



Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

CATALINO E. FAJARDO,
 GEORGE T. PRUDENCIO,
 NORBERTO L. GUBIAN,*
 JAYSON R. SANGUYO,**
 GAUDIOSO A. BACSAJ, JR.,
 IRENEO L. LOYOLA,***
 DANTON B. NUEVO, JR.,
 JOEY M. CALIMLIM,
 JUANITO M. SOROSORO, JR.,
 and JHOEMAR G. FAJARDO,
 Petitioners,

G.R. No. 267580

Present:

CAGUIOA, J.,
 Chairperson,
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH,**** JJ.

- versus -

SAN MIGUEL FOODS, INC. (B-
 MEG PLANT 1) and NASARIO
 SARCEDA, JR., Operations
 Manager,

Respondents.

Promulgated:
 November 11, 2024

MFPDCB-11

X-----X

DECISION

GAERLAN, J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, as amended, assailing the Resolutions dated January 16, 2023² and May 26, 2023³ of the Court of Appeals (CA) in CA-G.R. SP No. 176393.

* Also spelled as “Gubiano” in some parts of the *rollo*.

** Also referred to as “Jayson N. Sanguyo” in some parts of the *rollo*.

*** Also spelled as “Irineo” in some parts of the *rollo*.

**** On official business.

¹ *Rollo*, pp. 3–33.

² *Id.* at 34–37. Penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Carlito B. Calpatura and Wilhelmina B. Jorge-Wagan of the Fifteenth Division of the Court of Appeals, Manila.

³ *Id.* at 38–40.

The challenged issuances denied the Motion for Extension of Time⁴ which was filed by petitioners Catalino E. Fajardo, George T. Prudencio, Norberto L. Gubian, Jayson R. Sanguyo, Gaudioso A. Bacsal, Jr., Ireneo L. Loyola, Danton B. Nuevo, Jr., Joey M. Calimlim, Juanito M. Sorosoro, Jr., and Jhoemar G. Fajardo (Fajardo et al.) with the CA, thereby resulting in the dismissal of their Petition for *Certiorari*⁵ under Rule 65 of the Rules of Court, as amended.

Antecedents

Between the years 2005 and 2006, Fajardo et al. were engaged by Bataan Mariveles Port Services Corporation as laborers holding various positions and assigned at B-MEG Plant 1 of San Miguel Foods Inc. (SMFI) in Mariveles, Bataan. Later on, in the year 2008, they were absorbed by Hua Tong Far East Inc. (Hua Tong). Nevertheless, they continued their respective assignments at SMFI's B-MEG Plant 1.⁶

In a letter⁷ dated June 18, 2019, SMFI informed Hua Tong that it was no longer renewing their business relationship upon the expiration of their agreement at the end of the year. Thus, on December 31, 2019, Fajardo et al. were dismissed from employment.⁸

On January 19, 2021, Fajardo et al. filed a case against SMFI and Hua Tong for illegal dismissal with prayer for reinstatement, full back wages, and regularization, among other claims, with the arbitration branch of the National Labor Relations Commission (NLRC). They alleged that SMFI was their real employer and that Hua Tong was a mere labor-only contractor.⁹

On October 25, 2021, Executive Labor Arbiter Roderick Q. Almeyda rendered a Decision¹⁰ dismissing the complaint of Fajardo et al., albeit ordering Hua Tong to pay them separation pay and nominal damages. Thus:

WHEREFORE, judgments are hereby rendered as follows:

1. **DECLARING** respondents SMFI and Hua Tong to be engaged in legitimate Toll Feedmilling, which is excluded from the coverage of Department Order No. 174; or in the alternative, declaring Hua Tong as a legitimate contractor:

⁴ *Id.* at 79–82.

⁵ *CA rollo*, pp. 34–60.

⁶ *Id.* at 37–38.

⁷ *Id.* at 78.

⁸ *Id.* at 41.

⁹ *Id.*

¹⁰ *Id.* at 79–94.

