LE SOLEIL INT’L. LOGISTICS CO., INC., AND/OR BETH UMALI, REYNANTE MALABANAN, AND EUGENIO S. YNION, JR., PETITIONERS, VS. VICENTE SANCHEZ, DAVID R. CONDE, AND NATIONAL LABOR RELA...

G.R. No. 199384. September 09, 2015

Ponente: PEREZ, J.

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PEREZ, J.:

For resolution of the Court is the instant Petition for Review on Certiorari[1] filed by petitioners Le Soleil International Logistics Co., Inc. and/or Beth Umali, Reynante Malabanan and Eugenio Ynion, Jr., seeking to reverse and set aside the Resolutions dated 16 September 2011[2] and 17 November 2011[3] of the Court of Appeals (CA) in CA-G.R. SP. No. 121097. The assailed resolutions dismissed the Petition for Certiorari filed by petitioners for having been filed out of time rendering the National Labor Relations Commission (NLRC) Decision dated 25 April 2011 and its Resolution dated 14 June 2011 final and executory.

In a Resolution dated 17 November 2011, the appellate court refused to reconsider its earlier Resolution.

The Antecedents

On 16 September 2011, the CA issued a Resolution dismissing the Petition for Certiorari filed by petitioners for failing to perfect their petition for certiorari within the 60-day reglementary period provided under the Revised Rules of Court. The assailed CA resolution reads in toto:

> Filed pursuant to Rule 65 of the 1997 Rules of Civil Procedure, the instant petition for certiorari seeks the nullification and setting aside of the April 25, 2011 Decision of the National Labor Relations Commission in NLRC-NCR Case No. 01-00038-11 which modified the September 6, 2010 Decision in turn rendered by the Labor Arbiter in NLRC-NCR Case No. 04-04439-10, and the June 14, 2011 Resolution denying the Motion for Reconsideration thereof.
>
> The Court resolves to dismiss the petition outright on the following grounds:
>
> First, the petition was filed three (3) days late on September 5, 2011. Under Section 4, Rule 65 Revised Rules of the Civil Procedure, as amended by AM No. 07-7-12-SC, petitions for certiorari must be filed strictly within 60 days from notice of the judgment or order denying their motion for reconsideration. Having received a copy of June 4, 2011 Resolution denying the motion for reconsideration of the assailed April 25, 2011 Decision on July 24, 2011, petitioners had up to September 2, 2011 only to file the petition for certiorari.
>
> Second, the petition contains no statement of the specific material dates showing when petitioners received a copy of the assailed April 25, 2011 Decision of the court a quo when a motion for reconsideration was filed, contrary to Section 3, Rule 46 of the 1997 Rules.
>
> Third, the petition does not state the date of issue of petitioners' counsel's Mandatory Continuing Legal Education (MCLE) Certificate of Compliance, as required under Bar Matter No. 1922, dated June 3, 2008.

> WHEREFORE, the petition is DENIED DUE COURSE and accordingly DISMISSED.[4]

Aggrieved by the foregoing resolution, petitioners timely interposed a Motion for Reconsideration which was also denied by the appellate court in a Resolution[5] dated 17 November 2011.

Issues

Petitioners are now before this Court via this instant Petition for Review on Certiorari praying that the CA Resolutions be reversed and set aside on the following grounds:

> I.
>
> THE COURT OF APPEALS ERRED IN NOT EXERCISING ITS EQUITY JURISDICTION AS ENUNCIATED BY JURISPRUDENCE ON THE MATTER;
>
> II.
>
> THE CA ERRED IN NOT FINDING THAT THE NLRC GRAVELY ABUSED ITS DISCRETION.[6]

The Court's Ruling

We deny the petition.

