

J.D. MAGPAYO CUSTOMS BROKERAGE CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND FRANCISCO GRANATAN, RESPONDENTS.

G.R. No. 60950. November 19, 1982

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-60950/>

ABAD SANTOS, J.:

In this appeal by certiorari, the petitioner prays that We order the National Labor Relations Commission (NLRC) to give due course to its appeal which was dismissed for non-compliance with the rules of the NLRC.

The antecedent facts are:

A complaint for illegal dismissal and non-payment of wages was filed on August 19, 1979, by Francisco Granatan, the private respondent herein, against his employer J. D. Magpayo Customs Brokerage Corporation. In a decision dated March 10, 1981, the employer was ordered by the Labor Arbiter to reinstate Granatan without loss of seniority and pay his back wages.

The employer appealed the decision to the NLRC within the reglementary period but the latter dismissed the appeal because "there is no showing whatsoever that a copy of the appeal was served by the appellant on the appellee." (Annex A, Petition, p. 12, Rollo.)

The only question presented to Us for resolution is whether or not the NLRC committed a grave abuse of discretion in dismissing the appeal on the ground aforestated. This decision does not, and indeed We are not asked to resolve the merit of the appealed decision.

The petition is impressed with merit and should be granted.

The failure to give a copy of the appeal to the adverse party was a mere formal lapse, an excusable neglect. Time and again We have acted on petitions to review decisions of the Court of Appeals even in the absence of proof of service of a copy thereof to the Court of Appeals as required by Section 1 of Rule 45, Rules of Court. We act on the petitions and simply require the petitioners to comply with the rule.

Jurisprudential support is not absent to sustain Our action. In *Estrada vs. National Labor Relations Commission*, G.R. 57735, March 19, 1982, 112 SCRA 688, this Court set aside the order of the NLRC which dismissed an appeal on the sole ground that the appellant had not furnished the appellee a memorandum of appeal contrary to the requirements of Article 223 of the New Labor Code and Section 9, Rule XIII of its implementing Rules and Regulations. The same decision likewise quotes the distinguished Chief Justice of the Philippines, Enrique M. Fernando, who said in *Meracap vs. International Ceramics Mfg. Co., Inc.*, G.R. No. L-48235-36, July 30, 1979, 92 SCRA 412, 417, thus:

"For the strictly juridical standpoint, it cannot be too strongly stressed, to follow Davis in his masterly work, *Discretionary Justice*, that where a decision may be made to rest on informed judgment rather than rigid rules,

all the equities of the case must be accorded their due weight. Finally, labor law determinations, to quote from Bultmann, should be not only *secundum rationem* but also *secundum caritatem*."

WHEREFORE, the petition is granted; the National Labor Relations Commission is hereby ordered to give due course to the petitioner's appeal. No special pronouncement as to costs.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.