2. **DISMISSING** the complaint for illegal dismissal and money claims against SMFI and Nasario Sarseda for lack of employer-employee relationship;
3. **DISMISSING** the complaint for illegal dismissal filed against respondent Hua Tong (Far East), Inc. and Antonio L. Avellanosa Jr. for lack of merit;
4. However, respondent Hua Tong (Far East), Inc. is **ORDERED** to pay the complainants the following:
 - a. Catalino E. Fajardo
 1. Separation Pay – [PHP] 70,200.00
 2. Nominal Damages– [PHP] 10,000.00
 - b. George T. Prudencio
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - c. Norberto L. Gubian
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - d. Jayson R. Sanguyo
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - e. Gaudioso A. Bacsal, Jr.
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - f. Ireneo L. Loyola
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - g. Danton B. Nuevo, Jr.
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - h. Joey M. Calimlim
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - i. Juanito M. Sorosoro, Jr.
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00
 - j. Jhoemar G. Fajardo
 1. Separation Pay – [PHP] 65,520.00
 2. Nominal Damages– [PHP] 10,000.00

5. In addition, respondent Hua Tong (Far East), Inc. is ordered to pay 10% of the total judgment awards in the amount of **[PHP] 75,988.00** by way of attorney's fees.
6. The name of Antonio D. Avellanosa, Jr. Is ordered removed as party-respondent;
7. The rest of the money claims including moral and exemplary damages is denied for lack of merit.

The attached computation prepared by the Fiscal Examiner shall form an integral part of this Decision.

SO ORDERED.¹¹ (Emphasis in the original)

Undaunted, Fajardo et al. interposed an appeal to the NLRC.¹²

On July 21, 2022, the NLRC issued a Decision¹³ denying the appeal:

WHEREFORE, complainants' appeal is **DENIED** for lack of merit. Accordingly, the assailed Decision dated October 25, 2021 of Labor Arbiter Roderick Q. Almeyda is **AFFIRMED**.

SO ORDERED.¹⁴ (Emphasis in the original)

Fajardo et al.'s motion for reconsideration was also denied by the NLRC in its Resolution¹⁵ dated September 30, 2022. The said Resolution was received by Fajardo et al. on October 11, 2022 through their previous counsel, Atty. Geneses R. Abot (Atty. Abot). Thus, they had a period of 60 days, or until December 10, 2022, within which to perfect a petition for *certiorari* with the CA.¹⁶

The Assailed CA Resolutions

On December 5, 2022, Fajardo et al. filed a Motion for Extension of Time¹⁷ where they prayed that they be given an additional period of 30 days or until January 10, 2023 within which to file their petition for *certiorari* under Rule 65 of the Rules of Court. Fajardo et al. explained that Atty. Abot did not prepare any petition despite their previous arrangement, and notwithstanding

¹¹ *Id.* at 92–94.

¹² *Id.* at 97–120. Memorandum of Appeal dated December 20, 2021.

¹³ *Id.* at 121–148. Penned by Presiding Commissioner Grace E. Maniquiz-Tan and concurred in by Commissioner Cecilio Alejandro C. Villanueva of the Special Fifth Division of the NLRC. Commissioner Dolores M. Peralta-Beley inhibited herself from the case.

¹⁴ *Id.* at 148.

¹⁵ *Id.* at 149–154.

¹⁶ *Rollo*, p. 35.

¹⁷ *Id.* at 79–82.

their advance payment of docket and other lawful fees. They further alleged that they agreed to meet Atty. Abot at his office on November 28, 2022, but the latter bailed on them. Thus, they were still looking to secure the services of a new counsel. As a result of this delay, Fajardo et al. did not have enough time to prepare their petition.

Then, on January 10, 2023, Fajardo et al., through their new counsel, R.R. Ranion and Partners, filed their Petition for *Certiorari*¹⁸ with the CA via registered mail.

On January 16, 2023, the CA issued the first assailed Resolution¹⁹ denying Fajardo et al.'s motion for extension. The CA reasoned that the excuse proffered by Fajardo et al. was patently insufficient because they did not exert enough effort to secure the services of a new counsel. Moreover, they did not rush to meet the deadline for the filing of their petition.

WHEREFORE, the Motion for Extension of Time is hereby **DENIED**. Accordingly, the instant petition for certiorari is **DISMISSED**.

SO ORDERED.²⁰ (Emphasis in the original)

Fajardo et al.'s Motion for Reconsideration²¹ was denied by the CA in the second assailed Resolution²² dated May 26, 2023.

Hence, the present recourse.

Issue

The Court is tasked to determine whether the CA erred in dismissing Fajardo et al.'s petition for *certiorari*

The Ruling of the Court

The petition is impressed with merit.

