

THIRD DIVISION

[G.R. No. 181516, August 19, 2009]

CESARIO L. DEL ROSARIO, PETITIONER, VS. PHILIPPINE JOURNALISTS, INC., RESPONDENT.

R E S O L U T I O N

NACHURA, J.:

The instant petition stemmed from a complaint filed by petitioner, Cesario L. del Rosario, against herein respondent, Philippine Journalists, Inc. (PJI), for illegal dismissal with money claims.

Petitioner claims that he was hired by PJI as a libel scanner in March 1997 and was receiving the benefits and privileges of a regular managerial employee of the newspaper and magazine company. On April 6, 1999, petitioner received a notice of termination of employment from respondent. According to petitioner, the termination of his services was illegal for want of just or authorized cause and for non-compliance with procedural requirements prior to his dismissal.^[1]

Respondent, on the other hand, averred that petitioner was hired only as a consultant whose term of employment was deemed renewed on a month-to-month basis, unless either party opted for its termination by a written notice of at least five (5) days before the end of any month, based on the contract of employment issued by the company on April 15, 2007.^[2]

On November 5, 2002, the Labor Arbiter rendered a decision^[3] in favor of petitioner, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered finding respondent [PJI] of (sic) illegally dismissing complainant [del Rosario] from his employment. As above-discussed, respondent Philippine Journalist, Inc., is ordered to pay complainant Cesario del Rosario the following:

- a) *Unpaid salaries from Oct. 1998 to May 9, 1999 -- P300,000.00*
- b) *Unpaid quarterly bonuses & 13th month pay 98-99 -- P260,000.00*
- c) *Unused vacation and sick leave[s] for two years -- P40,000.00*
- d) *Unpaid P10,000 monthly allowance from May 1998 up to May 9, 1999 equals 12 months x 10,000 -- P120,000.00*
- e) *Unpaid 250 liters gasoline per month from May 9,*

[1998] up to May 9, 1999 equals 3,000 liters for 12 months Computed at the price of gasoline in 1998 & 1999.

f) Salary from 9 May 1999 to 31 October 2002 for non-compliance of Procedural due process. P40,000 x 29 mos. = P1,160,000.00

g) Moral and Exemplary damages = P100,000.00

h) 10% for and (sic) attorney's fees.

SO ORDERED.^[4]

Respondent elevated its case to the National Labor Relations Commission (NLRC). On January 6, 2003, it filed its memorandum of appeal together with the appeal bond issued by Philippine Pryce Assurance Corporation (PPAC).^[5]

On December 15, 2003, the NLRC issued a resolution^[6] dismissing the appeal for failure to perfect the same due to the posting of the appeal bond from a bonding company not duly accredited by the Court. The NLRC stated that PPAC was not authorized by the Supreme Court to transact business with courts anywhere in the Philippines since December 2, 2002, per Certification of the Office of the Court Administrator.^[7]

On January 23, 2004, respondent duly filed a motion for reconsideration and a supplemental motion for reconsideration, alleging that it had no knowledge that PPAC was no longer authorized to transact business with the courts.

Acting on the motion and in a bid of liberality, the NLRC issued a resolution^[8] on February 23, 2004, directing respondent to post a new bond, to wit:

WHEREFORE, premises considered, respondents [PJI] are now directed to post a new bond accompanied by all requisites as provided in Sec. 6, Rule VI of the New Rules of Procedure of the Commission in lieu of bond posted herein within an unextendible period of ten (10) days from receipt hereof. Otherwise the appeal shall be dismissed.

No further motions of this nature shall be entertained.

SO ORDERED.^[9]

Respondent failed to comply. Thus, on March 31, 2005, the NLRC issued a resolution^[10] dismissing the appeal for lack of merit.

Aggrieved, respondent filed a petition for *certiorari* under Rule 65 of the Rules of Court before the Court of Appeals (CA). On November 29, 2007, the CA rendered the assailed decision,^[11] the dispositive portion of which reads:

WHEREFORE, the petition is **GRANTED** and the assailed Resolutions of the public respondent are **SET ASIDE**.

Public Respondent NLRC is directed to admit the appeal and decide the same on the merits. Petitioner [PJI] is directed to replace the surety bond it posted with a new one to be obtained from a bonding company duly accredited by the Supreme Court within five (5) days from receipt hereof.

SO ORDERED.^[12]

The CA held that the NLRC committed grave abuse of discretion in dismissing PJI's appeal based on an erroneous finding that the surety bond respondent posted was void. The CA ratiocinated that at the time the subject bond was issued, PPAC was still authorized to issue the same. The CA found that the Supreme Court placed PPAC on a blacklist only on October 9, 2003, while the Chairperson of the NLRC cancelled PPAC's accreditation on November 3, 2003. When PJI obtained the surety bond on January 2, 2003, PPAC was still existing and duly accredited by the Court. Thus, there was no legal basis to dismiss PJI's appeal because it had actually posted a valid bond.^[13]

Petitioner filed a motion for reconsideration. On January 24, 2008, the CA issued a Resolution^[14] denying the same for lack of merit.

Hence, the present petition.

Petitioner presented the following issues for resolution of the Court:

THE COURT OF APPEALS COMMITTED SERIOUS ERRORS OF FACT AND LAW AND WENT AGAINST APPLICABLE JURISPRUDENCE:

(A) IN SETTING ASIDE THE NLRC RESOLUTIONS DISMISSING RESPONDENT PJI'S DEFECTIVE APPEAL FOR NON-COMPLIANCE WITH, AMONG OTHERS, THE REGLEMENTARY PERIOD TO APPEAL AND THE REQUISITE OF POSTING AN APPEAL BOND;

(B) IN ORDERING THE NLRC TO ADMIT RESPONDENT PJI'S DEFECTIVE APPEAL AND TO DECIDE THE APPEAL ON THE MERITS;

(C) IN DIRECTING RESPONDENT PJI TO REPLACE WITHIN FIVE (5) DAYS FROM NOTICE THE DEFECTIVE SURETY BOND IT POSTED AS ITS APPEAL BOND WITH A NEW BOND TO BE OBTAINED FROM A BONDING COMPANY DULY ACCREDITED BY THE SUPREME COURT; AND

(D) IN REMANDING THE CASE TO THE NLRC FOR FURTHER PROCEEDINGS,

INSTEAD OF AFFIRMING THE NLRC RESOLUTIONS DISMISSING THE APPEAL OF RESPONDENT PJI ON LEGAL AND JURISDICTIONAL GROUNDS.^[15]

The issues need not be belabored. We find no reversible error committed by the CA