

HENRY E. YU, MARIANITO M. MARBAS, EDWIN R. BAYBAY, VICTOR RUALES, CEPRIANO J. DOSDOS, JR., REYNALDO C. GATO, PABLITO GRAME OLAYON, FELICITO G. DAAN, SR., EDGAR R. REBAGOS, SR., ...

G.R. No. 214249. September 25, 2017

Ponente: PERALTA,** J.

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PERALTA,[] J.:**

This is a petition for review on certiorari under Rule 45 of the Rules of Civil Procedure (Rules) seeking to reverse and set aside the May 31, 2013 Resolution[1] and July 31, 2014 Resolution[2] of the Court of Appeals (CA) in CA G.R. SP No. 07577, which dismissed outright, based on procedural grounds, the petition for certiorari that assailed the October 17, 2012 Decision[3] and December 28, 2012 Resolution[4] of the National Labor Relations Commission (NLRC).

The Facts

SR Metals, Inc. Workers Union - FFW Chapter (SRMIWU-FFW) is a legitimate labor organization authorized to operate as a local chapter of the Federation of Free Workers[5] and certified as the sole and exclusive bargaining agent of all rank-and-file employees of SR Metals, Inc. (SRMI). On the other hand, SRMI is a corporation duly organized and existing under the Philippine laws and engaged in mining business at La Fraternidad, Tubay, Agusan del Norte.

A. Illegal Dismissal Cases

From 2008 to 2010, a number of SRMI employees were terminated and replaced with workers of Asiapro Cooperative, who were non-Tubaynon. Subject of this petition are the fifteen (15) groups of employees who filed cases for illegal dismissal and money claims before the NLRC Regional Arbitration Branch No. XIII in Butuan City, Agusan del Norte. Their names, positions, and periods of employment are as follows:[6]

RAB-13-07-00170-10:

Name

Position

Employment Period

Genes C. Capon

Warehouseman to Logistic Supervisor
(Warehouseman)
(Logistic Supervisor)

3/16/06 - 11/1/08
(3/16/06 - 6/16/06)

(7/7/07 - 4/30/09)

Mark Decyrl B. Osorio

Warehouse Aide
(Warehouse Aide)

9/23/06 - 7/8/08
(6/27/08 - 7/26/08)

Freddie M. Beltran

Warehouse Aide
(Warehouse Helper)

6/23/07 - 6/23/08
(3/29/08 - 6/28/08)

Robert F. Colminas

Bargeman
(Bargeman)

8/24/07 - 5/15/10
(5/1/10 - 5/15/10)

William M. Estorque, Sr.

Mason/Carpenter
(Mason/Carpenter)

3/20/06 - 6/10/06 and 3/23/07 - May 2008
(3/20/06 - 6/20/06)

RAB-13-07-00171-10:

Name

Position

Employment Period

Reynaldo C. Gato

Drilling Aide/Logistic Supervisor
(Drilling Aide)

5/25/07 - 10/23/08
(9/24/08 - 10/23/08)

Pablito G. Olayon

Animal Caretaker
(Animal Caretaker)

11/11/06 - 11/30/07
(contract expiry on 9/19/07)

Felecito G. Daan, Sr.

Mason/Plumber/Master Carpenter
(Mason/Plumber)

3/8/06 -10/20/09
(9/1/06 - 10/1/06)

Edgar R. Rebagos, Sr.

Flagman
(Flagman)

2007 - 7/8/08
(3/29/08 - 6/28/08)

Ronald T. Lansang

Company Nurse
(Community Coordinator)

January 2007 - 10/27/09
(8/28/09 - 9/27/09)

RAB-13-07-00172-10:

Name

Position

Employment Period

Henry E. Yu

Company Driver
(Service Driver)

4/21/06 - 11/28/08
(10/9/08 - 10/23/08)

Marianito M. Marbas

Pumpboat Operator
(Laborer)

8/15/06 - 7/15/08
(1/15/08 - 7/15/08)

Edwin R. Baybay

Spotter
(Spotter)

10/26/06 - 10/5/08
(9/5/08 - 10/5/08)

Victor S. Ruales

Survey Aide
(Rodman)

3/26/06 -10/23/08
(10/13/08 - 10/18/08)

Cepriano J. Dosdos, Jr.

Survey Aide
(Survey Aide)

3/26/07 - October 2008
(9/29/08 - 10/4/08)

RAB-13-07-00175-10:

Name

Position

Employment Period

Remegildo P. Rodriguez

No employment record

N/A

Marijul O. Undap

Flagman/Barge Worker/Laboratory Aide
(Mason/Laborer)

3/26/07 - 6/23/08
(5/22/08 - 6/21/08)

Rogelio R. Ubbos, Jr.

Flagman/Barge Worker/Laboratory Aide
(Sample Prep Leadman)

11/15/06 - June 2008
(4/26/10 - 5/25/10)

Elane M. Agapay

Community Coordinator
(Community Coordinator)

3/23/06 - 1/15/09
(12/16/08 - 1/15/09)

Gerson S. Agapay, Sr.

