

THIRD DIVISION

[G.R. No. 201607, February 15, 2017]

HON. CESAR D. BUENAFLOR, PETITIONER, VS. JOSE R. RAMIREZ, JR., RESPONDENT.

DECISION

BERSAMIN, J.:

The Regional Trial Court (RTC) has no jurisdiction over a case involving the validity of the termination of employment of an officer or employee of the Civil Service.

The Case

The petitioner appeals the resolutions promulgated on January 31, 2012^[1] and April 24, 2012,^[2] whereby the Court of Appeals (CA) respectively affirmed the dismissal by the RTC, Branch 96, in Quezon City of the petitioner's appeal for having been filed out of time and denied his motion for reconsideration.

Antecedents

On August 27, 2001, Chairman Eufemio Domingo of the Presidential Anti-Graft Commission (PAGC) appointed respondent Jose R. Ramirez, Jr. as Executive Assistant III^[3] and concurrently designated him as Assistant Accountant.^[4] On September 28, 2001, Chairman Domingo resigned,^[5] and petitioner Cesar D. Buenaflor succeeded him. The petitioner terminated Ramirez as of the same date as Chairman Eugenio's resignation on the ground that his tenure had expired^[6] by virtue of the position of Executive Assistant being personal and confidential, and, hence, co-terminous with that of the appointing authority.^[7]

Believing that his appointment had been contractual in nature, Ramirez sued in the RTC to declare his dismissal null and void.^[8] The case, docketed as Civil Case No. 01-4577-8, was raffled to Branch 96.

Buenaflor, represented by the Office of the Solicitor General (OSG), filed his answer,^[9] wherein he contended, among others, that Ramirez had failed to exhaust administrative remedies and should have instead filed an administrative complaint in the Civil Service Commission (CSC).^[10]

Ruling of the RTC

On December 28, 2007, after trial, the RTC rendered judgment declaring Buenaflor

guilty of unlawful termination because he had not discharged his burden of proving that Ramirez's employment was co-terminous with that of Chairman Domingo, and ruling in favor of Ramirez, as follows:^[11]

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and hereby orders the defendant as his personal liability, to pay plaintiff the following sums, to wit:

1. Php 260,000.00 representing the lost income which he could have earned if he was to finish his contractual employment as actual damages;
2. Php 500,000.00 as moral damages;
3. Php 300,000.00 as exemplary damages;
4. Php 100,000.00 for and as attorney's fees; and,
5. Costs of suit.

SO ORDERED.^[12]

Buenaflor seasonably filed his motion for reconsideration,^[13] which the RTC denied on September 30, 2008.^[14]

On September 22, 2011, the OSG filed a notice of appeal,^[15] explaining therein the apparently belated filing, thus:

x x x x

The defendant timely filed a Motion for Reconsideration of this Honorable Court's Decision dated December 28, 2001. On September 30, 2008, this Honorable Court issued an Order denying defendant's Motion for Reconsideration. The OSG, however, was able to get a copy of said Order only on September 15, 2011 when it procured a copy of the Order at the Regional Trial Court of Quezon City, Branch 96. Attached herewith as Annex "A" is the Affidavit of Nilo Odilon L. Palestroque, Chief Administrative Officer of the Civil Cases Division, OSG Docket Management Service attesting to the fact that the OSG got hold of the trial court's Order only on September 15, 2011.

x x x x.

The RTC, finding that the registry return card indicated that the OSG had received a copy of the decision on October 16, 2006, denied due course to the notice of appeal

of Buenaflor, and altogether dismissed the appeal for having been filed out of time.
[16]

Decision of the CA

Buenaflor assailed the order of the RTC by petition for *certiorari* in the CA, alleging that the RTC thereby gravely abused its discretion amounting to lack or excess of jurisdiction.[17]

On January 31, 2012, however, the CA promulgated the first assailed resolution dismissing the petition for *certiorari* on technical grounds,[18] viz.:

Filed pursuant to Rule 65 of the 1977 Revised Rules of Civil Procedure, the instant petition for certiorari seeks the nullification and setting aside of the October 11, 2011 Order issued by public respondent, the Hon. Afafe E. Cajigal in his capacity as Presiding Judge of the Regional Trial Court of Quezon City, Branch 96, in Civil Case No. Q-01-45778, which denied petitioner's September 30, 2011 *Notice of Appeal*.

A perusal of the petition shows the following infirmities which warrant its outright dismissal.

First, the petition does not state the date of issue of petitioner's counsel's Mandatory Continuing Legal Education (MCLE) Certificate of Compliance, as required under Bar Matter No. 1922, dated June 3, 2008.

