



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 January 2021** which reads as follows:*

**“G.R. No. 253151 (*Belinda L. Torres vs. STI College, Davao and Peter K. Fernandez, President*). —**

The Court resolves to:

1. **GRANT** respondents’ Motion for Leave (to file Comment on the Petition for Review on *Certiorari*) dated September 18, 2020, praying that they be allowed to file the attached comment in the interest of substantial justice, and **NOTE** aforesaid Comment (re: Petition for Review on *Certiorari* dated June 29, 2020) dated September 18, 2020; and
2. **INFORM** petitioner that she or her authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱1,470.00 under O.R. No. 0281584 dated September 15, 2020.

Records show that on February 21, 2019, petitioner Belinda Torres and *her* co-employee Jocelyn Tumaming received copy of the National Labor Relations Commission (NLRC) Decision<sup>1</sup> dated February 13, 2019 and filed

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<sup>1</sup> *Rollo*, pp. 282-291.

their Motion for Reconsideration<sup>2</sup> on March 4, 2019. Petitioners received the Resolution of denial on **April 1, 2019**.

From April 1, 2019, they had sixty (60) days **or until May 31, 2019** to file a special civil action for *certiorari* pursuant to Section 4, Rule 65<sup>3</sup> of the Rules of Court. But, they did so only on **June 6, 2019**, or six (6) days late. Since it was filed out of time, the assailed NLRC dispositions had already become final and executory. The Court of Appeals therefore did not acquire jurisdiction over their petition for *certiorari* directed against such final and executory NLRC dispositions.

The perfection of appeal within the statutory or reglementary period is not only mandatory, but also jurisdictional.<sup>4</sup> Failure to interpose a timely appeal (or a motion for reconsideration) renders the appealed decision, order, or award final and executory and this deprives the appellate body of any jurisdiction to alter the final judgment, more so, to entertain the appeal.<sup>5</sup> So must it be.

Settled is the rule that a decision that has acquired finality becomes immutable and unalterable. This quality of immutability precludes the modification of the judgment, even if the modification is meant to correct erroneous conclusions of fact and law. And this postulate holds true whether the modification is made by the court that rendered it or by the highest court in the land.<sup>6</sup> Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act that violates such principle must immediately be struck down.<sup>7</sup> Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of courts but extends as well to those of all other tribunals exercising adjudicatory powers.<sup>8</sup>

**WHEREFORE**, the petition is **DISMISSED** in view of the finality of the Decision dated February 13, 2019 and Resolution dated March 26, 2019 of the National Labor Relations Commission Eighth (8<sup>th</sup>) Division in NLRC-MAC-10-015695-2018 NLRC RAB-XI-07-00748-09 (R-10-17).

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<sup>2</sup> *Id.* at 294-313.

<sup>3</sup> Sec. 4. *When and where to file the petition.* - 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 new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion. (Emphasis supplied)

<sup>4</sup> *Yaneza v. Hon. Court of Appeals*, 593 Phil. 58, 67 (2008).

<sup>5</sup> *Aguilar v. Court of Appeals*, 617 Phil. 543, 555 (2009).

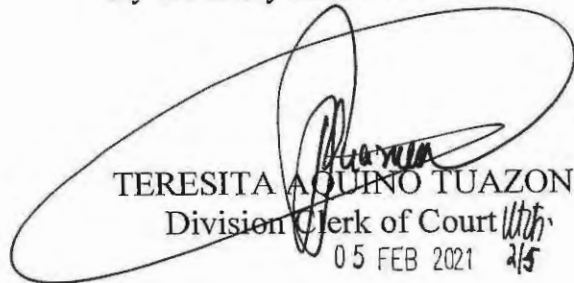
<sup>6</sup> *Collantes v. Court of Appeals*, 546 Phil. 391, 394 (2007).

<sup>7</sup> *Temic Semiconductors, Inc. Employees Union (TSIEU)-FFW. v. Federation of Free Workers (FFW)*, 577 Phil. 12, 25 (2008).

<sup>8</sup> *Peña v. GSIS*, 533 Phil. 670, 690 (2006).

**SO ORDERED.**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
05 FEB 2021 2:15

AGTON RAMOS QUIROS LAW OFFICE (reg)  
Counsel for Petitioner  
247-C Juan Dela Cruz Street  
8000 Davao City

NOGRALES LAW OFFICES (reg)  
Counsel for Respondents  
22<sup>nd</sup> Floor, Philippine Stock Exchange Center  
West Tower, Exchange Rd.  
Ortigas Center, Pasig City

NATIONAL LABOR RELATIONS COMMISSION (reg)  
8<sup>th</sup> Division, 3<sup>rd</sup> Floor, Cahulogan Square  
Xavier Estates, Masterson Ave., Upper Balulang  
9000 Cagayan de Oro City  
(NLRC-MAC-10-015695-2018;  
NLRC RAB-XI-07-00748-09 [R-10-17])

COURT OF APPEALS (reg)  
Mindanao Station  
Cagayan de Oro City  
CA-G.R. SP No. 09393-MIN

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THE AUDITOR (x)  
Supreme Court, Manila

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\*For this resolution only  
*Please notify the Court of any change in your address.*  
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**(173)URES**