Survey Aide/Rodman
(Rodman)

4/20/07 - 12/23/09
(11/23/09 - 12/22/09)

RAB-13-07-00188-10:

Name

Position

Employment Period

Eric G. Maraon

Spotter

(Stockpile Spotter)

3/26/06 - 10/5/08

(9/6/08 - 10/5/08 and 12/14/08 - 7/7/09)

Leonard S. Villaren

Spotter/Road Maintenance

(Spotter/Bargeman)

4/6/06 - 10/5/08

(9/6/08 - 10/5/08 and 12/14/08 - 10/17/10)

Junipher Quita

Flagman/Bargeworker

March 2007 - September 2008

Jebrayan Quita

Spotter/Flagman/Bargeman

3/23/06 - 9/1/08

Jovanie Bantilan

Bargeman/Construction Helper

3/1/06 - 9/1/08

RAB-13-07-00189-10:

Name

Position

Employment Period

Vinson M. Alejandro

Utility Man

(Office Utility)

3/10/07 - 7/9/07 and 7/16/09 - 12/15/09

(9/21/08 - 10/31/08 and 12/14/08 - 7/7/09)

Jerlynn Q. Galang

Data Encoder

(Data Encoder)

6/26/07 - 10/31/08 and 3/8/09 - 12/15/09
(10/1/08 - 1/1/09)

RAB-13-08-00204-10:

Name

Position

Employment Period

Jovelito E. Maestrado, Jr.

Utility Worker

(Barge Worker)

March 2007 - March 2009

(2/3/09 - 2/19/09)

Constancio B. Madrona, Jr.

Laboratory Technician

Lab Sample Prepman/Electrician)

July 2006 - March 2009

(5/26/09 - 6/25/09)

RAB-13-08-00223-10:

Name

Position

Employment Period

Gerry A. Quita

Watchman

(Survey Aide)

11/11/05-8/4/10

(6/4/10-8/4/10)

Rey S. Agapay

Environmental Monitoring

(Drilling Operator)

8/1/06-8/4/10

(6/4/10-8/4/10)

Adolito S. Bultron

Leadman

(Sample Prep Leadman)

6/23/06-8/4/10

(6/4/10-8/4/10)

RAB-13-09-00227-10:

Name

Position

Employment Period

Arnel L. Lunasin

Mine Sampler
(Mine Receiver)

3/26/06 - 3/24/10
(3/11/10 - 4/10/10)

Jose C. Sabio

Receiver
(Mine Receiver)

February 2007 - 7/9/10
(7/10/10 - 7/24/10)

RAB-13-09-00234-10:

Name

Position

Employment Period

Jimmy G. Alber

Nursery & Mine Office Utility
(Janitor)

5/9/07 - 7/8/08
(3/30/08 - 6/29/08)

Jerry L. Lopez

Construction Laborer
(Laborer)

April 2006 - 7/31/08
(9/1/06 - 10/1/06)

RAB-13-09-00247-10:

Name

Position

Employment Period

Janifer C. Daan

Survey Aide
(Rodman)

4/29/07-10/16/09
(9/22/08 - 9/27/08)

RAB-13-09-00266-10:

Name

Position

Employment Period

Ronito A. Rama

Laboratory Aide

11/5/05 - 8/30/10

RAB-13-09-00265-10:

Name

Position

Employment Period

Johna D. Llemit

Staff House Utility
(Household Helper)

June 2007 - 2/1/08
(month-to-month basis)

Virgilia A. Empron

Staff House Utility
(Household Helper)

June 2007 - 8/8/08
(month-to-month basis)

RAB-13-07-00176-10:

Name

Position

Employment Period

Roel E. Vallespin

(Spotter/Barge Worker)

(9/6/08 - 10/5/08; 12/14/08 - 7/7/09; 10/11/09 - 10/17/09; 5/4/10 - 5/10/10; and 7/29/10 - 8/4/10)

Peter John D. Cordova

(Mine Sampler)

(8/13/09 - 9/12/09)

Ronilo D. Cordova

(Sampler Aide)

(8/24/08 - 10/8/08)

Crisanto D. Diapolet

(Dispatcher)

(8/6/08 - 10/5/08; 12/24/08 - 7/7/09;
and 10/11/09 - 10/17/09)

Aldo D. Diapolet

(Dispatcher)

(9/6/08 - 10/5/08; 12/14/08 - 7/7/09;
and 10/11/09 - 10/17/09)

RAB-13-07-00186-10:

Name

Position

Employment Period

Evelyn G. Mansal

Disbursing Officer
(Cashier)

5/5/06 - 10/31/08
(7/7/07-4/30/09)

Rubin G. Maraon

Sample Prep Man/Laboratory Aide
(Laboratory Aide)

July 2006 - October 2006 and 1/15/09-4/15/10
(3/26/10 - 4/25/10)

Silverio P. Ombico, Jr.

Flagman/Barge Worker/Nursery Aide
(MEPEO Laborer)

11/15/06 - June 2008
(7/20/09 - 8/19/09)

Diego C. Gonzaga

Flagman/Barge Worker/Laboratory Aide
(Sampler Aide)

3/26/07 - 6/23/08
(4/13/08 - 7/12/08)

Sometime in February and March 2011, Executive Labor Arbiter (ELA) Noel Augusto S. Magbanua (Magbanua) issued separate rulings on the 15 cases. Except for Rodriguez whose case was dismissed for not signing the Position Paper, Capon et al. (RAB-13-07-00170-10), Gato et al. (RAB-13-07-00171-10), Yu et al., (RAB-13-07-00172-10), and Undap et al. (RAB-13-07-00175-10) were found to have been illegally dismissed because they were regular employees of SRMI. On the other hand, while granting some of their money claims, the labor arbiter did not find merit in the complaints for illegal dismissal of Maraon et al. (RAB-13-07-00188-10), Alejandro et al. (RAB-13-07-00189-10), Quita et al. (RAB-13-08-00223-10), Daan (RAB-13-09-00247-10), and Rama (RAB-13-09-00266-10), who were project or fixed-term employees; Madrona (RAB-13-08-00204-10), Lunasin et al. (RAB-13-09-00227-10), and Alber et al. (RAB-13-09-00234-10), who were contractual employees; Llemit et al. (RAB-13-09-00265-10), whose services as house helpers were not directly related to the mining business; Vallespin et al.[7] (RAB-13-07-00176-10) and Mansal et al. (RAB-13-07-00186-10), who lacked interest to pursue the case for failure to submit Position Paper; and Maestrado, Jr. (RAB-13-08-00204-10), who was not an employee of SRMI but of SAN R Mining & Const. Corp. Both the aggrieved employees and the SRMI appealed to the NLRC 8th Division in Cagayan de Oro (CDO) City, Misamis Oriental.

Capon et al., Gato et al., Yu et al., and Undap et al. were not reinstated, either actual or in payroll, by SRMI. Consequently, they filed a Motion for the Issuance of Writ of Execution with Motion to Compute Backwages. During the proceedings, Capon, Ruales, Osorio, Beltran, Gato, Yu, Rebagos, Sr., Baybay, and Olayon voluntarily agreed to a settlement and executed a Quitclaim and Release with Motion to Dismiss.[8] Subsequently, on February 23, 2012, ELA Nicodemus G. Palangan (Palangan) granted the motion and ordered the issuance of a writ of execution.[9]

SRMI challenged the February 23, 2012 Order by filing a Petition to Annul and/or Modify Order before the NLRC 8th Division.[10] SRMI argued that reinstatement of the illegally dismissed employees requires the issuance of a writ of execution as it is not self-executory; that complainants' claim for separation pay implied the abandonment of their prayer for reinstatement and manifested their intent to sever employment relationship with SRMI; and that the daily wage rate of the complainants existing immediately prior to their alleged illegal termination, not the present and updated daily wage rates, should be the basis in computing the salaries accruing to them during their reinstatement pending appeal. SRMI pointed out that the assailed decisions of ELA Magbanua only ruled that the computation of the salaries should use the rate of P230/day starting on August 25, 2011. In contrast, ELA Palangan computed the salaries pending appeal using daily wage rate of P243/day from April 1, 2011 to November 10, 2011 and P258/day from November 11, 2011 to January 31, 2012.

B. Unfair Labor Practice Case

Meantime, while the illegal dismissal cases were pending, Angat Kalawakang Hanapbuhay, Inc. - Union of Filipino Workers (AKHSRMI-UFW) and SRMIWU-FFW — the two unions that were organized within SRMI — agreed to a consent election, which was eventually conducted on October 28, 2010. Out of the 107 voters, 25 were for "No Union" while 82 were "Challenged Votes" on the ground that the voters were no longer SRMI employees. The Med-Arbiter resolved that 75 of the challenged votes were qualified because the voters remain to be SRMI employees on the basis of their pending cases with the NLRC Regional Arbitration Branch No. XIII while the remaining 7 voters were disqualified as their pending cases were filed only after there had already been an agreement for the conduct of consent election. Upon opening and canvassing of the ballots, all 75 votes were for SRMIWU-FFW. On March 8, 2011, the Med-Arbiter rendered an Order proclaiming SRMIWU-FFW as the winner in the consent election. AKHSRMI-UFW appealed, but the Order was affirmed by the Department of Labor and Employment (DOLE) in a Resolution dated November 25, 2011, which became final and executory on December 26, 2011.

As the certified sole and exclusive bargaining agent of the rank-and-file employees of SRMI, SRMIWU-FFW demanded for the negotiation of a collective bargaining agreement (CBA). The proposed CBA was sent to SRMI in May 2011,[11] but the latter did not act on the proposal to negotiate a CBA and agreed only to the drafting of guidelines and rules to be observed during the negotiation process. Consequently, SRMI received a Notice from the National Conciliation and Mediation Board (NCMB) of the DOLE directing it to attend a conciliation conference for the purpose of CBA. A number of conferences were held, but SRMI did not appear.

On August 3, 2011, SRMIWU-FFW filed a Notice of Strike before the NCMB-RB XIII on the ground of Unfair Labor Practice (ULP) for refusal to bargain in violation of Article 248 (g) in relation to Articles 250 (a), 251, and 252 of the Labor Code, as amended. Again, SRMI refused to appear in the conciliation conferences. On February 28, 2012, it received a notice from the DOLE for a conciliation and mediation conference scheduled on March 2, 2012. Still, SRMI did not participate therein and refused to bargain with SRMIWU-FFW.

