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SUPREME COURT SECOND DIVISION

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RESTITUTO CANDIDO, PRIMO
CATAUTAN, TELESFORO CORNELIO,
GAUDIOSO DELOSTRICO, MAMERTO
DINGAL, SOFRONIO ESPAÑOL,
CLOVER ESTO, ENRICO GARCIA,
GREGORIO GARCIA, FLAVIANO
LIGON, INOCENTES MAKASIAR,
BIENVENIDO MARTINEZ, MANUEL
PASTRANO, EPITACIO RAMIREZ,
RUFO REAL, GILBERT SEVILLA,
BALMES SIBALA, TEOPISTO
SINOANG, SR., EMILIO SOLIS, FELIX
TORRES, MAURO TORRES, SEVERINO
TORRES, ANTONIO TRASMONTE,
PLARIDEL VILLANUEVA,
GEMENIANO ACABAL, JOSE MARI
ALONSO, CHRISTOPHER ALVAREZ,
TEODORO ARATIA, EMMANUEL
BAENA, ELEIZER BAROT, ROSALIO
BUAGAS, JR., ADOLFO CABALLO,
FRANCISCO CALUMPANG, DIOSCORO
CANDIDO, PAMPILO CANAVERAL,
LAMBERTO CAROZ, CONRADO
CATAUTAN, ENRIQUE CATAUTAN,
JULIO CATAUTAN, LEONIDAS
CATAUTAN, ALFONSO CULI,
NELSON DELFINO, LORETO
DEREQUITO, VICTORIO DURAN,**

CARMELITO ELLEMA, ARCADIO ESTO, ELISEO FEROLIN, TEODORO FERRER, FRANKLIN FERROLINO, FRANCITO GABAS, JOSE GARCIA, LUIS GENTILIZO, FELIX GRAVADOR, LEOPOLDO LABE, BALDOMERO LIMBAGA, RODULFO LIGON, ERLINDO MACHITAR, ROGELIO MARTINEZ, ROGELIO MIRASOL, HERMENIGILDO NOCETE, FELIPE PATROCINIO, SANTIAGO DELA PEÑA, CARMILO QUIPOT, FEDERICO RADONES, ESPEREDION REGALA, MARTIN REAL, JUAN ROSALES, RUFO ROSALES, ROGELIO SAGUBAN, FELIX SAYCON, JUAN SAYCON, FELIPE SAYCON, PEDRO SILVA, ARISTOTLE SINGCO, TEOPISTO SINOANG, JR., ISAAC TABALOC, EMMANUEL TORTUSA, CELESTINO VICITACION, RICHARD VILLACAMPA, and NICASIO VILLAFLORES,

Petitioners,

-versus-

**G.R. No. 120790
September 5, 1997**

NATIONAL LABOR RELATIONS COMMISSION, Fourth Division and CENTRAL AZUCARERA DE BAIS,

Respondents.

X-----X

DECISION

TORRES, JR., J.:

Assailed in this petition for certiorari is the decision of the National Labor Relations Commission (NLRC) dated May 27, 1994, the dispositive portion of which reads:

“WHEREFORE, in view of all the foregoing, the appeal of the complainants is hereby DISMISSED for lack of merit. Whereas the appeal of the respondent Central Azucarera de Bais is partially granted with respect to the award of attorney’s fees which is hereby deleted. Accordingly, the decision appealed from dated April 21, 1993 is hereby modified by deleting the award of attorney’s fees. Except for this modification, the rest of the decision stands affirmed.

SO ORDERED.”^[1]

The antecedent facts are as follows:

In 1973, on account of its disqualification under RA 5487 (as amended) from maintaining a security force for not being a 100% Filipino-owned corporation, private respondent Central Azucarera de Bais (CAB, for brevity), terminated the services of the petitioners as security guards. Consequently, petitioners sued the private respondent for illegal dismissal, reinstatement, illegal suspension, violation of memorandum of agreement and backwages.

