. Bactin.

[6] Id. at 62.

[7] Id. at 108-111.

[8] Id. at 132-136.

[9] Id. at 133-135.

[10] Id. at 137-138.

[11] Id. at 150-156.

[12] Id. at 166.

[13] Id. at 168-188.

[14] Id. at 53.

[15] Id. at 174-176.

[16] Id. at 51-52.

[17] 449 Phil. 271 (2003).

[18] Id. at 284-285.

[19] G.R. Nos. 178034, 178117, 186984 and 186985, 18 September 2009, 600 SCRA 658.

[20] Id. at 669.

[21] Id. at 671.

[22] G.R. No. 187693, 13 July 2010, 625 SCRA 75.

[23] Id. at 84.

[24] 352 Phil. 1013 (1998).

[25] Id. at 1028-1031.

[26] 482 Phil. 170 (2004).

[27] Id. at 181.

[28] Id. at 181-182.

[29] 515 Phil. 601 (2006).

[30] Id. at 607-608.

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