The general rule is that a timely appeal is the remedy to obtain reversal or modification of the judgment on the merits. This is true even if one of the errors to be assigned on appeal is the lack of jurisdiction on the part of the court rendering the judgment over the subject matter, or the exercise of power by said court is in excess of its jurisdiction, or the making of its findings of fact or of law set out in the decision is attended by grave abuse of discretion. In other words, the perfection of an appeal within the reglementary period is mandatory because the failure to perfect the appeal within the time prescribed by the Rules of Court unavoidably renders the judgment final as to preclude the appellate court from acquiring the jurisdiction to review the judgment.[7]

The pertinent rules on the perfection of a petition for certiorari is set forth under Section 4 of Rule 65 of the 1997 Rules of Civil Procedure, amended by A.M. No. 07-7-12-SC, which reads:

> SEC. 4. When and where to file petition. The petition shall be filed not later than sixty (60) days from notice of the judgment or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) days period shall be counted from the notice of the denial of the motion.
>
> If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the courts appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.
>
> In election cases involving an act or omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction.

Under the foregoing rules, petition for certiorari should be instituted within a period of 60 days from notice of the judgment, order, or resolution sought to be assailed.[8] The 60-day period is inextendible to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case.[9] Rules of procedure must be faithfully complied with and should not be discarded with the mere expediency of claiming substantial merit.[10] As a corollary, rules prescribing the time for doing specific acts or for taking

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certain proceedings are considered absolutely indispensable to prevent needless delays and to orderly and promptly discharge judicial business. By their very nature, these rules are regarded as mandatory.[11]

Applying the foregoing statutory and jurisprudential rules in the case at bar, we agree with the disquisition of the CA that petitioners failed to seasonably perfect their appeal rendering the Decision of the NLRC dated 25 April 2011 and its Resolution dated 14 June 2011, final and executory.

In this case, there is no debate that petitioners incurred in delay in filing the petition for certiorari before the appellate court. While petitioners concede that the filing of the appeal was three days late, they however invoke the indulgence of the Court to liberally apply the rules to pave the way for the resolution of the case on the merits. A careful scrutiny of the pleadings submitted by petitioners reveals, however, that there is no compelling reason to except this case from the operation of the general rule since none of the exceptions[12] enunciated in the jurisprudence is attendant herein. Certainly, liberality is not a magic word that once invoked will automatically be considered as a mitigating circumstance in favor of the party invoking it. 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.[13]

Time and again, we have stressed that procedural rules do not exist for the convenience of the litigants; the rules were established primarily to provide order to, and enhance the efficiency of, our judicial system. While procedural rules are liberally construed, the provisions on reglementary periods are strictly applied, indispensable as they are to the prevention of needless delays, and are necessary to the orderly and speedy discharge of judicial business. The timeliness of filing a pleading is a jurisdictional caveat that even this Court cannot trifle with.[14]

Viewed in this light, procedural rules are not to be belittled or dismissed simply because their non-observance may have prejudiced a party's substantive rights; like all rules, they are required to be followed.[15]

WHEREFORE, premises considered, the instant petition is hereby DENIED. The assailed Resolutions of the Court of Appeals are hereby AFFIRMED.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Perlas-Bernabe, JJ., concur.

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[1] Rollo, pp. 3-33.

[2] Id. at 40-41; Penned by Associate Justice Rebecca De Guia-Salvador with Sesinando E. Villon and Amy C. Lazaro-Javier concurring.

[3] Id. at 35-36.

[4] Id. at 40-41.

[5] Id. at 35-36.

[6] Id. at 14.

[7] Prieto v. Court of Appeals, G.R. No. 158597, 18 June 2012, 673 SCRA 371, 378.

[8] Labao v. Flores, G.R. No. 187984, 15 November 2010, 634 SCRA 723, 730-731.

[9] Id. at 731.

[10] Laguna Metis Corporation v. Court of Appeals, 611 Phil. 530, 534 (2009).

[11] Id. at 534-535.

[12] However, there 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.

[13] Labao v. Flores, supra note 8 at 732.

[14] Id. at 731-732.

[15] Id. at 732.

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