

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**AGAPITO CRUZ FIEL, AVELINO
QUIMSON REYES and ROY CONALES
BONBON,**

Petitioners,

-versus-

**G.R. No. 155875
April 3, 2003**

**KRIS SECURITY SYSTEMS, INC.,
NATIONAL LABOR RELATIONS
COMMISSION and the COURT OF
APPEALS,**

Respondents.

X-----X

DECISION

VITUG, J.:

Before the Court is a Petition for Review on Certiorari which seeks the nullification of the resolution of the Court of Appeals, dated 16 April 2002, as well as its reiterative resolution of 29 October 2002, dismissing the case brought to it by petitioners for non-compliance with the requirements of Section 5, Rule 7, of the 1997 Rules of Civil Procedure.

Petitioners were employed by private respondent Kris Security Systems, Inc., as security guards and were assigned posts at Dunkin Donut, Imus Central Kitchen Department, in Imus, Cavite. On different dates in October 1998, private respondent terminated the services of petitioners. On 13 October 1998, petitioners filed a complaint for illegal dismissal before the Regional Arbitrating Branch of the National Labor Relations Commission (NLRC). Private respondent contended that it did not dismiss petitioners but that they were pulled out from their assignments due to the request of the client.

The Labor Arbiter rendered his decision on 30 June 2000; he concluded:

“WHEREFORE, in the light of the foregoing premises, judgment is hereby rendered declaring that herein complainants have indeed been constructively dismissed from their employment. Accordingly, respondent Kris Security Systems, Inc. is hereby directed to reinstate said complainants to their former position(s) without loss of seniority rights and to pay them their full backwages as follows:

Full Backwages

- “1) Agapito C. Fiel P139,799.66
- “2) Avelino Q. Reyes P139,799.66
- “3) Roy C. Bonbon P137,583.16
- “4) Diomedes Uray P139,128.00

“The other monetary claims are hereby DISMISSED for lack of merit.”^[1]

Private respondent appealed the decision of the Labor Arbiter to the NLRC which, on 08 August 2001, set aside the questioned decision of the Labor Arbiter, it held:

“WHEREFORE, the appealed decision dated 30 June 2000 is SET ASIDE. The complaints for illegal dismissal are dismissed for being without merit.”^[2]

Petitioners' motion for reconsideration was denied by the NLRC in its resolution of 28 November 2001.

Petitioners forthwith filed a petition for certiorari under Rule 65 with the Court of Appeals. In a resolution, dated 16 April 2002, the appellate court dismissed the petition on the ground that it violated Section 5, Rule 7, of the 1997 Rules of Civil Procedure because only three of the four petitioners signed the mandatory verification and certification of non-forum shopping. Petitioners' motion for reconsideration was denied by the Court of Appeals in its resolution of 29 October 2002.

The instant petition raises the issue of:

“Whether or not the Court of Appeals acted correctly and in the interest of substantial justice when it dismissed a petition for certiorari under Rule 65 of the Rules of Court on the mere technicality that said petition was signed, certified and verified by only three (3) out of four (4) named petitioners (all of whom claim to have been illegally dismissed by their employer) considering the following circumstances:

“(a) The ruling in the case of *Loquias, et al. vs. Office of the Ombudsman* (338 SCRA 62) where only 1 out of 5 petitioners signed the certification of their petition is not properly applicable to the present case where 3 out of 4 petitioners signed the verification of their petition.

“(b) The later ruling in *DAR vs. Alonzo-Legasto* (339 SCRA 306), (where the petition was signed by only one of each of the four (4) couples) that the requirement of a certification of non-forum shopping ‘should not be interpreted with such absolute literalness as to subvert’ the goal of achieving substantial justice supplanted or modified the earlier strict ruling in *Loquias vs. Office of the Ombudsman* (338 SCRA 62).

“(c) In *St. Michael Academy vs. NLRC* (292 SCRA 478) it was ruled that ‘technical rules of pleading are not enforced strictly in ‘labor cases especially where they will

defeat the substantive rights of employees' and in 'De Ysasi III vs. NLRC (231 SCRA 173), it was declared that courts must 'heed the underlying policy in the labor code relaxing the application of technical rules of procedure in labor cases.'

“(d) The three (3) petitioners who signed the petition filed with the Court of Appeals are differently situated from the fourth (4th) named petitioner who failed and omitted to sign the petition; consequently, such failure and omission by the fourth (4th) petitioner should not prejudice the three (3) other petitioners who are without fault.

“(e) The failure or omission to delete from the petition filed with the Court of Appeals the name of Diomedes Uray (the 4th named petitioner who failed or omitted to sign the petition) was an excusable oversight or lapse by petitioners' attorneys pro bono.

“(f) Giving due course to the petition only insofar as the three (3) petitioners who signed the petition are concerned but dismissing the petition only insofar as the fourth (4th) petitioner who failed or omitted to sign the petition is concerned would be a fair, reasonable and equitable disposition of the petition filed with the Court of Appeals.

“(g) An outright dismissal of the petition on a procedural or technical omission (not attributable to the three (3) petitioners who signed the petition filed with the Court of Appeals) would deprive petitioners of their right to be heard on the merits of their petition which calls for the rectification of acts of grave abuse of discretion by the NLRC.”^[3]

In its brief comment, dated 09 January 2003, respondent company prays for the denial of the petition and an affirmance of the action taken by the Court of Appeals.

The Court grants the petition.

The greater interest of justice would be served if the petition for certiorari filed by petitioners before the Court of Appeals is adjudicated on its merits with respect to the three petitioners who have signed the verification and certification on non-forum shopping, namely, Agapito C. Fiel, Avelino Q. Reyes and Roy C. Bonbon, than to make them all pay for the failure of their co-petitioner Diomedes Uray to observe his own compliance with the rules. The three petitioners who have faithfully observed the rules mandated in Section 5, Rule 7, of the 1997 Rules of Civil Procedure, by signing the requisite verification and certification on non-forum shopping, should not be unduly prejudiced by the fault of their co-petitioner who apparently has lost interest in pursuing his case.

Once again, we must stress that the technical rules of procedure should be used to promote, not frustrate, the cause of justice. While the swift unclogging of court dockets is a laudable aim, the just resolution of cases on their merits, however, cannot be sacrificed merely in order to achieve that objective. 4 Rules of procedure are tools designed not to thwart but to facilitate the attainment of justice; thus, their strict and rigid application may, for good and deserving reasons, have to give way to, and be subordinated by, the need to aptly dispense substantial justice in the normal course.^[5]

WHEREFORE, the petition is **GRANTED**. The assailed resolutions of the Court of Appeals, dated 16 April 2002 and 29 October 2002, are **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for adjudication on the merits of the petition before it.

SO ORDERED.

Davide, Jr., C.J., Ynares-Santiago, Carpio and Azcuna, JJ., concur.

[1] Rollo, p. 16.

[2] Rollo, p. 19.

[3] Rollo, pp. 22–24.

[4] BA Savings vs. Sia, 336 SCRA 484.

[5] Ace Navigation Co., Inc. vs. Court of Appeals, 338 SCRA 70; Cadayona vs. Court of Appeals, 324 SCRA 619.

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