

FIRST DIVISION

[G. R. No. 153199, December 17, 2002]

**GENERAL MILLING CORPORATION, PETITIONER, VS. NATIONAL
LABOR RELATIONS COMMISSION AND DATIVO M. CACHO,
RESPONDENTS.**

R E S O L U T I O N

VITUG, J.:

Before this Court is a petition for review on certiorari assailing the resolution, dated 28 September 2001, of the Court of Appeals dismissing the petition filed before it by herein petitioner for not having been accompanied by a board resolution and/or a certification by the corporate secretary that would show that the person who has signed the Certification of Non-Forum Shopping is the person duly authorized by the corporation to represent it in the case. Likewise challenged is the resolution of the appellate court denying petitioner's motion for reconsideration.

The case originated from a complaint for illegal dismissal filed by private respondent Dativo M. Cacho against petitioner General Milling Corporation. The Labor Arbiter found private respondent to have been illegally dismissed by petitioner. On appeal before it, the National Labor Relations Commission affirmed the findings of the Labor Arbiter. Petitioner appealed to the Court of Appeals but the petition was denied for the failure of petitioner to attach the board resolution to prove that the person who signed the Certification of Non-Forum Shopping was duly authorized by the board of directors of petitioner corporation. In its motion for reconsideration, petitioner explained that the signatory of the Certification of Non-Forum Shopping was duly authorized to make it. The corresponding board resolution to establish that fact was attached to its motion for reconsideration before the appellate court. Its plea for reconsideration having been denied, the instant petition for review was brought up to this Court.

When asked to comment, private respondent bewailed the "belated" submission of the required certification. Private respondent cited the case of *Melo vs. Court of Appeals*^[1] to the effect that "x x x compliance with the certification requirement of non-forum shopping should not be made subject to a party's afterthought, lest the policy of the law be undermined."

The Court grants the petition.

Unlike the case of *Melo vs. Court of Appeals*^[2] where there was a complete failure to attach a Certification of Non-forum Shopping, in this instance, however, petitioner complied with this procedural requirement except that it was not accompanied by a board resolution or a secretary's certificate that the person who signed it was duly authorized by petitioner to represent it in the case. It would appear that the signatory of the certification was, in fact, duly authorized as so evidenced by a board resolution attached to petitioner's motion for reconsideration before the