

Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 15, 2020 which reads as follows:*

**“G.R. No. 247639 – (WAYNE E.S. SAN FELIPE, JOSELITO B. RAGUA, SIMON CEDRIX M. CHIN, JOWETT S.F. CENENA, RAHP R. ALBARIDA, JOHN BOBBY R. SOFIA, ROY T. RUBIALES, JP F. DE VERA, RAMIR S. ACEJO, AND DERICK I. SAN JOSE, petitioners, versus ARMSCOR GLOBAL DEFENSE, INC. (FORMERLY, ARMS CORPORATION OF THE PHILIPPINES), MARTIN TUASON (OWNER/PRESIDENT), ATTY. ERMILANDO O. VILLAFUERTE (HR HEAD), MANPOWER OUTSOURCING SERVICES, INC. AND DIOGENES JAURIQUE (PRESIDENT), SUPPORT ONE MANPOWER SERVICES, INC., AND PAULO GINO DELA CRUZ (OIC HEAD), respondents.)**

The present Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 (Petition for Review) assails the Court of Appeals (CA) Resolutions dated January 10, 2019<sup>2</sup> and May 10, 2019<sup>3</sup> which dismissed the Petition for *Certiorari*<sup>4</sup> under Rule 65 (Petition for *Certiorari*) in CA-G.R. SP No. 158758 for having been filed beyond the 60-day reglementary period.

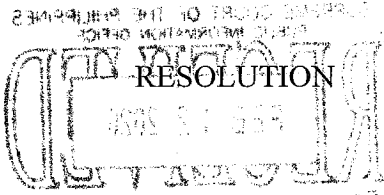
Petitioners Wayne E.S. San Felipe, Joselito B. Ragua, Simon Cedrix M. Chin (Chin), Jowett S.F. Cenena (Cenena), Rahp R. Albarida, John Bobby R. Sofia, Roy T. Rubiales, JP F. De Vera (De Vera), Ramir S. Acejo (Acejo), and Derick I. San Jose (San Jose) had

<sup>1</sup> *Rollo*, Vol. 1, pp. 12-28.

<sup>2</sup> *Id.* at 30-32. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Elihu A. Ybañez and Gabriel T. Robeniol, concurring.

<sup>3</sup> *Id.* at 34-35a.

<sup>4</sup> *Id.* at 36-53.



filed an Amended Complaint<sup>5</sup> for constructive dismissal, non-payment of salaries and wages and benefits under the collective bargaining agreement, regularization, moral and exemplary damages and attorneys' fees against respondents ARMSCOR Global Defense, Inc. (ARMSCOR), Manpower Outsourcing Services, Inc. (MOSI) and Support One Manpower Services, Inc. (SOMSI). The case was docketed as NLRC NCR Case No. 05-07450-17.

In a Decision<sup>6</sup> dated September 7, 2017, the Labor Arbiter (LA) ruled in favor of respondents. However, on appeal, the National Labor Relations Commission (NLRC) reversed the LA Decision and ruled in favor of petitioners declaring them as regular employees of ARMSCOR, directing ARMSCOR to reinstate petitioners Chin, Cenena, De Vera, Acejo and San Jose to their former positions and to pay all the petitioners backwages and attorney's fees.<sup>7</sup>

The NLRC denied respondents' Motion for Reconsideration<sup>8</sup> (MR) and petitioners' partial MR<sup>9</sup> in its Resolution<sup>10</sup> dated September 17, 2018.

Petitioners elevated the case to the CA through a Petition for *Certiorari* filed on December 3, 2018. In the statement of material dates, the date of receipt of the NLRC Resolution dismissing the partial MR was indicated as September 25, 2018.<sup>11</sup> Thus, in its Resolution dated January 10, 2019, the CA dismissed the Petition for *Certiorari* for having been filed beyond 60 days from notice.

Petitioners filed a Motion for Reconsideration<sup>12</sup> explaining that the date of receipt indicated in the Petition for *Certiorari* (September 25, 2018) was a mistake and the actual receipt was on October 3, 2018. As supporting document, petitioners attached to the MR a copy of the Notice of Resolution<sup>13</sup> with a stamp indicating the date October 3, 2018. In its Resolution dated May 10, 2019, the CA denied the MR, holding that the supporting document submitted by petitioners could not be admitted as evidence of the real date of receipt. Petitioners should have submitted an official document such as a certification from the Postmaster of the Philippine Postal Corporation attesting to

<sup>5</sup> Id. at 119.

<sup>6</sup> Id. at 102-114.

<sup>7</sup> Id. at 94-97.

<sup>8</sup> *Rollo*, Vol. 3, pp. 1191-1230.

<sup>9</sup> Id. at 1172-1178.

<sup>10</sup> *Rollo*, Vol. 1, pp. 99-101.

<sup>11</sup> Erroneously stated as "September 17, 2018" in the petitioners MR dated February 6, 2019, *rollo*, Vol. 3, p. 1249.

<sup>12</sup> Id. at 1248-1252.

<sup>13</sup> Id. at 1253.

the actual date of receipt. The CA held that procedural rules should be faithfully complied with and not ignored for the convenience of one party.<sup>14</sup>

Thus, petitioners filed the instant Petition for Review alleging that the CA committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing their Petition for *Certiorari* based on technicality. Petitioners attached the Bailiff's Return<sup>15</sup> dated October 4, 2018 showing that the NLRC Resolution dismissing their MR was received on October 3, 2018. Petitioners pray that the Court set aside the CA Resolutions dated January 10, 2019 and May 10, 2019 and that their Petition for *Certiorari* before the CA be reinstated.

The petition is granted.

In certain cases, the Court has granted leniency in the observance of rules of procedure to advance substantial justice.<sup>16</sup> After all, cases should be determined on the merits, after the parties have been given full opportunity to ventilate their causes and defenses, rather than on technicality or procedural imperfection.<sup>17</sup>

In *Tres Reyes v. Maxim's Tea House*,<sup>18</sup> the Court held:

In labor cases, rules of procedure should not be applied in a very rigid and technical sense. They are merely tools designed to facilitate the attainment of justice, and where their strict application would result in the frustration rather than promotion of substantial justice, technicalities must be avoided. Technicalities should not be permitted to stand in the way of equitably and completely resolving the rights and obligations of the parties. Where the ends of substantial justice shall be better served, the application of technical rules of procedure may be relaxed.<sup>19</sup>

This principle is applicable in this case as petitioners were able to prove that the petition was actually filed within the reglementary period and the error was merely in the statement of material dates in the Petition for *Certiorari* before the CA.

Albeit belatedly, petitioners were able to append to the instant Petition for Review before the Court, the Bailiff's Return dated October 4, 2018, which indicates that the NLRC Resolution was

<sup>14</sup> *Rollo*, Vol. 1, pp. 35-35a.

<sup>15</sup> *Rollo*, Vol. 3, Annex I, p. 1282.

<sup>16</sup> *Malixi v. Baltazar*, G.R. No. 208224, November 22, 2017, 846 SCRA 244, 260.

<sup>17</sup> *Jaro v. Court of Appeals*, 427 Phil. 532, 548 (2002).

<sup>18</sup> 446 Phil. 388 (2003).

<sup>19</sup> *Id.* at 400.

received by counsel for petitioners on October 3, 2018 (and not September 25, 2018, as erroneously stated in the Petition for *Certiorari*). Thus, the Petition for *Certiorari* filed before the CA on December 3, 2018 was filed within 60 days from notice. Accordingly, the Court grants the prayer of petitioners to reinstate their Petition for *Certiorari* before the CA and remands the case thereto for appropriate action.

Petitioners and their counsel are, however, reminded to be more circumspect in the indication of material dates and other factual matters in their pleadings to avoid any confusion and to prevent delays in the disposition of this case. They are further warned that any more procedural missteps will not be granted the same leniency by the Court.

WHEREFORE, the assailed Court of Appeals Resolutions dated January 10, 2019 and May 10, 2019 are SET ASIDE. In light of the foregoing discussion, the case is REMANDED to the Court of Appeals which is directed to REINSTATE the Petition for *Certiorari* in CA-G.R. SP No. 158758 and to take appropriate action thereon.

The petitioners' manifestation, stating that a compact disc containing the soft copy of the motion for extension, petition for review on certiorari and verified declaration was submitted through registered mail on September 19, 2019, is **NOTED**.

**SO ORDERED."**

Very truly yours,

  
LIBRADA C. BUENA  
Division Clerk of Court

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