On October 17, 1975, the Secretary of Labor issued an order directing the reinstatement of the petitioners with six months backwages. This order was appealed to the Office of the President and which issued a resolution dated August 4, 1976, thru Presidential Assistant for Legal Affairs Ronaldo Zamora, the dispositive portion of which reads:

“In view of the foregoing, the appealed order of the Secretary of Labor dated October 17, 1975, is hereby reversed. The dismissal or termination of services of the complaining security guards is hereby declared legal and valid, but respondent CAB (Central Azucarera de Bais) is directed to grant retirement or separation benefits to said security guards, taking into consideration their length of service in the company or their accrued retirement benefits computed in accordance with the Memorandum of Agreement entered into by and between respondent CAB

Management and the SPWA (Special Police and Watchmen Association) on March 29, 1972, whichever is higher, computed up to March 31, 1974, in addition to their salaries or wages for services actually rendered, without any deduction.

The cases are hereby remanded to the National Labor Relations Commission for proper and/or further proceedings on the other causes of action or issues embodied in the complaint dated February 13, 1973 (LR-433) not otherwise herein resolved or disposed of. But all proceedings relating to or connected with the suspension or dismissal or termination of services of the complaining security guards are hereby terminated.”^[2]

Pursuant to the aforesaid resolution of the Office of the President, a “Report of Examiner” dated September 20, 1977 was submitted on ‘the computation of the security guards’ benefits, their rates of pay, years of service in the company, and their retirement benefits in accordance with the Memorandum of Agreement between the company and the Special Police & Watchmen Association of March 29, 1972. The report was then approved by Executive Labor Arbiter Alberto Dalmacion in an order dated July 10, 1979.

Private respondent CAB filed a partial appeal on the order alleging that in determining the “length of service”, the NLRC examiners merely considered the dates of commencement of employment and the dates of separation of complainants without excluding the intervening periods within which the latter did not render any service.

On October 15, 1980, the NLRC rendered its decision on the partial appeal, to wit:

“WHEREFORE, the appealed Order dated July 10, 1979 approving the Report of Examiner dated September 30, 1977 should be, as it is hereby, Modified so as to exclude from the said Report the “war years” in the computation of the length of service of some of the complainants as shown in the record for purposes of retirement or separation pay benefits.”^[3]

A motion for reconsideration was filed by private respondent CAB but which was denied by the NLRC in a resolution dated November 17,

1981. No other appeal was filed by either parties thereafter. Thus, the decision became final and executory.

On May 30, 1991, herein petitioners filed a complainant for the revival of the August 4, 1976 resolution of the Office of the President. Petitioners alleged that private respondent had unreasonably and unlawfully refused to recognize their demands thus, they suffered wounded feelings, mental anguish, serious anxieties and economic dislocation. They further prayed for moral and exemplary damages plus attorney's fees.

Private respondent, on the other hand, averred that many of the complaining guards were already voluntarily paid; twenty six security guards and forty three bagasse guards were already paid their respective retirement benefits. Only fourteen complainants had not yet collected their retirement benefits.

On March 16, 1993, two years after the complaint for revival of judgment was filed, petitioners filed an amended complaint and position paper demanding payment of legal interest on the benefits due them from the date of the decision until fully paid, and increasing their claims for damages.

On April 21, 1993, the NLRC issued the decision on the case for revival or enforcement of judgment, viz.:

“WHEREFORE, in the light of the foregoing, judgment is hereby rendered ordering for the revival of the resolution of the Office of the president on NLRC Case No. LR-433, LR-482, and Ro8-38 and directing the respondent to deposit to this office within 10 days from receipt of this decision, the amount due to the following complainants (security guards):

1.	Bienvinido Martinez	P1,274.46
2.	Plaridel Villanueva	5,323.23
3.	Pampilo Canaveral	2,145.00
4.	Lamberto Caroz	798.60
5.	Leonidas Catacutan	3,349.50
6.	Alfonso Culi	1,127.61
7.	Francito Gabas	829.62

8.	Jose Garcia	876.15
9.	Leopoldo Labe	829.29
10.	Rogelio Mirasol	1,918.62
11.	Carmelo Quipot	1,411.41
12.	Esperedion Regala	620.07
13.	Pedro Silva	1,851.63
14.	Celestino Vicitacion	2,051.61

		P24,406.80
		=====

Plus 10% attorney's fees of P2,440.68 or a total aggregate amount of TWENTY SIX THOUSAND EIGHT HUNDRED FORTY SEVEN & 48/100 (P26,847.48).

SO ORDERED.”^[4]

Both parties appealed the decision before the NLRC. The appeal of the complainants (herein petitioners) was dismissed for lack of merit while the appeal of respondent CAB was partially granted in the NLRC decision dated May 27, 1994. Petitioners' motion for reconsideration was likewise denied in a resolution dated April 17, 1995.

Petitioners filed this petition for certiorari seeking for the review of the NLRC decision dated May 27, 1995, raising the allegation that there was grave abuse of discretion amounting to lack of jurisdiction in denying to consider the amended complaint and the failure to award legal rate of interest as well as the refusal to consider the action for enforcement of a judgment after five years as a new and independent action based upon judgment. The respondent NLRC also allegedly committed abuse of discretion in denying the award of attorney's fees.

The petition lacks merit.

The amended complaint can no longer be considered since it was already filed after almost two years since the original complaint was submitted and long after the respondent CAB had filed its position papers.

Moreover, the said amended complaint was filed without leave. It is provided under Section 3, Rule V of the NLRC Rules of Procedure that:

“Sec. 3. Submission of Position Papers/Memorandum. — Should the parties fail to agree upon an amicable settlement, either in whole or in part, during the conferences, the Labor Arbiter shall issue an order stating therein the matters taken up and agreed upon during the conferences and directing the parties to simultaneously file their respective verified position papers.

These verified position papers shall cover only those claims and causes of action raised in the complaint excluding those that may have been amicably settled, and shall be accompanied by all supporting documents including the affidavits of their respective witnesses which shall take the place of the latter’s direct testimony. The parties shall therefore not be allowed to allege facts or present evidence to prove facts not referred to and any cause or causes of action not included in the complaint or position papers, affidavits, and other documents.”

Thus, the respondent NLRC did not err in ignoring the amended complaint which raised for the first time claim for legal interest on the benefits sought to be recovered and likewise an increase in the claim on moral and exemplary damages from P10,000.00 and P5,000.00 to P50,000.00 and P20,000.00, respectively. The above-cited rule is explicit that subsequent claims or allegations which were not included in the complaint or position papers can not be raised belatedly. This also necessarily applies when such contains substantial amendment which would prejudice the interest of the other party.

On the second issue raised by petitioners, the claim for legal interest had no legal basis. As found by the respondent NLRC, thus:

“The same is also true with respect to the demand for legal interest on the benefits due the herein complainants. The sole purpose of the present suit is for the execution or satisfaction of

the judgment rendered in the previous or preceding case. Furthermore, considering the fact that the non-satisfaction of the decision sought to be revived is not attributable to the respondents, as there is nothing on record to show that the complainants took legal steps to have the said decision implemented or enforced and that the same were denied by the respondent, the claim for legal interest would have no legal basis.”^[5]

The claim for legal interest as well as attorney’s fees can not be sustained since the respondent CAB was not at fault nor was there any showing that it had purposely delayed the payment due the petitioners. Records revealed that respondent had long offered to pay the claims of the petitioners. In fact, about sixty seven of them had opted for voluntary liquidation and thus, were already paid way back in 1977. It can also be seen in the records that petitioners’ counsel had even admitted the failure of the petitioners’ previous counsels to have the judgment enforced.^[6]

There is likewise no evidence to prove that petitioners are entitled to damages. The non-satisfaction of the judgment or the delay of its execution was not attributable to the respondent. There is simply no basis for awarding the moral and exemplary damages being prayed for by the petitioners.

Considering the foregoing premises and after an assiduous scrutiny of the records, We entertain no doubt that the NLRC did not commit grave abuse of discretion in rendering the assailed decision.

ACCORDINGLY, the petition for certiorari is hereby **DISMISSED** for lack of merit.

SO ORDERED.

Regalado, Romero, Puno and Mendoza, JJ., concur.

[1] Decision, Exhibit “E-1”, Rollo, p. 72.

[2] Annex “A”, Rollo, p. 176.

[3] Annex “D”, Rollo, p. 213.

- [4] Annex “D”, Rollo, pp. 56-57.
[5] Decision, Exhibit “E”, Rollo, p. 69.
[6] Minutes, pp. 42-43, Vol. I, Records.

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