Republic of the Philippines
Supreme Court
Manila

**THIRD DIVISION**

| | |
|---|---|
| **THOMASITES CENTER FOR INTERNATIONAL STUDIES (TCIS),** Petitioner, | **G.R. No. 203642** |
| | Present: |
| | VELASCO, JR., *J.*, *Chairperson*, |
| - versus - | BRION,* |
| | PEREZ, |
| | REYES, and |
| | JARDELEZA, *JJ.* |
| **RUTH N. RODRIGUEZ, IRENE P. PADRIGON and ARLYN B. RILLERA,** Respondents. | Promulgated: |
| | January 27, 2016 |

x----------x

**DECISION**

**REYES, *J.*:**

This is a petition for review[1] from the Resolution[2] dated May 24, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 124630, dismissing outright the Thomasites Center for International Studies' (TCIS) petition for *certiorari*[3] from the Decision[4] dated September 30, 2011 of the National Labor Relations Commission (NLRC) in NLRC Case No. RAB-III-01-8376-05, filed by Ruth N. Rodriguez (Rodriguez) and Arlyn B. Rillera (Rillera), and in NLRC Case No. RAB-III-01-8401-05, filed by Irene P. Padrigon (Padrigon) (respondents).

---

* Designated Additional Member per Raffle dated June 17, 2015 *vice* Associate Justice Diosdado M. Peralta.

1 *Rollo*, pp. 8-27.

2 Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Priscilla J. Baltazar-Padilla and Socorro B. Inting concurring; id. at 29-31.

3 Id. at 127-144.

4 Penned by Commissioner Dolores M. Peralta-Beley with Presiding Commissioner Leonardo L. Leonida and Commissioner Mercedes R. Posada-Lacap concurring; id. at 111-119.

1

## The Facts

On July 29, 2004, Rodriguez, 34, Rillera, 36, and Padrigon, 30, all graduates of the University of the Philippines and holders of teaching licenses from the Professional Regulation Commission, were hired by Dr. Jae Won Park and Dr. Cheol Je Cho (Dr. Cho), Korean nationals and President and Academic Dean, respectively, of TCIS, to develop the academic programs of the said school, design its curricula, create materials for the school website, recruit American and Filipino staff, draft documents required for the school's Technical Education and Skills Development Authority accreditation, help supervise the construction of the school building in Subic Bay Metropolitan Authority, as well as draft the school's rules and regulations and student and faculty handbooks. The parties executed no written contracts but the respondents were promised a monthly salary of ₱25,000.00 plus shares of stock.[5]

As soon after classes opened on December 20, 2004 at the Crown Peak Hotel in Subic Bay, disagreements arose between the respondents and the American teachers on the question of salaries. At the meeting called by Dr. Cho on January 7, 2005, the American teachers threatened to resign unless the respondents were terminated. That same afternoon, the respondents were served with letters of termination[6] effective January 8, 2005, signed by Dr. Cho, citing as reason the restructuring of the company and consequent evaluation of its staffing requirements.[7]

On January 24, 2005, Rodriguez and Rillera filed NLRC Case No. RAB-III-01-8376-05,[8] while Padrigon filed NLRC Case No. RAB-III-01-8401-05, both for illegal dismissal and money claims, against TCIS and Dr. Cho. TCIS and Dr. Cho were served with summons by registry through Dr. Cho, giving them 10 days from receipt to file their position paper.[9] TCIS and Dr. Cho did not file their position paper, but they were represented by counsel at the hearings held on February 15, 2005, March 15, 2005, and April 19, 2005.[10]

On May 8, 2006, the Labor Arbiter (LA) rendered a Decision[11] finding that the respondents were illegally dismissed, and directed TCIS and Dr. Cho to reinstate them with full backwages in the total amount of

---

5 Id. at 57-58.
6 Id. at 50-52.
7 Id. at 59-61.
8 Id. at 33-34.
9 Id. at 35.
10 Id. at 112.
11 Issued by LA Reynaldo V. Abdon; id. at 56-65.

₱1,125,000.00, plus 10% as attorney's fees.[12] Dr. Cho received a copy of the decision on June 21, 2006.[13]

On August 11, 2006, the complainants moved for issuance of a writ of execution. At the September 22, 2006 pre-execution conference, Atty. Joy P. Bayona (Atty. Bayona) entered her appearance as counsel for TCIS and Dr. Cho. Conferences were held on October 2, 2006, October 23, 2006, November 24, 2006 and December 15, 2006. But at the hearing held on December 18, 2006, the law firm of Andres Marcelo Pedernal Guerrero and Paras entered its appearance as counsel for TCIS and filed a petition for relief from judgment. On January 30, 2007, the LA directed the issuance of a writ of execution, which was served on TCIS's counsel on February 8, 2007; the LA merely noted the petition for relief due to wrong venue and lack of jurisdiction and because it was a prohibited pleading.[14]

On February 19, 2007, TCIS re-filed its petition for relief, with prayer for Temporary Restraining Order and/or writ of preliminary injunction, before the NLRC. It claimed that the LA did not acquire jurisdiction over it since the summons and notices were addressed to Dr. Cho, who did not represent TCIS; that the entry of appearance of Atty. Bayona at the pre-execution conference was signed only by Dr. Cho in his capacity as therein respondent and academic dean of TCIS; that TCIS did not receive any notice of the proceedings; and, that although the NLRC is not bound by technical rules of procedure, TCIS's right to due process was violated since it was deprived of the right to file its position paper. TCIS further argued it faced a shut-down and would suffer irreparable damage unless the execution was enjoined, although it also expressed willingness to post a bond to guarantee payment of whatever damages may be awarded by the NLRC.[15]

On September 30, 2011, the NLRC denied TCIS's petition on the ground that it had other adequate remedies such as a motion for new trial or an appeal; that it failed to show that due to fraud, accident, mistake or excusable negligence it was prevented from availing thereof; that it could not avail of the equitable remedy of petition for relief for the purpose of reviving its appeal which it lost through its negligence.[16]

On petition for *certiorari*, the CA dismissed on May 24, 2012 the TCIS's petition outright for its failure to indicate the material dates to show the timeliness of the petition. Moreover, TCIS attached an incomplete copy of the NLRC decision as well as did not attach copies of the complaint, position papers, appeal memorandum, motion for reconsideration and other

---

12 Id. at 64-65.
13 Id. at 116.
14 Id. at 113-114.
15 Id. at 114-115.
16 Id. at 115-116, citing *Tuason v.* CA, 326 Phil. 169, 178-179 (1996).

relevant portions of the records to support the allegations in the petition.[17] The CA also denied its motion for reconsideration on September 26, 2012 for lack of meritorious grounds.[18]

**Petition for Review in the Supreme Court**

In this petition, TCIS invokes the following grounds:

A.

THE HONORABLE [NLRC] ERRED IN APPLYING RIGIDLY THE PROCEDURAL RULES ON TECHNICAL REQUIREMENTS AND DISMISSED [TCIS'S] CERTIORARI BASED ONLY THEREON[;]

B.

THE HONORABLE [NLRC] GRAVELY ERRED IN HOLDING THAT THE SUMMONS WERE VALID DESPITE BEING DIRECTED TO DR. CHO, THE ACADEMIC DEAN OF [TCIS;]

C.

THE HONORABLE [NLRC] GRAVELY ERRED IN HOLDING THAT THE [RESPONDENTS] WERE ILLEGALLY DISMISSED[.][19]

In *Jaro v. CA*,[20] where the CA dismissed a petition for review from a Department of Agrarian Reform Adjudication Board (DARAB) decision for not being in proper form and lacking pertinent annexes, the Court admonished the appellate court **for putting a premium on technicalities at the expense of a just resolution of the case**, and ruled that there was more than substantial compliance when the landowner amended the petition, now in proper form and accompanied by annexes which were all certified true copies by the DARAB. The Court stated:

> In *Cusi-Hernandez vs. Diaz* and *Piglas-Kamao vs. [NLRC]*, we ruled that the subsequent submission of the missing documents with the motion for reconsideration amounts to substantial compliance. The reasons behind the failure of the petitioners in these two cases to comply with the required attachments were no longer scrutinized. What we found noteworthy in

---

17 Id. at 29-31.
18 Id. at 32.
19 Id. at 14.
20 427 Phil. 532 (2002).

> each case was the fact that the petitioners therein substantially complied with the formal requirements. We ordered the remand of the petitions in these cases to the [CA], stressing the ruling that by precipitately dismissing the petitions "the appellate court clearly put a premium on technicalities at the expense of a just resolution of the case."
>
> We cannot see why the same leniency cannot be extended to petitioner. x x x.
>
> If we were to apply the rules of procedure in a very rigid and technical sense, as what the [CA] would have it in this case, the ends of justice would be defeated. In *Cusi-Hernandez vs. Diaz*, where the formal requirements were liberally construed and substantial compliance were recognized, we explained that rules of procedure are mere tools designed to expedite the decision or resolution of cases and other matters pending in court. Hence, a strict and rigid application of technicalities that tend to frustrate rather than promote substantial justice must be avoided. We further declared that:
>
> > "Cases should be determined on the merits, after full opportunity to all parties for ventilation of their causes and defenses, rather than on technicality or some procedural imperfections. In that way, the ends of justice would be served better."
>
> In the similar case of *Piglas-Kamao vs. [NLRC]*, we stressed the policy of the courts to encourage the full adjudication of the merits of an appeal.[21] (Citations omitted and italics in the original)

In *Piglas Kamao (Sari-Sari Chapter) v. NLRC*,[22] the Court also ruled that there was substantial compliance after the petitioner therein subsequently attached the lacking documents to the motion for reconsideration, reiterating the Court's policy to encourage the full adjudication of the merits of an appeal.[23]

As to the merits of its petition before the NLRC, TCIS argued that its right to due process was violated due to the invalid service of the summons and a copy of the complaint in the LA; moreover, being mere probationary employees, the respondents were validly dismissed for failing to qualify as regular employees.

The Court denies the petition.

In *Philippine Amanah Bank (now Al-Amanah Islamic Investment Bank of the Philippines, also known as Islamic Bank) v. Contreras*,[24] the Court stated:

---

21 Id. at 547-548.
22 409 Phil. 735 (2001).
23 Id. at 744-745.
24 G.R. No. 173168, September 29, 2014, 736 SCRA 567.

> Relief from judgment is a remedy provided by law to any person against whom a decision or order is entered through fraud, accident, mistake, or excusable negligence. It is a remedy, equitable in character, that is allowed only in exceptional cases when there is no other available or adequate remedy. When a party has another remedy available to him, which may either be a motion for new trial or appeal from an adverse decision of the trial court, and he was not prevented by fraud, accident, mistake, or excusable negligence from filing such motion or taking such appeal, he cannot avail of the remedy of petition for relief.[25] (Citation omitted)

Otherwise, the petition for relief will be tantamount to reviving the right of appeal which has already been lost either because of inexcusable negligence or due to the mistake in the mode of procedure by counsel.[26]

In *Tuason v. CA*,[27] the Court explained the nature of a petition for relief from judgment, thus:

> A petition for relief from judgment is an equitable remedy; it is allowed only in exceptional cases where there is no other available or adequate remedy. When a party has another remedy available to him, which may be either a motion for new trial or appeal from an adverse decision of the trial court, and he was not prevented by fraud, accident, mistake or excusable negligence from filing such motion or taking such appeal, he cannot avail himself of this petition. Indeed, relief will not be granted to a party who seeks avoidance from the effects of the judgment when the loss of the remedy at law was due to his own negligence; otherwise the petition for relief can be used to revive the right to appeal which had been lost thru inexcusable negligence.[28] (Citations omitted)

As provided in Section 3, Rule 38 of the Rules of Court, a party filing a petition for relief from judgment must strictly comply with two (2) reglementary periods: *first,* the petition must be filed within sixty (60) days from knowledge of the judgment, order or other proceeding to be set aside; and *second*, within a fixed period of six (6) months from entry of such judgment, order or other proceeding. Strict compliance with these periods is required because a petition for relief from judgment is a final act of liberality on the part of the State, which remedy cannot be allowed to erode any further the fundamental principle that a judgment, order or proceeding must, at some definite time, attain finality in order to put an end to litigation.[29]

---

25 Id. at 578.
26 *Espinosa v. Yatco, etc., et al.*, 117 Phil. 78, 82 (1963).
27 326 Phil. 169 (1996).
28 Id. at 178-179.
29 *Lynx Industries Contractor, Inc. v. Tala,* 557 Phil. 711, 716 (2007).

The NLRC pointed out that TCIS's petition for relief was filed beyond the period provided under Rule 38.[30] The earliest that it could have learned of the LA's judgment was on June 21, 2006 when Dr. Cho received a copy thereof, and the latest was during the pre-execution conference held on September 22, 2006, when Atty. Bayona formally entered her appearance as counsel for TCIS and Dr. Cho. TCIS's petition for relief was filed only on February 13, 2007, well beyond the 60-day period allowed.[31]

Moreover, the Court agrees with the CA that no fraud, accident, mistake, or excusable negligence prevented TCIS from filing an appeal from the decision of the LA, even as the NLRC also noted that the petition also lacked the requisite affidavit showing the fraud, accident, mistake or excusable negligence, and the facts constituting its good and substantial cause of action.[32]

TCIS was afforded every opportunity to be heard. The service of summons and notices of proceedings to Dr. Cho was perfectly valid and binding upon TCIS since they were sent to him at its address, and Dr. Cho is a responsible officer of TCIS. Dr. Cho was TCIS's academic dean who hired the respondents and also signed their termination letters. The attendance of TCIS's counsel at the hearings held on February 15, 2005, March 15, 2005, and April 19, 2005 is also proof that it was duly notified of the LA's judgment.[33]

**WHEREFORE**, premises considered, the petition for review is **DENIED**.

**SO ORDERED.**

**BIENVENIDO L. REYES**
Associate Justice

---

30 *Rollo*, p. 116.
31 Id. at 117-118.
32 Id. at 116.
33 Id. at 117.

**WE CONCUR:**

**PRESBITERO J. VELASCO, JR.**
Associate Justice
Chairperson

**ARTURO D. BRION**
Associate Justice

**JOSE PORTUGAL PEREZ**
Associate Justice

**FRANCIS H. JARDELEZA**
Associate Justice

## ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**PRESBITERO J. VELASCO, JR.**
Associate Justice
Chairperson

1

## CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARIA LOURDES P. A. SERENO**
Chief Justice

CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
FEB 22 2016