SRMIWU-FFW conducted a strike vote, wherein majority of the union members agreed to go on strike. On February 14, 2012, it submitted the result to the NCMB-CARAGA.

Once more, conciliation and mediation conferences were conducted, but no appearance was made by SRMI or a mutually acceptable solution was reached by the parties.

On April 26, 2012, pursuant to Article 263 (g) of the Labor Code, as amended, then Secretary of Labor and Employment (SOLE) Rosalinda Dimapilis-Baldoz assumed jurisdiction over the ULP case, certified it for compulsory arbitration and immediate consolidation with the pending illegal dismissal cases before the NLRC, and issued a return to work (RTWO) to all SRMI workers.[12] Despite the RTWO, SRMI refused to accept the employees who went back to work.

For SRMIWU-FFW, the refusal of SRMI to bargain collectively is tantamount to a ULP act. All workers who are SRMIWU-FFW members are still considered by law as SRMI employees due to the pendency of the illegal dismissal cases and labor dispute between the union and the company. To question the March 8, 2011 Order of the Med-Arbiter proclaiming SRMIWU-FFW as the winner in the consent election is tantamount to collateral attack on the certification of SRMIWU-FFW as the sole and exclusive bargaining agent of the rank-and-file employees of SRMI, which already attained finality.

SRMI countered that it justifiably and in good faith refused to go through the process of entering into any collective bargaining agreement with SRMIWU-FFW because it does not recognize the legitimacy of the union, which was organized only in October 2010 or after the contracts of employment of its members ceased and only after they filed illegal dismissal cases against SRMI. To sit down with SRMIWU-FFW for negotiations would be tantamount to abandoning its stand that the union cannot, by all means, represent the rank-and-file employees of SRMI. Perusal of the employment records with the company showed that out of the 99 members of SRMIWU-FFW, 96 filed illegal dismissal cases: 4 were separated in 2007, on account of the end or completion of their project or fixed-term employment; 47 were separated in 2008, for the same reason; 21 in 2009; 22 in 2010; and 2 in 2011.[13] Further, out of the 96 complaints, 71 were dismissed by the labor arbiter but on appeal before the NLRC in CDO and Cebu, 13 obtained awards for reinstatement, and 12 were of unknown status but on appeal before the NLRC in CDO and Cebu.[14]

As to the RTWO, SRMI argued that it is anchored on the principle of status quo ante, i.e., the employees must be re-admitted under the same terms and conditions prevailing prior to the Certification Order. In this case, the alleged union members were no longer connected with SRMI years prior to the issuance of the Certification Order. Since there is really no work post that they could return to, SRMI could not be blamed for not accepting them back. Moreover, it is wrong to equate the RTWO of the SOLE to the reinstatement order pending appeal.

While the law says that they are both immediately executory, the first requires that the employee must be actually employed or in the company's roster of employees while the second requires that the employee must be illegally dismissed. None is present in this case.

Finally, SRMI asserted that, being the employer, it cannot interfere -with the consent election, much less attempt to alter or tamper with the consequence of such activity by appealing the results thereof or questioning the validity of the certification by the DOLE. While employers may rightfully be notified or informed of petitions for certification election, they should not be considered parties thereto with the concomitant right to oppose in view of the rule that they should maintain a strictly hands-off policy. In contrast, when SRMIWU-FFW sought to deal directly with the company, the situation has changed. It is now opportune for the latter to raise the issue of validity of the union's personality to represent SRMI rank-and-file employees for CBA negotiations.

Ultimately, SRMI maintained that its questioned acts were done in pursuit of its right to self-determination and self-preservation; hence, it is not liable for ULP, damages, and attorney's fees.

In view of Administrative Order No. 03-22 dated March 23, 2012 issued by the NLRC Chairman, the 15 appealed cases^[15] were forwarded by the NLRC 8th Division to the Special 7th Division, which was created to deliberate and resolve the same.^[16] Likewise, the Special 7th Division received SRMI's petition for extraordinary remedy. With the filing of the certified case, all cases involving the same parties already filed and are relevant to or proper incident of the certified case were considered subsumed thereto pursuant to Section 3 (b) of the 2011 NLRC Rules of Procedure.

Ruling of the NLRC

The NLRC held that there were valid fixed-term contracts that negated the regularity of petitioners' employment. The fixed period was knowingly and voluntarily agreed upon by the parties. In fact, petitioners were employed by San-R Mining and Construction Corporation and Galeo Equipment and Mining Co. even before they were engaged on fixed term contracts with SRMI. Thus, their employment must be considered contractual in nature ending upon the expiration of the term fixed in their respective letters of appointment or contracts or upon the completion of the specific project or undertaking for which their services were engaged.

