

## THIRD DIVISION

[ G.R. No. 188839, June 22, 2015 ]

**CESAR NAGUIT, PETITIONER, VS. SAN MIGUEL CORPORATION,  
RESPONDENT.**

### D E C I S I O N

**PERALTA, J.:**

Assailed in the present petition for review on *certiorari* under Rule 45 of the Rules of Court are the Resolutions<sup>[1]</sup> of the Court of Appeals (CA), dated February 13, 2009 and July 15, 2009 in CA-G.R. SP No. 107311. The Resolution of February 13, 2009 denied petitioner's Motion for Extension of Time to File Petition for *Certiorari*,<sup>[2]</sup> while the Resolution dated July 15, 2009 denied petitioner's Motion for Reconsideration.

Petitioner was employed as a machine operator of San Miguel Corporation Metal Closure and Lithography Plant, a division of herein respondent corporation which is engaged in the business of manufacturing printed metal caps and crowns for beer, beverage and pharmaceutical products.

Sometime in the afternoon of September 23, 2002, petitioner and one Renato Regala (*Regala*), also an employee of respondent corporation, got involved in an altercation in respondent corporation's Canlubang Plant. In his Position Paper, petitioner claimed that Regala went to the Canlubang Plant to distribute anti-union materials that are libelous and defamatory and that, as union steward, petitioner confronted Regala, which confrontation developed to a heated exchange of words. Petitioner then elbowed Regala, hitting him in the face, causing him to lose his balance and fall to the ground.

As a consequence, Regala filed a complaint with respondent corporation's Human Resources Department. Respondent corporation then conducted an administrative investigation giving both parties the opportunity to defend themselves. However, petitioner opted to remain silent and did not address the charges against him. On January 29, 2003, the company-designated investigator submitted his report and recommendation finding petitioner guilty of willful injury to another employee within company premises, which is an infraction of the company's rules and regulations. On February 7, 2003, respondent corporation served upon petitioner a letter informing him of the termination of his employment on the basis of the findings and recommendation of the investigator. Petitioner then filed a complaint for illegal dismissal against respondent corporation.<sup>[3]</sup>

On January 4, 2005, the Labor Arbiter (*LA*) assigned to the case rendered a Decision<sup>[4]</sup> in favor of respondent corporation. Accordingly, petitioner's complaint was dismissed for lack of merit.

Petitioner filed an Appeal<sup>[5]</sup> with the National Labor Relations Commission (NLRC). In its Decision<sup>[6]</sup> dated April 30, 2008, the NLRC dismissed petitioner's appeal and affirmed the Decision of the LA. Petitioner filed a motion for reconsideration, but the NLRC denied it in its Resolution<sup>[7]</sup> dated October 31, 2008.

Aggrieved, petitioner intended to file a special civil action for *certiorari* with the CA to assail the NLRC Decision.

On February 9, 2009, petitioner filed with the CA a Motion for Extension of Time to File Petition for *Certiorari*.<sup>[8]</sup> Petitioner claimed that on December 10, 2008, his former counsel received a copy of the NLRC Resolution denying his motion for reconsideration of the NLRC Decision dated April 30, 2008; that he had until February 9, 2009 to file a *certiorari* petition; and, that he just hired a new counsel who still had to study the records of the case.

On February 13, 2009, the CA promulgated a Resolution<sup>[9]</sup> denying petitioner's Motion for Extension of Time to File Petition for *Certiorari*. Citing the amended provisions of Section 4, Rule 65 of the Rules of Court, the CA held that the 60-day period to file a petition for *certiorari* is non-extendible.

On March 9, 2009, the CA issued another Resolution<sup>[10]</sup> resolving to consider petitioner's *certiorari* petition as filed out of time and declaring the questioned NLRC Decision as final and executory.

On even date, petitioner filed a Motion for Reconsideration<sup>[11]</sup> of the CA Resolution which denied his Motion for Extension of Time to File Petition for *Certiorari*.

On July 15, 2009, the CA promulgated its Resolution<sup>[12]</sup> denying petitioner's Motion for Reconsideration for lack of merit.

Hence, the present petition for review on *certiorari* raising the following ISSUES, to wit:

- I. WHETHER OR NOT THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION WHEN IT FAILED TO DECIDE THIS CASE ON THE MERITS IN ACCORDANCE WITH SUPREME COURT JURISPRUDENCE AFFORDED TO LABOR CASES;
- II. WHETHER OR NOT THE COURT OF APPEALS FAILED TO LOOK INTO THE SUBSTANTIAL FACTS AND APPLICABLE LAWS OF THIS CASE;
- III. WHETHER OR NOT THE PETITIONER FIAD BEEN UNLAWFULLY DISMISSED AND THUS IS ENTITLED TO REINSTATEMENT AND FULL BACKWAGES AND OTHER BENEFITS AS WELL AS DAMAGES AND ATTORNEY'S FEES.<sup>[13]</sup>

The petition lacks merit.

