



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 3, 2020 which reads as follows:

“G.R. No. 248292 – *New Oriental Group 88 v. Verlita S. Sibayan, Susan F. National, Lorina M. Bulusan, Ederly A. Rabusa, Sherwin B. Bonifacio and Marisa L. Georfo.*

Before the Court is a Petition for Review on *Certiorari* filed under Rule 45 of the Rules of Court assailing the Resolutions dated January 16, 2019¹ and June 28, 2019² of the Court of Appeals (CA) in CA-G.R. SP No. 159045, which respectively denied the petition and motion for reconsideration filed by petitioner.

Private respondents Verlita S. Sibayan, *et al.*³ were hired as housekeepers to serve in the hotel of petitioner New Oriental Group 88’s (New Oriental) client, while respondent Sherwin B. Bonifacio (Bonifacio) was hired as a driver. On October 5, 2017, respondents filed a case for illegal dismissal, underpayment of wages and non-payment of other benefits against New Oriental.

Labor Arbiter Ruling

On April 18, 2018, Labor Arbiter (LA) Alberto B. Dolosa issued a Decision finding that Susan Fuellas National (National) was illegally dismissed, due to the absence of just cause and due process in her termination. New Oriental was ordered to pay her backwages and separation pay in the total sum of ₱109,706.91. The LA also ordered

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¹ Penned by Associate Justice Marlene Gonzales-Sison, with Associate Justices Victoria Isabel A. Paredes and Josep Y. Lopez, concurring; *rollo*, pp. 63-64.

² *Id.* at 65-68.

³ Susan F. National, Lorina M. Bulusan, Ederly A. Rabusa, Sherwin B. Bonifacio and Marisa L. Georfo (also known as “Marissa L. Georfo”).

New Oriental to pay Verlita Soalog Sibayan the amount of ₱9,042.58, Susan Fuellas National ₱7,978.75, Lorina Morales Bulusan ₱9,042.58, Ederly Artiaga Rabusa ₱9,042.58, and Marissa Lloren Georfo ₱9,042.58, as their proportionate 13th month pay for 2017.⁴

The LA held that, except for National, all the respondents were not constructively dismissed by New Oriental. Respondents accepted New Oriental's demand for them to resign instead of being dismissed for valid cause, or be criminally charged for simple theft for the company's personal properties found in their bags on September 18, 2017, in the course of an inspection. The LA held that in order to avoid prosecution for the crime of theft, Sibuyan, *et al.*, knowingly and voluntarily tendered their respective resignations on September 18 or 19, 2017.⁵ Thus, the LA dismissed the complaints for constructive dismissal and other money claims for lack of merit. The complaints against individual respondents were also dismissed for lack of cause of action.⁶

NLRC Ruling

Respondents elevated the case to the National Labor Relations Commission (NLRC) which rendered its Decision on June 29, 2018, modifying the LA ruling as follows: the LA's findings and disposition with respect to Bonifacio and National are upheld; complainants Verlita S. Sibayan, Lorina M. Bulusan, Ederly A. Rabusa and Marissa L. Georfo were constructively dismissed by New Oriental, hence the latter was ordered to pay said respondents full backwages from the date of illegal dismissal and separation pay of one month salary for every year of service; New Oriental was also ordered to pay complainants moral damages of ₱10,000.00, exemplary damages of ₱10,000.00 for acts committed that caused anxiety to complainants and were oppressive to labor; and 10% of the total award for and as attorney's fees.⁷

The NLRC held that, contrary to the LA's findings, respondents were constructively dismissed since their resignations were not clearly shown to be voluntary and the basis for their termination was not supported by substantial evidence⁸

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⁴ *Rollo*, pp. 37-38.

⁵ *Id.* at 33-34.

⁶ *Id.* at 37-38.

⁷ *Id.* at 54-55.

⁸ *Id.* at 52-53.

New Oriental filed a Motion for Reconsideration which was denied by the NLRC on November 28, 2018.⁹

Court of Appeals Ruling

New Oriental filed a petition with the CA assailing the NLRC's issuances. On January 16, 2019, the CA rendered a Resolution dismissing New Oriental's petition for being procedurally defective. The CA noted that:

1. [New Oriental] failed to comply with the "Material Date Rule" as it failed to allege the date when the motion for reconsideration was filed. Hence, Court cannot properly determine whether the motion for reconsideration filed by [New Oriental] was filed on time;

2. The authority of Don Melvin N. Vergara to file the petition and sign the Verification and Certification against Forum Shopping is not attached, in violation of Supreme Court Circular No. 28-91, as amended by SC Administrative Circular No. 04-94; (Footnotes omitted)

3. Petitioner failed to attach pertinent pleadings filed before the NLRC, to wit: Complaint for illegal dismissal, resignation letter with waiver and acknowledgment receipt of private respondent Susan National, the parties' position papers, replies and rejoinders, if any, petitioner's Manifestation dated March 15, 2018, the LA's Decision dated April 18, 2018 and Motion for Reconsideration, as required by Section 1, Rule 65 in relation to Section 3, Rule 46 of the Rules.¹⁰

New Oriental filed a Motion for Reconsideration which the CA denied on June 28, 2019, finding that the petition was filed beyond the reglementary period. Consequently, the Decision dated June 29, 2018 of the NLRC had already become final and executory. The CA also found flimsy the reasons proffered by New Oriental anent the petition's infirmities.