Petitioners also failed to prove by substantial evidence its allegation that SRMI is guilty of ULP. Given the prevailing circumstances of this case, the SRMI did not commit ULP for refusal to negotiate with SRMIWU-FFW. It was opined:

In declaring that the Union members were not illegally dismissed but that their employment naturally ended upon the expiration of the fixed terms in their employment contracts or upon the completion of the projects for which their services were engaged, the Union's contention then becomes largely inconsequential yet vastly dubious. Note must be taken that more than half of the number of Union members' employment with the company were severed as early as the years 2007, 2008 and 2009, while the cases for illegal dismissal were filed only in 2010, or long after their alleged dismissal from employment and around which time the Union was to conduct a certification election. A few others were separated from the company in 2010.

Judging, however, from the rationalization posed by the Union, We give great consideration to the situation that the calculated use Article 212 of the Labor Code by the Union on the definition of "employees" and the attendant illegal dismissal cases filed was purposeful so much so that the Union furtively achieved access for union formation and its subsequent certification as the sole and exclusive bargaining agent of the SRMI rank-and-file employees. To Our mind, this scheme was carefully crafted and ultimately hoodwinked the company on union formation and consent election, a process in which the company was neither allowed to question nor take part in.

Clearly, under the circumstances, the company would have cried foul, as it did, on the legitimacy of the union membership and its personality to represent the entire rank-and-file, given that the members thereof were already separated from employment. Added to this is the fact that at the time the consent election was conducted and upon the certification of the Union as the sole and exclusive bargaining agent, illegal dismissal cases were already on the wheels of arbitration. Being the respondent in the copious illegal dismissal cases which covered the majority, if not the entire, membership of the Union, SRMI cannot be expected to sit down and negotiate for a CBA with a union whose members were already separated from the company due to expiration of contracts or completion of the projects for which they were hired, lest SRMI be misconstrued to have deserted its postulation on the validity of the separation from employment of the workers involved.[17]

For the NLRC, SRMIWU-FFW failed to rebut the presumption of good faith. It was not shown that SRMI was induced by malice, ill will, bad faith, or fraudulent intent when it refused to act on the CBA proposals of the union. Accordingly, it cannot be held liable for payment of damages.

It was ruled, however, that a writ of execution for the reinstatement of illegally dismissed employees is not necessary for the execution of judgment. According to the NLRC, to rule otherwise would betray and run counter to the very object and intent of Article 223 of the Labor Code, as amended. Without any restraining order, it was mandatory for SRMI to reinstate, actually or in the payroll, the employees concerned. For failure to do so, it was incumbent upon the labor arbiter to issue a writ of execution. The workers' entitlement to salaries occasioned by the company's unjustified refusal to reinstate would be effective from the time of the failure to reinstate and not reckoned from the issuance of the writ.

Nonetheless, the NLRC held that it was error for ELA Palangan to come up with a computation using a rate which is different from what was specified in the decisions of ELA Magbanua. It cited Section 9 Rule XI of the 2011 NLRC Rules of Procedure, which provides that the amount is one that is specified in the decision. Hence, ELA Palangan committed excess of jurisdiction when he ordered for the payment of reinstatement wages based on a new rate or a rate other than what was specified in the decision.

The dispositive portion of the NLRC decision reads:

WHEREFORE, premises considered, We find that complainants in the subsumed appealed cases were validly separated on account of the expiration of their fixed term contracts or the completion of the projects for which they were engaged. Thus, there is no illegal dismissal to speak of. SR Metals, Inc. is found not to have committed unfair labor practice and is not liable for payment of damages.

The petition of SRMI seeking to annul the Order of Executive Labor Arbiter Nicodemus Palangan dated 23 February 2012 and for the grant of injunctive relief is DENIED. However, ELA Palangan is directed to modify the computation of complainants' reinstatement wages basing the same on the rate previously specified in the decision below.

SO ORDERED.[18]

Ruling of the CA

The petition for certiorari was dismissed for failure to state the date of filing of the Motion for Reconsideration before the NLRC and to indicate the serial number of the notary public's commission in violation of Section 2 (b) and (d) of the 2004 Rules on Notarial Practice. Petitioners' motion for reconsideration was denied.

Our Ruling

The petition is partially granted.

The right to appeal is not a natural right or a part of due process but is merely a statutory privilege that should be

exercised only in the manner prescribed by and in accordance with the provisions of the law and the requirements of the rules. For non-compliance, the right to appeal is lost.[19]

In particular, there are three material dates that must be stated in a petition for certiorari brought under Rule 65: (a) the date when notice of the judgment or final order or resolution was received, (b) the date when a motion for new trial or for reconsideration when one such was filed, and, (c) the date when notice of the denial thereof was received.[20] These dates should be reflected in the petition to enable the reviewing court to determine if the petition was filed on time.[21] The reason being that, as a rule, the perfection of an appeal in the manner and within the period prescribed by law is jurisdictional and failure to perfect an appeal as required by law renders the judgment final and executory.[22]

Nonetheless, procedural rules are designed to promote or secure, rather than frustrate or override, substantial justice.[23] In *Hadji-Sirad v. Civil Service Commission*,[24] this Court emphasized:

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. However, technical rules of procedure are not designed to frustrate the ends of justice. The Court is fully aware that procedural rules are not to be belittled or simply disregarded, for these prescribed procedures insure an orderly and speedy administration of justice. However, it is equally true that litigation is not merely a game of technicalities. Law and jurisprudence grant to courts the prerogative to relax compliance with procedural rules of even the most mandatory character, mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.

