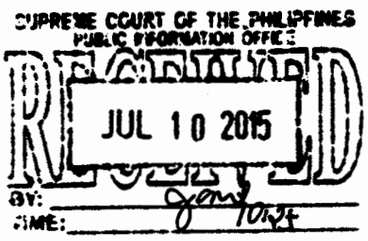
Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2015** *which reads as follows:*

"G.R. No. 168489– ***PLACIDOS TRADING AND/OR TEODORO and EDENCIA PLACIDO, Petitioners, v. NATIONAL LABOR RELATIONS COMMISSION, CARLITO and MINERVA BACARRA and LAKAS MANGGAGAWA SA PILIPINAS (LAKAS), Respondents.*** – The letter dated January 23, 2015 of Renato M. Sister, Assistant Chief, Judicial Records Division, Court of Appeals, Manila, transmitting the Court of Appeals rollo consisting of ninety-six (96) pages is **NOTED.**

This case refers to the joint complaint for illegal dismissal and money claims for labor standards benefits, with prayer for reinstatement and payment of backwages, that respondents Lakas Manggagawa sa Pilipinas and its members Carlito and Minerva Bacarra filed against the petitioners.[1] Labor Arbiter Ma. Estrella P. Aldas decided against the petitioner on October 18, 2000,[2] disposing thusly:

> **WHEREFORE,** premises considered, respondents Placido's Trading and/or Teodoro Placido and Edencia Placido are hereby ordered to pay complainants Carlito Bacarra and Minerva Bacarra, the following amounts representing their:

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[1] *Rollo*, p. 29.
[2] Id. at 45-54.

	Carlito Bacarra	Minerva Bacarra
Salary Differential	P 9,891.70	P55,609.06
Holiday Pay	P 5,525.00	P 2,535.00
Service Incentive Leave	P 2,736.47	P 1,203.71
13th Month Pay	P14,229.67	P 6,259.26
TOTAL	**P32,382.84**	**P65,607.03**

or the total aggregate sum of P97,989.87 and ten (10%) percent thereof as attorney's fees.

The charge of illegal dismissal is hereby DISMISSED for want of merit and the rest of complainants' monetary claims are hereby likewise Dismissed for lack of sufficient basis.

SO ORDERED.[3]

The decision of the Labor Arbiter became final and executory because neither of the parties interposed an appeal. The respondents then moved for the execution of the decision, and the Labor Arbiter granted their motion,[4] resulting in the issuance of the writ of execution on October 2, 2001.

On October 19, 2001, the petitioners filed an urgent motion to quash the writ of execution, alleging that they only learned of the unfavorable decision of the Labor Arbiter when they received a copy of the writ of execution;[5] and that the issuance of the writ of execution would result to gross injustice to them because their counsel of record had abandoned them and had failed to take the necessary action in the case. However, December 12, 2001, the Labor Arbiter denied their urgent motion for its lack of merit,[6] and a copy of the denial was each served on their counsel, Atty. Godofredo V. Arquiza, and on the petitioners themselves respectively on January 14, 2002 and January 15, 2002.[7]

On January 25, 2002, the petitioners appealed the denial by the Labor Arbiter of their urgent motion to quash the writ of execution to the National Labor Relations Commission (NLRC).

Through its order dated August 30, 2002, the NLRC denied the appeal for having been filed out of time.[8]

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3 Id. at 53-54.
4 Id. at 17.
5 Id.
6 Id. at 80-82.
7 Id. at 18.
8 Id.

The petitioners' motion for reconsideration was likewise denied through the resolution dated April 15, 2003.[9]

The petitioners filed a petition for *certiorari*[10] in the Court of Appeals (CA) to set aside and annul the order of the NLRC denying their appeal for having been filed beyond the reglementary period.