As to the first issue raised, which pertains to the procedural aspect of the case, the Court is not persuaded by petitioner's contention that the CA should have decided the case on its merits and not simply dismissed his *certiorari* petition by denying his

motion for extension to file the said petition.

In this regard, the Court's ruling in the recent case of *Thenamaris Philippines, Inc. (Formerly Intermare Maritime Agencies, Inc.) v. Court of Appeals*<sup>[14]</sup> is instructive, to wit:

In *Republic v. St. Vincent de Paul Colleges, Inc.*, we had the occasion to settle the seeming conflict on various jurisprudence touching upon the issue of whether the period for filing a petition for *certiorari* may be extended. In said case, we stated that the general rule, as laid down in *Laguna Metis Corporation v. Court of Appeals*, is that a petition for *certiorari* must be filed strictly within 60 days from notice of judgment or from the order denying a motion for reconsideration. This is in accordance with the amendment introduced by A.M. No. 07-7-12-SC where no provision for the filing of a motion for extension to file a petition for *certiorari* exists, unlike in the original Section 4 of Rule 65 which allowed the filing of such a motion but only for compelling reason and in no case exceeding 15 days. Under exceptional cases, however, and as held in *Domdom v. Third and Fifth Divisions of the Sandiganbayan*, the 60-day period may be extended subject to the court's sound discretion. In *Domdom*, we stated that the deletion of the provisions in Rule 65 pertaining to extension of time did not make the filing of such pleading absolutely prohibited. "If such were the intention, the deleted portion could just have simply been reworded to state that 'no extension of time to file the petition shall be granted.' Absent such a prohibition, motions for extension are allowed, subject to the court's sound discretion."

Then in *Labao v. Flores*, we laid down some of the exceptions to the strict application of the 60-day period rule, thus:

[T]here are recognized exceptions to their strict observance, such as: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules.<sup>[15]</sup>

In the instant case, petitioner asserts that, due to the unavailability of his former lawyer, he retained the services of a new counsel who has a heavy workload and that the records were forwarded to the latter only a week before the expiration of the period for filing of the petition with the CA.

The Court is not convinced.

Suffice it to say that workload and resignation of the lawyer handling the case are insufficient reasons to justify the relaxation of the procedural rules.<sup>[16]</sup> Heavy workload is relative and often self-serving.<sup>[17]</sup>

In addition, it is also the duty of petitioner to monitor the status of his case and not simply rely on his former lawyer, whom he already knew to be unable to attend to his duties as counsel. It is settled that litigants represented by counsel should not expect that all they need to do is sit back and relax, and await the outcome of their case.<sup>[18]</sup> They should give the necessary assistance to their counsel, for at stake is their interest in the case.<sup>[19]</sup>

Moreover, it is true that rules of procedure are tools designed to facilitate the attainment of justice. Also, the general rule is that every litigant must be given amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities. However, the Court agrees with the CA that petitioner's failure to file his petition on time does not involve mere technicality but is jurisdictional.<sup>[20]</sup> Petitioner's failure to timely file his petition renders the questioned NLRC Decision final and executory, thus, depriving the CA of its jurisdiction over the said petition.<sup>[21]</sup>

Furthermore, no one has a vested right to file an appeal or a petition for *certiorari*. These are statutory privileges which may be exercised only in the manner prescribed by law. Rules of procedure must be faithfully complied with and should not be discarded with by the mere expediency of claiming substantial merit.<sup>[22]</sup> In *Lanzaderas v. Amethyst Security and General Services, Inc.*,<sup>[23]</sup> this Court held that:

x x x x

xxx Although technical rules of procedure are not ends in themselves, they are necessary, however, for an effective and expeditious administration of justice. It is settled that a party who seeks to avail of *certiorari* must observe the rules thereon and non-observance of said rules may not be brushed aside as "mere technicality." While litigation is not a game of technicalities, and that the rules of procedure should not be enforced strictly at the cost of substantial justice, still it does not follow that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation, assessment and just resolution of the issues. Procedural rules should not be belittled or dismissed simply because they may have resulted in prejudice to a party's substantial rights. Like all rules, they are required to be followed except only for compelling reasons.<sup>[24]</sup>