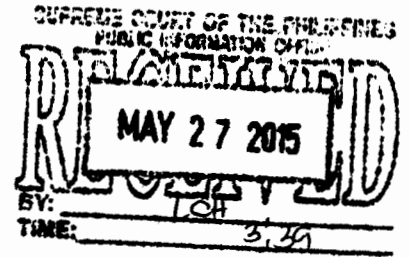




Republic of the Philippines
Supreme Court
 Baguio City
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:

“G.R. No. 216424 (Roberto Biag, Ericson C. Gabriel, Tairon John Dinglasan, et al. v. Takata Philippines Corporation, Katsuhiko Teramura, and Lily Galpo). - The petitioners’ motion for an extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on certiorari is **GRANTED** counted from the expiration of the reglementary period; and the National Labor Relations Commission is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the June 30, 2014 Decision¹ and December 2, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 117383 for failure of Roberto Biag, Ericson C. Gabriel, Tairon John Dinglasan, et al. (petitioners) to sufficiently show that the CA committed any reversible error in upholding the outright dismissal of their appeal for having been filed out of time.

Records reveal that petitioners’ counsel received a copy of the Decision of the Labor Arbiter (LA) on March 15, 2010, hence, the appeal should have been taken within 10 days from its receipt or on March 25,

- over - two (2) pages

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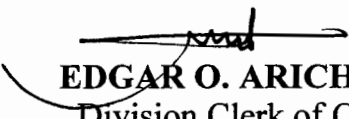
¹ Rollo, pp. 1019-1027. Penned by Associate Justice Myra V. Garcia-Fernandez with Associate Justices Fernanda Lampas Peralta and Francisco P. Acosta, concurring.

² Id. at 1033-1035.

2010 under Section 1,³ Rule VI of the 2011 National Labor Relations Commission (NLRC) Rules of Procedure, as amended. However, no appeal was taken within the said period. Petitioners' claim that the true date of receipt was March 17, 2010 was not substantiated. Consequently, the appeal was perforce correctly dismissed and the Decision of the LA had become final and executory.⁴

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court

MS/LS
312-A

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Judgment Division (x)
Supreme Court

Court of Appeals (x)
Manila
(CA-G.R. SP No. 117383)

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(NLRC LAC Case No. 05-001179-10;
NLRC RAB IV 10-01416-09L, etc.)

Public Information Office (x)
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No. 12-7-1-SC)

SR

³ Section 1, Rule VI of the 2011 NLRC Rules of Procedure provides:
SEC. 1. Periods of Appeal. – Decisions, awards or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt thereof. x x x

⁴ Section 21, Rule V of the 2011 NLRC Rules of Procedure provides:
SEC. 21. Finality of the Decision or Order of the Labor Arbiter. – If no appeal is filed with the Regional Arbitration Branch of origin with the time provided under Article 223 of the Labor Code, as amended, and Section 1, Rule VI of these rules, the decision or order of the Labor Arbiter shall become final and executory x x x