This is not to say that adherence to the Rules could be dispensed with. However, exigencies and situations might occasionally demand flexibility in their application. In not a few instances, the Court relaxed the rigid application of the rules of procedure to afford the parties the opportunity to fully ventilate their cases on the merit. This is in line with the time-honored principle that cases should be decided only after giving all parties the chance to argue their causes and defenses. Technicality and procedural imperfection should, thus, not serve as basis of decisions. In that way, the ends of justice would be better served. For, indeed, the general objective of procedure is to facilitate the application of justice to the rival claims of contending parties, bearing always in mind that procedure is not to hinder but to promote the administration of justice.

In *Sanchez v. Court of Appeals*, the Court restated the reasons that may provide justification for a court to suspend a strict adherence to procedural rules, such as: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) a lack of any showing that the review sought is merely frivolous and dilatory; and (f) the other party will not be unjustly prejudiced thereby.[25]

Thus, We have consistently held that failure to comply with the rule on a statement of material date(s) in the petition may be excused if the date(s) is (are) evident from the records.[26] The more material date for purposes of appeal to the CA is the date of receipt of the order or resolution denying the motion for reconsideration.[27] Yet concomitant to a liberal application of the rules of procedure should be an effort on the part of the party to at least explain its failure to comply with the rules.[28] To merit liberality, a valid and compelling reason proffered for or underpinning it or a reasonable cause justifying non-compliance with the rules must be shown and must convince the court that the outright dismissal of the petition would defeat the administration of substantive justice.[29]

In this case, there is at least a reasonable attempt at compliance with the Rules.[30] In their motion for reconsideration before the CA, petitioners in fact pointed out that in their motion for reconsideration before the NLRC, a copy of which was attached as Annex "B" of their petition for certiorari before the CA, it was mentioned

that their motion for reconsideration was timely filed on December 7, 2012.[31] As proof, they even attached in their motion for reconsideration before the CA, as Annex "A" thereof, the original copy of registry receipt no. 13543 issued by Robinson's Ermita Postal Station showing that the mail matter was posted on "Dec 7 2012." [32] These substantial compliance should have been sufficient for the CA to reverse its previous ruling and finally resolve the case on its merit. Certainly, petitioners made a persuasive explanation as to the inadvertence and were not obstinate in their non-observance of procedural rules. Such actuation is consistent with their plea for liberality in construing the rules on certiorari.

The same liberality should be applied with respect to petitioners' failure to indicate the serial number of the notary public's commission. In *In-N-Out Burger, Inc. v. Sehwan, Incorporated and/or Benita's Frites, Inc.*, [33] respondents impugned the validity of the notary public's certificate on Atty. Baranda's Verification/Certification attached to the Petition, noting the absence of (1) the serial number of the commission of the notary public; (2) the office address of the notary public; (3) the roll of attorneys number and the IBP membership number; and (4) a statement that the Verification/Certification was notarized within the notary public's territorial jurisdiction, as required under the 2004 Rules on Notarial Practice. In disregarding the challenge, We held:

x x x [The] Court deems it proper not to focus on the supposed technical infirmities of Atty. Baranda's Verification. It must be borne in mind that the purpose of requiring a verification is to secure an assurance that the allegations of the petition has been made in good faith; or are true and correct, not merely speculative. This requirement is simply a condition affecting the form of pleadings, and non-compliance therewith does not necessarily render it fatally defective. Indeed, verification is only a formal, not a jurisdictional requirement. In the interest of substantial justice, strict observance of procedural rules may be dispensed with for compelling reasons. x x x.[34]

The procedural lapses cited by the CA do not affect the merits of the petition; procedural rules should have been relaxed in order to serve substantial justice. What the CA should have done was to require petitioners' counsel to submit the lacking information instead of dismissing the case outright. Petitioners, who are merely rank-and-file employees and are mostly, if not all, minimum wage earners, must not be penalized for the honest mistakes of their counsel. They deserve to have their case properly ventilated at the appellate court since what is at stake is their means of livelihood. The Court cannot allow it be taken away from them without giving a chance at a full and judicious review of the case. Indeed, a strict interpretation of technical rules of procedure that is unduly detrimental to the working class is contrary to the constitutional mandate of affording full protection to labor and enhancing social justice.

Our ruling in *Barra v. Civil Service Commission* [35] should guide the CA:

Courts should not be unduly strict in cases involving procedural lapses that do not really impair the proper administration of justice. Since litigation is not a game of technicalities, every litigant should be afforded the amplest opportunity for the proper and just determination of his case, free from the constraints of technicalities. Procedural rules are mere tools designed to facilitate the attainment of justice, and even the Rules of Court expressly mandates that it "shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding."

The demands of justice require the CA to resolve the issues before it, considering that what is at stake is not only the petitioner's position, but her very livelihood. Dismissing the petitioner's appeal could give rise to the impression that the appellate court may be fostering injustice should the appeal turn out to be meritorious. Thus, it is far better and more prudent for the court to excuse a technical lapse and afford the parties a substantive review of the case on appeal, to attain the ends of justice than to dismiss said appeal on technicalities.

Let this case be a reminder to our courts, particularly to the CA, where the inordinate desire to lessen the case

load or to clear the dockets may be at the expense of substantive justice; where a case appears to be substantively meritorious and the technical lapses are of the nature that they can be complied with without doing violence to the mandatory provisions of the Rules, the better recourse to follow is to apply the rule of liberality that the Rules of Court provides and to give the deficient party the opportunity to comply, particularly when the amounts and interests involved in the litigation are substantial.[36]

Ideally, the expeditious administration of justice would be subserved if the Court immediately resolves the substantive merits of this case. However, We are constrained to remand it to the CA based on two grounds: First, the cases of illegal dismissal and ULP involved matters that are not purely legal in nature. There are facts that need to be ascertained, established, and resolved in relation to the legal issues raised. Unfortunately for petitioners, this Court is not a trier of facts.[37] And Second, based on the records, the pleadings, and other evidence before Us, the determinative facts are not yet complete, hence, We are not yet in a position to resolve the dispute with finality.

Specifically, the CA is tasked to carefully look into the issues as follows:

- Whether there is a need to pierce the corporate veil[38] of SRMI in relation to SAN R Mining & Const. Corp. and Galeo Equipment and Mining Company, Inc., all of which are allegedly run by the same Gutierrez family
- Whether SRMI observed the requisites of the law on contractual, project, fixed-term, and househelper/domestic employments vis-a-vis the alleged employment contracts
- Whether there is factual basis to support a conclusion that SRMI is guilty of bad faith in not complying with its statutory duty to bargain collectively with SRMIWU-FFW
- Whether there is factual basis to make SRMI accountable for damages and attorney's fees
- Whether there is factual basis to hold the corporate officers solidarily liable with SRMI

WHEREFORE, the petition is GRANTED in part. The May 31, 2013 Resolution and July 31, 2014 Resolution of the Court of Appeals in CA G.R. SP No. 07577, which dismissed the petition for certiorari assailing the October 17, 2012 Decision and December 28, 2012 Resolution of the National Labor Relations Commission, are REVERSED and SET ASIDE. CA G.R. SP No. 07577 is REINSTATED and REMANDED to the Court of Appeals for further proceedings that must be resolved with reasonable dispatch.

SO ORDERED.

Perlas-Bernabe, Caguioa, and Reyes, Jr., JJ., concur.
Carpio, (Chairperson), J., on official leave.

[**] Acting Chairperson, per Special Order No. 2487 dated September 19, 2017.

[1] Penned by Associate Justice Edgardo L. Delos Santos, with Associate Justices Pamela Maxino and Maria Elisa Sempio Diy concurring; rollo, pp. 96-99.

[2] Penned by Associate Justice Edgardo L. Delos Santos, with Associate Justices Pamela Maxino and Marie Christine A. Jacob concurring; id. at 71-75.

[3] Penned by Presiding Commissioner Violeta Ortiz-Bantug, with Commissioners Julie C. Rendoque and Numeriano D. Villena concurring; id. at 170- 207.

[4] Rollo, pp. 285-286.

[5] Id. at 323-324.

[6] Enclosed in parenthesis are the versions of fact of SRMI.

[7] Roel E. Vallespin, Peter John D. Cordova, Ronilo D. Cordova, Crisanto D. Diapolet, Silverio Ombico and Aldo D. Diapolet, together with Jerry L. Lopez (in RAB-13-09-00234-10), Jovanie Bantilan (in RAB-13-07-00188-10), Neri Hans Salas, Jerry Navarre, Bono Pan, Rolando Saflor, and Mark Khim Guzon, moved for case dismissal due to execution of compromise agreement (Rollo, p. 384).

[8] Id. at 175, 387-388, 397-398, 1836.

[9] Id. at 1831-1836.

[10] Id. at 1815-1829.

[11] Id. at 312-322.

[12] Id. at 287-288, 379, 399-400.

[13] Id. at 332-333, 381-383, 404.

[14] Id. at 333, 383-384, 404-405.

