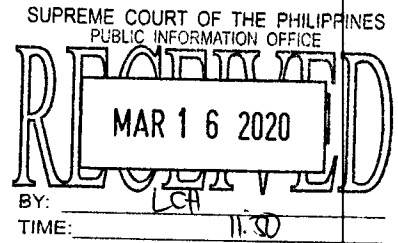




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 27, 2020 which reads as follows:

“G.R. No. 249455 – (FERNANDO S. ALFONSO/CONDOVILLE DESIGN BUILDER, petitioner, versus RICKY M. ESPINAS, RONNIE E. MALANA, RAMEL E. MALANA, FELIMON P. LAMOSTE AND DARWIN J. ALBINTO, respondents.)

The CA is correct in ruling that the Petition for *Certiorari*¹ filed by petitioner is premature for non-exhaustion of administrative remedies.

Petitioner gravely erred in immediately filing a Petition for *Certiorari* before the CA when there is clearly an available plain, speedy and adequate remedy in the ordinary course of law. Petitioner should have filed a verified petition before the National Labor Relations Commission (NLRC) as provided in the 2011 NLRC Rules of Procedure, as amended:

**RULE XII
EXTRAORDINARY REMEDIES**

SECTION 1. VERIFIED PETITION. – A party aggrieved by any order or resolution of the Labor Arbiter, including a writ of execution and other orders issued during execution proceedings, may file a **verified petition to annul or modify the same**. The petition may be accompanied by an application for the issuance of a temporary restraining order and/or writ of preliminary or permanent injunction to enjoin the Labor Arbiter, or any person acting under his/her authority, to desist from enforcing said resolution, order or writ. *(As*

¹ *Rollo*, pp. 72-88.

*amended by En Banc Resolution No. 07-14, Series of 2014;
En Banc Resolution No. 01-17, Series of 2017)*

SECTION 2. GROUNDS. – The petition filed under this Rule may be entertained only if there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law, and based on any of the following grounds:

(a) If there is *prima facie* evidence of **abuse of discretion on the part of the Labor Arbiter;**

x x x x

SECTION 3. WHEN AND WHERE FILED. – Not later than ten (10) calendar days from receipt of the order or resolution of the Labor Arbiter, **the aggrieved party may file a petition with the Commission** furnishing a copy thereof to the adverse party. (Emphasis supplied)

Thus, petitioner should have first filed a verified petition before the NLRC before resorting to judicial action. Petitioner should not have simply brushed aside the established principle of exhaustion of administrative remedies. As the Court points out in *Universal Robina Corp. (Corn Div.) v. Laguna Lake Dev't Authority*:²

The doctrine of exhaustion of administrative remedies is a cornerstone of our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.³

WHEREFORE, in view of the foregoing, the Petition for Review on *Certiorari*⁴ dated October 30, 2019 is **DENIED**. The *Resolutions* dated March 4, 2019⁵ and September 12, 2019⁶ of the Court of Appeals in CA-G.R. SP No. 159074 are **AFFIRMED**.

² 664 Phil. 754 (2011).

³ Id. at 759-760.

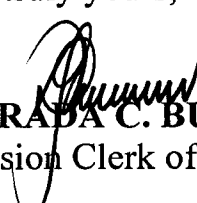
⁴ *Rollo*, pp. 14-42.

⁵ Id. at 43-44. Penned by Associate Justice Ricardo R. Rosario with Associate Justices Nina G. Antonio-Valenzuela and Perpetua T. Atal-Paño, concurring.

⁶ Id. at 45.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA

Division Clerk of Court ^{Jan 21 2020}

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