

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
THIRD DIVISION**

**SYSTEMS FACTORS CORPORATION  
and MODESTO DEAN,**

*Petitioners,*

*-versus-*

**G.R. No. 143789  
November 27, 2000**

**NATIONAL LABOR RELATIONS  
COMMISSION, RONALDO LAZAGA and  
LUIS C. SINGSON,**

*Respondents.*

X-----X

**RESOLUTION**

**GONZAGA-REYES, J.:**

The instant Petition seeks to set aside the Resolution dated February 15, 2000 dismissing the Petition for *Certiorari* and the Resolution dated June 22, 2000 denying the motion for reconsideration, both issued by the Court of Appeals in CA-G.R. SP No. 56849.

Petitioner Systems Factors Corporation is a corporation engaged in the business of installing electrical system in buildings and infrastructure projects wherein it employs electricians, engineers and other personnel. Private respondents Ronaldo Lazaga and Luis Singson were employed by petitioner corporation as electricians in

one of its projects. Private respondents filed a complaint against petitioners for illegal dismissal and non-payment of backwages, service incentive fees, premium pay, separation pay and other allowances. The Labor Arbiter rendered judgment ordering petitioners to reinstate private respondents to their former positions and to pay them backwages. On appeal, the NLRC affirmed the LA-decision. Petitioners allegedly received the NLRC judgment on August 10, 1999 and a motion for reconsideration thereto was filed on August 20, 1999. On November 25, 1999, petitioners received the NLRC-Resolution dated November 11, 1999 denying their motion for reconsideration. Hence, on January 24, 2000, petitioners filed a petition for certiorari pursuant to Rule 65 with the Court of Appeals. On February 15, 2000, the Court of Appeals issued a resolution denying the petition for failure of petitioners to comply with procedural requirements, i.e., (1) the petition was filed out of time, and (2) except for the assailed NLRC resolutions, the documents and material portions referred to in the petition were not certified. On Motion for Reconsideration, the Court of Appeals, in its Resolution dated June 22, 2000, applied this Court's ruling in the case of Cadayona vs. Court of Appeals, et. al., G.R. No. 128772, February 3, 2000 and gave weight to petitioners' submission that only the questioned resolution need be certified and not the entire records. Said motion for reconsideration was nonetheless denied in view of its finding that the petition was filed out of time.

The Court of Appeals, in finding that the petition for certiorari was filed out of time, reckoned the counting of the period of sixty (60) days, pursuant to Section 4, Rule 65 of the 1997 Rules of Civil Procedure, from receipt on August 10, 1999 of the NLRC-resolution dismissing the appeal which is interrupted by the filing on August 20, 1999 of the Motion for Reconsideration; and the remaining period to be counted from receipt on November 25, 1999 of the resolution denying the motion for reconsideration. As found by the Court of Appeals, the petition was filed late as petitioners had fifty (50) days remaining or until January 14, 2000 within which to file the petition for certiorari. The petition for certiorari was filed only on January 24, 2000.

In the instant petition, petitioners invoke A.M. No. 00-2-03-SC, which took effect on September 1, 2000, specifically amending

Section 4, Rule 65 of the 1997 Rules of Civil Procedure wherein the sixty-day period is reckoned from receipt of the resolution denying the motion for reconsideration. Thus, from receipt by petitioners on November 25, 1999 of the resolution denying the motion for reconsideration, the filing of the petition for certiorari with the Court of Appeals on January 24, 2000 would have been within the reglementary period. Petitioners argue that before a party can file a petition for certiorari, a motion for reconsideration is a mandatory pleading and thus, it is logical to assume that the sixty-day period should be reckoned from notice of resolution denying the motion for reconsideration. Petitioners likewise argue that remedial laws should be construed liberally in order to give litigants ample opportunity to prove their respective claims and avoid denial of substantial justice due to legal technicalities.

On September 18, 2000, this Court issued a Resolution requiring respondents to comment on the petition.

Respondents filed their Comment alleging that the issue in the present petition is not whether liberality should be applied. They contend that the controversy sought to be laid to rest would multiply as similar requests for liberality, leniency and exceptions would be filed. They argue that the Labor Code mandates that conflicts in the interpretation of the law and the rules should be resolved in favor of the working man, respondents herein. Moreover, the plea of liberality should be denied as there is no reason other than neglect of counsel that may compel this Court to treat this case as an exception to the rule.

We find for the petitioners.

A.M. No. 00-2-03-SC amended Section 4, Rule 65 of the 1997 Rules of Civil Procedure (as amended by the Resolution of July 21, 1998), which took effect September 1, 2000 and provides:

“SEC. 4. When and where petition filed. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or near trial is timely filed, whether such

motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said motion.

The petition shall be filed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its appellate jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.

No extension of time to file the petition shall be granted except for compelling reason and in no case exceeding fifteen (15) days.”

We hold that the amendment under A.M. No. 00-2-03-SC wherein the sixty-day period to file a petition for certiorari is reckoned from receipt of the resolution denying the motion for reconsideration should be deemed applicable. Remedial statutes or statutes relating to remedies or modes of procedure, which do not create new or take away vested rights, but only operate in furtherance of the remedy or confirmation of rights already existing, do not come within the legal conception of a retroactive law, or the general rule against retroactive operation of statutes.<sup>[1]</sup> Statutes regulating to the procedure of the courts will be construed as applicable to actions pending and undetermined at the time of their passage. Procedural laws are retroactive in that sense and to that extent. The retroactive application of procedural laws is not violative of any right of a person who may feel that he is adversely affected.<sup>[2]</sup> The reason is that as a general rule, no vested right may attach to nor arise from procedural laws.<sup>[3]</sup>

The above conclusion is in consonance with the provision in Section 6, Rule 1 of the 1997 Rules of Civil Procedure that “(T)hese Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.”

**WHEREFORE**, the petition is hereby **GRANTED**. The assailed Resolutions dated February 15, 2000 and June 22, 2000 are hereby **SET ASIDE** and the case is **REMANDED** to the Court of Appeals for further proceedings.

**SO ORDERED.**

**Melo, Vitug and Panganiban, JJ., concur.**

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[1] Castro vs. Sagales, 94 Phil. 208.

[2] Gregorio vs. Court of Appeals, 26 SCRA 229; Tinio vs. Mina, 26 SCRA 512.

[3] Billones vs. CIR, 14 SCRA 674.

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