On June 14, 2005, the CA promulgated the assailed decision dismissing the petition for *certiorari*, ruling that the NLRC did not commit any grave abuse of discretion in denying the petitioners' appeal, and explaining as follows:[11]

> Hence, the only issue for resolution is whether or not respondent NLRC committed grave abuse of discretion in dismissing petitioners' appeal.
>
> In issuing the assailed Order, respondent Commission held:
>
> > "A punctilious review of the record of the case shows that appealed order was received by the respondents-appellants counsel on record on January 14, 2002, as evidenced by the duly signed Notice of Order/Resolution, dated December 14, 2001 (Record, p. 157), contrary to the allegation that their copy of the above-mentioned Order was received only on January 15, 2002. Of course, under the rules on evidence, we have to give credence to the former."
>
> Petitioners, nonetheless, claim that Atty. Arquiza, the counsel of record, no longer represented them, as he withdrew from pursuing their case. In fact, they were the ones who moved for the quashal of the writ of execution, as their counsel no longer took any appropriate action to protect their interest. The period to appeal, therefore, according to them, shall begin to run on the date they received a copy of the appealed Order of the Labor Arbiter, which was on January 15, 2002, not on January 14, 2002, the date of receipt by the counsel of record.
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> We note, however, that Atty. Arquiza did not withdraw his appearance as petitioners' counsel in the proceedings *a quo*. Neither was there any showing that petitioners informed the Labor Arbiter and respondent Commission that they terminated the services of their

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9 Id.

10 CA *rollo*, pp. 2-12.

11 *Rollo*, pp. 15-24; penned by Associate Justice Salvador J. Valdez, Jr. (retired/deceased), with the concurrence of Associate Justice Mariano C. Del Castillo (now a Member of the Court) and Associate Justice Magdangal M. De Leon.

counsel. Respondent Commission, thus, acted well within its discretion in considering January 14, 2002 as the starting point from which the period of appeal prescribed by law shall begin to run, as notice to counsel is notice to the client. As pertinently ruled in *UERM Employees Union-FFW vs. Minister of Labor and Employment:*

> "x x x it is the consistent ruling of this Court that **where no notice of withdrawal or substitution of counsel was shown, notice to counsel of record is for all purposes, notice to the client. Such notice is properly sent to the address of the counsel of record in the absence of due notice to the court of change of address and the date of receipt is considered the starting point from which the period of appeal prescribed by law shall begin to run."**

This is all the more so because, except for the bare allegation that they received the appealed Order of the Labor Arbiter on January 15, 2002, no documentary proof was offered to substantiate the claim that the appeal was timely filed, which further justified the dismissal of petitioners' appeal.

It is doctrinally well-entrenched that the perfection of appeal within the statutory or reglementary period is not only mandatory but also jurisdictional and failure to do so renders the questioned decision final and executory, and deprives the appellate court or body of the legal authority to alter the final judgment, much less to entertain, the appeal. As held in the case of *Catubay vs. National Labor Relations Commission*:

> "x x x **this Court had occasion to rule that the failure of the private respondent therein to comply with the requirements for perfection of appeal rendered the decision of the labor arbiter final and executory and placed it beyond the power of the NLRC to review or reverse it."**

Moreover, respondent Commission, in declaring that the appeal was filed out of time, made a factual finding. Factual findings of labor officials when supported by substantial evidence are binding upon this Court; and in the absence of proof that the NLRC had gravely abused its discretion, as in this case, the Court shall deem conclusive and cannot be compelled to overturn this particular factual finding.

Furthermore, we discern no reversible error or grave abuse of discretion on the part of the Labor Arbiter in denying petitioners' motion to quash the writ of execution. As rightly ruled by the Labor Arbiter in rejecting petitioners claim:

> "All these arguments, to say the least, are proper in an appeal from the decision herein sought to be enforced, which appeal, respondents failed to undertake.

> It must be pointed out that both individual respondents and their counsel of record were duly served with copies of the decision made subject of the questioned Writ of Execution.
>
> Moreover, a perusal of the entire records of this case will show that respondents' counsel was not at all negligent, only that respondents failed to produce strong and competent evidence to counter those of complainants' allegation.
>
> Hence, it is indeed too late in the day for complainant (sic, should be respondents) to question the decision that has long become final and executory."
>
> It is the oft-repeated rule that once a judgment has become final, the issues therein should be laid to rest. It is likewise equally settled that once a judgment becomes final, the prevailing party is entitled as a matter of right, to a writ of execution and the issuance thereof is the court's ministerial duty. In fact it has been fittingly said that "an execution is the fruit and end of the suit and is aptly called the life of the law."
>
> In fine, we find no grave abuse of discretion on the part of the NLRC in dismissing the appeal; and in subsequently denying petitioners' motion for reconsideration for lack of merit.
>
> The Court views with disfavor the unjustified delay in the enforcement of the Labor Arbiter's Decision in this case. Once a judgment, becomes final and executory, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party.[12]

Hence, this appeal, whereby the petitioners challenge the conclusion that the respondents were entitled to the labor standards benefits; and that the dismissal of their appeal by the NLRC based on the mere technicality of having been filed a day beyond the reglementary period was unwarranted.

The petition for review lacks merit.

The observations of the CA in rendering its assailed decision were entirely based on the records and on the pertinent rules and jurisprudence. The Labor Arbiter justly concluded that after the petitioners and their counsel of record had been duly served with copies of the decision they

[12] Id. at 19-23.

should have timely appealed the decision in the NLRC, but they did not.[13] They did not controvert this observation of the Labor Arbiter. Hence, upon the lapse of the 10-day period for the filing of an appeal that commenced from the time they or their counsel received the decision of the Labor Arbiter without an appeal by them, the decision became final and executory. Conformably with the doctrine of finality and immutability of judgment, a decision that has attained finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down. [14] We agree, therefore, that the NLRC did not commit any grave abuse of its discretion amounting to lack or excess of jurisdiction in denying the appeal of the petitioners from the denial of their urgent motion to quash the writ of execution.

The petitioners' contention that their counsel abandoned them and did not take any steps in their behalf is unwarranted. They cannot be allowed to hide behind the supposed negligence of their counsel. In *Bejarasco Jr. v. People*,[15] where the petitioner (whose conviction had become final after his counsel had failed to file his petition for review within the extension period allowed at counsel's request) accused his counsel of recklessly abandoning his case and thereby effectively deprived him of his day in court and of his right to due process, the Court has held:

> The general rule is that a client is bound by the counsel's acts, including even mistakes in the realm of procedural technique. The rationale for the rule is that a counsel, once retained, holds the implied authority to do all acts necessary or, at least, incidental to the prosecution and management of the suit in behalf of his client, such that any act or omission by counsel within the scope of the authority is regarded, in the eyes of the law, as the act or omission of the client himself. A recognized exception to the rule is when the reckless or gross negligence of the counsel deprives the client of due process of law. For the exception to apply, however, the gross negligence should not be accompanied by the client's own negligence or malice, considering that the client has the duty to be vigilant in respect of his interests by keeping himself up-to-date on the status of the case. Failing in this duty, the client should suffer whatever adverse judgment is rendered against him.

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[13] *Rollo*, p. 22.

[14] *FGU Insurance Corporation v. Regional Trial Court of Makati City Branch 66*, G.R. No. 161282, February 23, 2011, 644 SCRA 50, 56; *De Pedro v. Romasan Development Corporation*, G.R. No. 194751, November 26, 2014.

[15] *Bejarasco Jr. v. People*, G.R. No. 159781, February 2, 2011, 641 SCRA 328, 330-331.

> Truly, a litigant bears the responsibility to monitor the status of his case, for no prudent party leaves the fate of his case entirely in the hands of his lawyer. It is the client's duty to be in contact with his lawyer from time to time in order to be informed of the progress and developments of his case; hence, to merely rely on the bare reassurances of his lawyer that everything is being taken care of is not enough.[16]

It also does not escape our attention that the unfavorable outcome of the case was not the result of the counsel's negligence, but of the petitioners' failure to produce competent evidence to contradict the respondents' valid claims.

WHEREFORE, the Court **DENIES** the petition for review on *certiorari*; and **ORDERS** the petitioners to pay the costs of suit.

SO ORDERED."

Very truly yours,

EDGAR O. ARICHETA
Division Clerk of Court

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Mr. Teodoro Placido
Petitioner
50 Pio Felipe Street
Lower Bicutan 1532 Taguig City

Judicial Records Division (x)
Court of Appeals
Manila

Court of Appeals (x)
Manila
(CA-G.R. SP No. 77763)

Atty. Ricardo M. Perez
Counsel for Respondents
23 1st St., Oreta Subdivision
Malinta 1440 Valenzuela City

NATIONAL LABOR RELATIONS COMMISSION
PPSTA Bldg., Banawe St.
1100 Quezon City
(NLRC NCR Case No. 30-10-007-99-S)

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16 Id.