[15] Henry E. Yu et al. (NLRC Case No. MAC-05-012044-11 [RAB-13-07-00172-10]); Reynaldo C. Gato et al. (NLRC Case No. MAC-05-012045-11 [RAB-13-07-00171-10]); Remegildo P. Rodriguez et al. (NLRC Case No. MAC-05-012046-11 [RAB-13-07-00175-10]); Genes C. Capon et al. (NLRC Case No. MAC-05-012048-11 [RAB-13-07-00170-10]); Eric G. Maraon et al. (NLRC Case No. MAC-05-012049-11 [RAB-13-07-00188-10]); Gerry A. Quita et al. (NLRC Case No. MAC-05-012151-11 [RAB-13-08-00223-10]); Janifer C. Daan (NLRC Case No. MAC-05-012152-11 [RAB-13-09-00247-10]); Arnel L. Lunasin et al. (NLRC Case No. MAC-07-012153-11 [RAB-13-09-00227-10]); Roel E. Vallespin et al. (NLRC Case No. MAC-07-012154-11 [RAB-13-07-00176-10]); Vinson M. Alejandro et al. (NLRC Case No. MAC-05-012060-11 [RAB-13-07-00189-10]); Jovelito E. Maestrado, Jr. et al. (NLRC Case No. MAC-06-0120110-11 [RAB-13-08-00204-10]); Johna D. Llemit et al. (NLRC Case No. MAC-06-0120111-11 [RAB-13-09-00265-10]); Jimmy G. Alber et al. (NLRC Case No. MAC-06-0120113-11 [RAB-13-09-00234-10]); Ronito A. Rama (NLRC Case No. MAC-06-0120112-11 [RAB-13-09-00266-10]); and Evelyn G. Mansal et al. (NLRC Case No. MPRJC-06-012047-11 [RAB-13-07-00186-10]) (See Rollo, p. 455).

[16] Rollo, p. 455.

[17] Id. at 200-201.

[18] Id. at 206.

[19] Ramirez v. Court of Appeals, et al., 622 Phil. 782, 793 (2009).

[20] Lapid v. Judge Laurea, 439 Phil. 887, 895 (2002); Cirineo Bowling Plaza, Inc. v. Sensing, 489 Phil. 159, 168 (2005); Suzuki v. De Guzman, 528 Phil. 1033, 1043 (2006); Ramirez v. Court of Appeals, et al., 622 Phil. 782, 801 (2009); and Barroga v. Data Center College of the Phils., et al., 667 Phil. 808, 816-817 (2011).

[21] Lapid v. Judge Laurea, 439 Phil. 887, 895 (2002); Suzuki v. de Guzman, 528 Phil. 1033, 1043 (2006); and Barroga v. Data Center College of the Phils., et al., 667 Phil. 808, 816-817 (2011).

[22] Lapid v. Judge Laurea, 439 Phil. 887, 895-896 (2002); Cirineo Bowling Plaza, Inc. v. Sensing, 489 Phil. 159, 168 (2005); and Suzuki v. De Guzman, 528 Phil. 1033, 1043-1044 (2006).

[23] Barroga v. Data Center College of the Phils., et al., supra note 20, at 818.

[24] Hadji-Sirad v. Civil Service Commission, 614 Phil. 119 (2009).

[25] Hadji-Sirad v. Civil Service Commission, supra, at 134-135. (Citations omitted).

[26] Great Southern Maritime Services Corp. v. Acuña, 492 Phil. 518, 527 (2005); Acaylar, Jr. v. Harayo, 582 Phil. 600, 612 (2008); Barroga v. Data Center College of the Phils., et al., supra note 20, at 817; Sy, et al. v. Fairland Knitcraft Co., Inc., 678 Phil. 265, 280 (2011); Barra v. Civil Service Commission, 706 Phil. 523, 526 (2013); and Sara Lee Philippines, Inc. v. Macatlang, 375 Phil. 71, 92 (2014).

[27] Acaylar, Jr. v. Harayo, 582 Phil. 600, 612 (2008); Barroga v. Data Center College of the Phils., et al., supra note 20, at 817; Barra v. Civil Service Commission, supra, at 527; and Sara Lee Philippines, Inc. v. Macatlang, supra.

[28] Lapid v. Judge Laurea, 439 Phil. 887, 896 (2002); Cirineo Bowling Plaza, Inc. v. Sensing, 439 Phil. 159, 168-169 (2005); Suzuki v. de Guzman, 528 Phil. 1033, 1044 (2006); and Ramirez v. Court of Appeals, et al., supra note 19, at 802.

[29] See Ramirez v. Court of Appeals, et al., supra note 19, at 803.

[30] See Suzuki v. De Guzman, 528 Phil. 1033, 1044 (2006).

[31] Rollo, p. 79, 285.

[32] Id. at 79, 84.

[33] 595 Phil. 1119 (2008).

[34] In-N-Out Burger, Inc. v. Sehwan, Incorporated and/or Benita's Frites, Inc., 595 Phil. 1119, 1140 (2008) (Citation omitted).

[35] 706 Phil. 523 (2013).

[36] Barra v. Civil Service Commission, 706 Phil. 523, 527 (2013) (Citations omitted).

[37] 3rd Alert. Security and Detective Services, Inc. v. Navia, 687 Phil. 610, 615 (2012).

[38] "x x x Under this doctrine, the court looks at the corporation as a mere collection of individuals or an aggregation of persons undertaking business as a group, disregarding the separate juridical personality of the corporation unifying the group. Another formulation of this doctrine is that when two business enterprises are owned, conducted and controlled by the same parties, both law and equity will, when necessary to protect the rights of third parties, disregard the legal fiction that two corporations are distinct entities and treat them as identical or as one and the same. The purpose behind piercing a corporation's identity is to remove the barrier between the corporation and the persons comprising it to thwart the fraudulent and illegal schemes of those who use the corporate personality as a shield for undertaking certain proscribed activities." (Mayor v. Tiu, G.R. No. 203770, [November 23, 2016]).

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