New Oriental is now before the Court via a petition for review raising as issues the following: (1) Whether the CA erred in outrightly dismissing its petition for *certiorari* due to being procedurally defective; and (2) Whether the CA erred in ruling that the motion for reconsideration was filed by the petitioner beyond the reglementary period.

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⁹ Id. at 59-62.

¹⁰ Id. at 63-64.

New Oriental asserts that mere failure to attach copies of pleadings and other material portions of the record should not lead to outright dismissal of the petition. The allegations of the petition must be examined to determine the sufficiency of the attachments appended thereto.

It also argues that its Motion for Reconsideration, contrary to the CA's ruling, was filed within the reglementary period. It also prays that inasmuch as it received the assailed Resolution of the NLRC on December 7, 2018, and filed the Petition for *Certiorari* on January 10, 2019, the intervening period between said dates, totaling 34 days, should have been credited in its favor and given as allowance to cure the petition of its procedural defects, in the interest of substantial justice.¹¹

We resolve to REMAND the case to the CA for the disposition of the case on the merits.

There is no question that courts and litigants alike are enjoined to abide strictly by the rules, as procedural rules are tools designed to facilitate the adjudication of cases. These rules provide a system of forestalling arbitrariness, caprice, despotism, or whimsicality in dispute settlement. Thus, these rules are not to be ignored to suit the interests of a party and their disregard cannot be justified by a sweeping reliance on a policy of liberal construction.¹²

Still, this Court has stressed that every litigant must be afforded the fullest opportunity to properly ventilate and argue his case, free from the constraints of technicalities. Section 6, Rule 1 of the Rules of Court, stipulates the liberal construction of the rules in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding. Strict application should not amount to straight-jacketing the administration of justice and the principles of justice and equity must not be sacrificed for a stern application of the rules of procedure. What should guide judicial action is the principle that a litigant is to be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor or property on technicalities.¹³

In this case, New Oriental received on December 7, 2018, the assailed NLRC Resolution which denied its motion for reconsideration. It, therefore, had until February 5, 2019, within

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¹¹ Id. at 14-18.

¹² *Cortal v. Inaki A. Larrazabal Enterprises*, 817 Phil. 464, 475-476 (2017).

¹³ Id. at 476-477.

which to file its petition for review with the CA. On January 10, 2019, way before the February 5 deadline, New Oriental did file a petition with the CA, which was, however, dismissed by the appellate court on January 16, 2018, due to procedural defects. Thus, when New Oriental filed its motion for reconsideration to the CA's January 16, 2019 Resolution, it was already deemed by the CA to be beyond the reglementary period 60 days.

While we agree that New Oriental failed to strictly observe the rules and that the dismissal of their petition before the CA was justified, still, a full resolution of the case on the merits should have been allowed by the appellate court for a just disposition of the case, consistent with the interest of substantial justice.

Here, there was subsequent compliance made by New Oriental to the infirmities that were called to its attention. In its Motion for Reconsideration before the CA, it supplied the information and documents lacking in the petition when it was initially filed on January 10, 2019.¹⁴

Also, a cursory reading of the decisions of the LA and the NLRC would readily show the divergence in the findings of facts of the two tribunals. It has been held that the reversal of rulings at the level of the lower tribunals should have been taken as indication that the matters at stake were far from being so plain that they should be ignored on mere technicalities. Instead of outright dismissal, discretion dictated a solicitous stance towards the petition.¹⁵

It is well to remember that cases should be determined on the merits, after full opportunity to all parties for ventilation of their causes and defense, rather than on technicality or some procedural imperfections. This way, the ends of justice would be better served.¹⁶

WHEREFORE, the petition is **GRANTED**. The Resolutions of the Court of Appeals in CA-G.R. SP No. 159045 dated January 16, 2019 and June 28, 2019 are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for a resolution, with dispatch, on the merits of the case.

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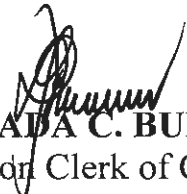
¹⁴ See CA Resolution; *rollo*, p. 66.

¹⁵ *Supra* note 12, at 286.

¹⁶ *Malixi v. Baltazar*, G.R. No. 208224, November 22, 2017, 846 SCRA 244. 264.

SO ORDERED.”

Very truly yours,


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Division Clerk of Court

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