I.

¹⁸ CA *rollo*, pp. 34–60.

¹⁹ *Rollo*, pp. 34–37.

²⁰ *Id.* at 37.

²¹ CA *rollo*, pp. 429–436.

²² *Rollo*, pp. 38–40.

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Generally, a petition for *certiorari* must be filed not later than 60 days from notice of the judgment, order or resolution complained of; if a motion for reconsideration or new trial was timely filed, the petition must be filed not later than 60 days from notice of the denial of the said motion.²³ However, the rules do not prohibit any and all extensions of time to file a petition for *certiorari* without regard to the particularities of each case.²⁴

*Labao v. Flores*²⁵ expounds:

Under Section 4 of Rule 65 of the 1997 Rules of Civil Procedure, *certiorari* should be instituted within a period of 60 days from notice of the judgment, order, or resolution sought to be assailed. The 60-day period is inextendible to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case.

....

However, there are recognized exceptions to their strict observance, such as: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules.²⁶

Verily, while a motion for extension of time is not absolutely prohibited in a petition for *certiorari*, such motion must be anchored on special or compelling reasons.²⁷ After all, a motion for extension of time to file a pleading partakes the nature of an accommodation grounded on a sufficient reason and is always left to the sound discretion of the court.²⁸

II.

²³ *Fluor-Daniel, Inc.-Philippines v. Fil-Estate Properties, Inc.*, 866 Phil. 626, 632–633 (2019) [Per J. A.B. Reyes, Jr., Second Division].

²⁴ *Tan v. People*, 925 Phil. 268, 288 (2022) [Per J. Caguioa, Third Division].

²⁵ 649 Phil. 213 (2010) [Per J. Brion, Third Division].

²⁶ *Id.* at 221–223.

²⁷ *Adtel, Inc. v. Valdez*, 816 Phil. 110, 118 (2017) [Per J. Carpio, Second Division].

²⁸ *Spouses Abayon v. Bank of the Philippines Islands*, G.R. No. 249684, March 29, 2023 [Per J. Dimaampao, Third Division].

Fajardo et al.'s motion for extension was premised on their claim that their former counsel, Atty. Abot, after giving assurances on the preparation of their petition with the CA, suddenly abandoned them. They explained that:

7. On November 28, 2022 the petitioners went to the office of their counsel Atty. Abot to follow up the petition as they are determined to question the decisions of both labor tribunal[s] by way of petition for certiorari. Sad to say, Atty. Abot did not show up in his office despite [a] previous arrangement to meet at his office by November 28, 2022. Likewise, there was no draft petition despite advance payment for the docket and other fees.

8. Sensing, [sic] Atty. Abot to be no longer interested to handle the case, petitioners decided to look for another lawyer that can handle their case well and can protect their rights and interest as they believe they have [a] meritorious case against respondents.²⁹

In shrugging aside Fajardo et al.'s supplication, the CA essentially said that they did not try hard enough to meet the deadline for the filing of their petition for *certiorari*.³⁰

The Court disagrees with the CA.

While the general rule is that a client is bound by the mistakes or negligence of their counsel, there are certain exceptions, viz.: (1) when the reckless or gross negligence of counsel deprives the client of due process of law; (2) when its application will result in the outright deprivation of the client's liberty or property; or (3) where the interests of justice so require.³¹ Indeed, if the strict application of the rules would tend to frustrate rather than promote justice, the Court is not without power to exercise its judicial discretion in relaxing the rules of procedure³² and prevent a miscarriage of justice.³³

A perusal of the salary records³⁴ of Fajardo et al. shows that they are minimum wage workers who do not have the luxury of readily switching from one lawyer to another. They do not know the intricacies of Our procedural rules. Hence, their failure to immediately secure of a new counsel, upon learning of Atty. Abot's alleged abandonment of their case, should not be

²⁹ *Rollo*, p. 81.

³⁰ *Id.* at 36.

³¹ *Conche v. People*, G.R. No. 253312, March 1, 2023 [Per J. Gaerlan, Third Division].

³² *Latogan v. People*, 869 Phil. 271, 283 (2020) [Per J. Inting, Second Division].

³³ *Government Service Insurance System v. Bengson Commercial Buildings, Inc.*, 426 Phil. 111, 130 (2002) [Per C.J. Davide, Jr., *En Banc*].

³⁴ *CA rollo*, pp. 70–75.

construed as a lack of effort on their part. This, the Court finds, already constitutes as a compelling circumstance to allow Fajardo et al. the opportunity to be heard by the CA.

Indubitably, the adage that “those who have less in life should have more in law” is not an empty platitude, especially when there is a grave possibility that the less privileged, having relied in good faith on the assurances of a lawyer, were abruptly abandoned and were deprived their right to due process. The Court rectifies this in the exercise of its primary duty, to render justice free from the constraints of technicalities.³⁵ Verily, our courts and tribunals should strike a balance between public policy and necessity—that of putting an end to litigation speedily, and yet, harmonizing such necessity with the right of litigants to an opportunity to be heard.³⁶

It is worth stressing, however, that this is not a judgment on the merits of Fajardo et al.’s grievances against SMFI and Hua Tong. The determination of whether or not they were illegally dismissed, and whether or not they were actually employees of SMFI, still lies within the sound discretion of the CA.

III.

As regards Atty. Abot, it is too early to tell if indeed he abandoned Fajardo et al.’s case without any prior notice and after receiving the payment for the docket and other lawful fees necessary to perfect their petition with the CA. He, too, must be given the opportunity to explain himself with regard to Fajardo et al.’s allegations. Pursuant to Canon VI, Section 2 of A.M. No. 22-09-01-SC, otherwise known as the Code of Professional Responsibility and Accountability, the Court refers this matter to the Commission on Bar Discipline of the Integrated Bar of the Philippines for investigation, report, and recommendation on Atty. Abot’s possible administrative liability as a lawyer.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The Resolutions dated January 16, 2023 and May 26, 2023 of the Court of Appeals in CA-G.R. SP No. 176393 are **REVERSED** and **SET ASIDE**.

CA-G.R. SP No. 176393 is hereby **REINSTATED**, with instructions for the Court of Appeals to process and resolve the same with deliberate dispatch.

³⁵ *Subic Bay Metropolitan Authority v. Subic Bay Marine Exploratorium, Inc.*, 914 Phil. 200, 200 (2021) [Per J. Gaerlan, Second Division].

³⁶ *Aguilar v. Court of Appeals*, 320 Phil. 456, 468 (1995) [Per J. Puno, Second Division].

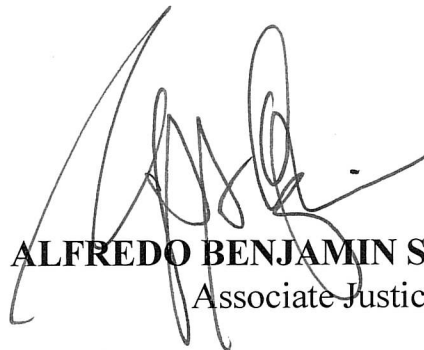
Let a copy of this Decision be furnished to the Commission on Bar Discipline of the Integrated Bar of the Philippines, which is hereby **DIRECTED** to investigate Atty. Geneses R. Abot for his administrative liability as a member of the Bar, if any.

SO ORDERED.



SAMUEL H. GAERLAN
Associate Justice

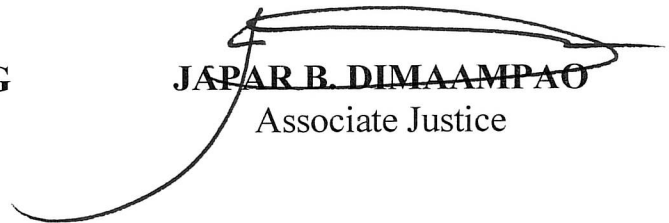
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



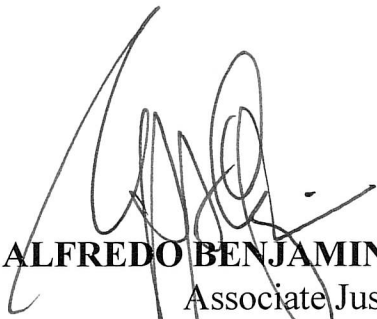
JAPAR B. DIMAAMPAO
Associate Justice

(On official business)

MARIA FILOMENA D. SINGH
Associate Justice

A T T E S T A T I O N

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice