

## FIRST DIVISION

[ G.R. NO. 148505, February 20, 2007 ]

**LEOPOLDO V. MENDOZA, PETITIONER, V.S THE COURT OF APPEALS AND MERCHANDISING INSPECTION COMPANY, LTD., RESPONDENTS.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

For our resolution is the instant Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended, assailing the Resolutions dated March 16 and June 4, 2001<sup>[1]</sup> of the Court of Appeals in CA G.R. SP No. 4266 (UDK).

Leopoldo Mendoza, petitioner, alleged in his petition that in 1988, he was employed as a checker by the Overseas Merchandising Inspection Company Ltd., private respondent. From March 1 to December 18, 1993, however, respondent company did not give him any work assignment due to his union activities. His only job was to distribute the company's Christmas calendars. Thus, he filed with the Arbitration Branch, National Labor Relations Commission (NLRC), National Capital Region, a complaint for constructive dismissal and non-payment of backwages, docketed as NLRC NCR Case No. 07-05430-94.

For its part, respondent company denied the allegations in the complaint, claiming that in January 1994, petitioner showed disinterest in his work and stopped reporting to the office. Nonetheless, he received his salary and bonus up to January 13, 1994, negating his claim that he was illegally dismissed from employment.

On August 11, 1997, Labor Arbiter Facundo Leda promulgated a Decision dismissing the **charge for unfair labor practice but finding that petitioner was illegally dismissed**, thus:

WHEREFORE, decision is hereby rendered, as follows:

1. Dismissing the charge of ULP for having been forever barred by prescription;
2. Declaring that complainant was illegally dismissed;
3. Ordering the respondents Overseas Merchandising Inspection Co., Ltd. and Akimasa Kuboi to pay complainant Leopoldo Mendoza, Jr., the total amount of One Hundred Eighty Three Thousand Eight Hundred Ninety Eight Pesos and Four Centavos (P183,898.04) representing his separation pay, backwages, service incentive leave pay and attorney's fees.

SO ORDERED.<sup>[2]</sup>

Respondent company then interposed an appeal to the NLRC, docketed as NLRC NCR CA No. 013786-97. In its Decision dated January 21, 1998, the NLRC set aside the judgment of the Labor Arbiter and dismissed petitioner's complaint.

Petitioner filed a motion for reconsideration, but it was denied by the NLRC in its Order dated October 30, 2000.

Thereupon, petitioner filed with the Court of Appeals a petition for certiorari, docketed as CA G.R. SP No. 4266 (UDK). On March 16, 2001, the appellate court promulgated its Resolution dismissing the petition for petitioner's failure to pay the docket and other legal fees.

In his motion for reconsideration, petitioner alleged that when he filed the petition through registered mail, he enclosed P1,030.00 in cash as docket fee. He thus prayed that he "be allowed to pay once more the docketing fee so required."

On June 4, 2001, the Court of Appeals issued a Resolution denying petitioner's motion.

Hence, this petition.

Petitioner contends that the Court of Appeals acted with grave abuse of discretion when it dismissed his petition for his failure to pay the required docket fees. He prays for a liberal interpretation of the Rules of Court.

The petition lacks merit.

Section 3, Rule 46 of the 1997 Rules of Civil Procedure provides:

*Sec. 3. Contents and filing of petition; effect of non-compliance with requirements.* — The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

x x x

**The petitioner shall pay the corresponding docket and other lawful fees to the clerk of court and deposit the amount of P500.00 for costs at the time of the filing of the petition.**

**The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.** (Underscoring supplied)

Thus, a court cannot acquire jurisdiction over the subject matter of a case unless the docket fees are paid.<sup>[3]</sup> It is clear that non-compliance with any of the requirements stated above warrants the dismissal of a petition.

While the Rules of Court must be faithfully followed, however, they may be relaxed for persuasive and weighty reasons to relieve a litigant from an injustice commensurate with his failure to comply with the prescribed procedures.<sup>[4]</sup> In