Second, petitioner's counsel's PTR number is not current.

Third, the actual addresses of the parties are not stated in the petition, in violation of Section 3, Rule 46 of the Rules.

WHEREFORE, the petition is **DENIED DUE COURSE** and accordingly **DISMISSED**.

SO ORDERED.

Buenaflor moved for reconsideration, but the CA denied his motion for reconsideration through the second assailed resolution promulgated on April 24, 2012,[19] stating:

This treats of petitioner's motion for reconsideration of the Court's January 31, 2012 Resolution which dismissed the instant petition for certiorari due to a number of procedural infirmities. Contending that the procedural defects have been rectified, petitioner now seeks an opportunity to have the case resolved on its worth.

We deny the motion.

Despite the rectification of its procedural defects, a perusal of the petition shows that it must fail just the same for lack of *prima facie* merit. In certiorari proceedings under Rule 65, the inquiry is essentially confined to issues of want or excess of jurisdiction and grave abuse of discretion on the part of public respondent. A circumspect perusal of this petition yielded no showing of any grave abuse of discretion on the part of public respondent judge in issuing the assailed October 11, 2011 Order which dismissed petitioner's September 30, 2011 *Notice of Appeal* for having been filed way out of time. Petitioner failed to disprove the records of the RTC which show that his counsel, the Office of the Solicitor General (OSG), received the September 30, 2008 Order denying petitioner's motion for reconsideration on **October 16, 2008**. Thus petitioner's *Notice of Appeal* filed 1,125 days thereafter is clearly out of time. In the absence of clear and convincing proof to the contrary, greater credence should be accorded the RTC as it enjoys the presumption of regularity in the performance of its official duties.

As to the September 22, 2011 *Affidavit* of the Chief, Civil Cases Division, Docket Management Service (DMS) of the OSG, the same will not save the day for petitioner. In justifying that copy of the September 30, 2008 Order was "officially" received only on September 15, 2011, the OSG essentially relied on the entries in its Docket and document tracking system without supplementing the same with *periodic* inquiries before the RTC. It is the duty of the party and his counsel to devise a system for the receipt of mail intended for them, and matters internal to the clients and their counsels, like those narrated in the affidavit, are not the concern of this Court.

Finally, even conceding that a counsel has the obligation to inform his client of the material developments in the case, this obligation is balanced by a complementary duty on the part of a party-litigant to remain in contact with his lawyer in order to be informed of the progress of the case, more so that courts are not duty-bound to warn him against any possible procedural blunder. Litigants, represented by counsel should not expect that all they need to do is sit back, relax and await the outcome of their case. As what is at stake is his interest in the case, it is the responsibility of petitioner to check its status from time to time from his counsel or from the court.

WHEREFORE, premises considered, petitioner's motion for reconsideration is **DENIED** for lack of merit.

SO ORDERED.

Hence, this appeal by petition for review on *certiorari*.

Issue

Buenaflor submits the following as the Issues for our consideration, namely:

1. Whether or not the Honorable Court of Appeals, in arriving [at] its decision and resolution, decided the case in accordance with law and existing jurisprudence:
 - a. considering that findings and admonitions of the Honorable Court [of Appeals] are at war with the facts and the law obtaining in this case, thus legally reversible;
 - Considering likewise that the September 30, 2011 Notice of Appeal was timely filed; and
 - private respondent Jose Ramirez as Executive Assistant, a confidential and conterminous [sic] employees [sic] ended his term as co-term employee with the resigned Chairman and was not illegally terminated;
2. Whether or not the Court of Appeals committed grave abused [sic] of discretion in not declaring that the RTC has no jurisdiction to hear and decide the instant civil service related case, which is under the sole jurisdiction of the CSC.^[20]

On his part, Ramirez sustains the dismissal of the appeal upon the grounds made extant in the assailed resolutions.

Ruling of the Court

Buenaflor submits that it was the CSC, not the RTC, that had jurisdiction over Ramirez's complaint that involved matters relative to the Civil Service.

The submission of Buenaflor is upheld.

The jurisdiction of a court over the subject matter of a particular action is determined by the plaintiffs allegations in the complaint and the principal relief he seeks in the light of the law that apportions the jurisdiction of courts.^[21] Accordingly, we need to peruse the complaint of Ramirez to determine the issue presented here. The complaint relevantly stated, *viz.*:

COMPLAINT (With Provisional Remedy)

Plaintiff, by and through the undersigned counsel, to this Honorable Court, respectfully alleges that: