

FIRST DIVISION

[G.R. No. 187418, September 28, 2015]

**RAPID MANPOWER CONSULTANTS, INC., PETITIONER, VS.
EDUARDO P. DE GUZMAN, RESPONDENT.**

R E S O L U T I O N

PEREZ, J.:

This Petition for Review on *Certiorari*^[1] seeks to annul the Resolutions dated 8 December 2008^[2] and 20 March 2009^[3] of the Court of Appeals, Former Fifth Division in CA-G.R. SP No. 106386 dismissing the case due to the failure of petitioner Rapid Manpower Consultants, Inc. (Rapid Manpower) to file with the National Labor Relations Commission (NLRC) a motion for reconsideration before resorting to a petition for *certiorari* before the Court of Appeals.

Respondent Eduardo P. de Guzman (De Guzman) was employed as an air conditioner and refrigerator technician by Omar Ahmed Bin Bichr in Saudi Arabia, through its agent, petitioner Rapid Manpower. The parties entered into a 2-year employment contract wherein De Guzman shall be paid a monthly salary of SR1,500.00. He was deployed from 18 May 2000-18 May 2002.^[4]

On 18 September 2002, De Guzman filed a complaint for nonpayment of salaries/wages from October 2001 to June 2002, vacation pay, underpayment of salaries/wages (from SR1,500 to SR1,300), and travel expenses.^[5]

On 16 November 2004, Labor Arbiter Clarito D. Demaala, Jr. rendered a Decision^[6] in favor of De Guzman, the dispositive portion of which provides:

WHEREFORE, premises considered, judgment is hereby rendered ordering respondents to pay complainant jointly and severally the amount of SR8,000.00 or its Philippine peso equivalent, representing complainant's underpayment of salaries plus the amount of SR9,000.00 or its Philippine peso equivalent representing complainant's unpaid wages from October 2001 to May 2002 plus 10% as attorney's fees.

Other monetary claims are dismissed for lack of merit.^[7]

On appeal, the NLRC reversed the Decision of the Labor Arbiter on 18 August 2005.^[8] According to the NLRC, De Guzman failed to substantiate his claim for non-payment and underpayment of wages.^[9]

De Guzman filed a motion for reconsideration^[10] from the NLRC's Decision. By holding that the employer has the burden to prove that he paid the correct wages, the NLRC in its Resolution^[11] dated 24 September 2008 granted the motion for

reconsideration filed by De Guzman and reinstated. the Decision of the Labor Arbiter.^[12]

Aggrieved, Rapid Manpower filed a petition for *certiorari* with prayer for issuance of Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction before the Court of Appeals.^[13]

On 8 December 2008, the Court of Appeals rendered its Resolution^[14] dismissing the petition on the ground of failure on the part of Rapid Manpower to file a motion for reconsideration of the 24 September 2008 Resolution of the NLRC granting De Guzman's motion for reconsideration.

Rapid Manpower moved for reconsideration but it was denied in a Resolution dated 20 March 2009.^[15]

Hence, Rapid Manpower filed this petition for review raising the following errors committed by the Court of Appeals:

I.

IN DISMISSING ITS PETITION ON THE GROUND OF ITS SUPPOSED FAILURE TO FILE A MOTION FOR RECONSIDERATION BEFORE PUBLIC RESPONDENT NLRC ON ITS RESOLUTION DATED SEPTEMBER 24, 2008

II.

BY DISMISSING ITS PETITION, IN EFFECT UPHOLDING THE ERRONEOUS DECISIONS AND/OR RESOLUTIONS OF PUBLIC RESPONDENTS IN RULING THAT PRIVATE RESPONDENT IS ENTITLED TO HIS CLAIM OF UNPAID AND/OR UNDERPAYMENT OF SALARIES

III.

BY DISMISSING ITS PETITION, IN EFFECT UPHOLDING THE ERRONEOUS DECISIONS AND/OR RESOLUTIONS OF PUBLIC RESPONDENTS IN RULING THAT PRIVATE RESPONDENT IS ENTITLED TO ATTORNEY'S FEES

IV.

BY DISMISSING ITS PETITION, IN EFFECT UPHOLDING THE ERRONEOUS DECISIONS AND/OR RESOLUTIONS OF PUBLIC RESPONDENTS THAT BESILDA I. FELIPE BE HELD JOINTLY AND SEVERALLY LIABLE FOR THE MONETARY CLAIMS OF PRIVATE RESPONDENT^[16]

Rapid Manpower submits that the Court of Appeals had at times given due course to a petition for *certiorari* even if no motion for reconsideration had been filed where substantial issues were raised and there was substantial compliance with the requirements for filing of the petition.^[17] Rapid Manpower explains that it honestly believed that NLRC would no longer have any reason to deviate from its latest findings considering that the findings are in the motion for reconsideration filed by De Guzman.^[18] Rapid Manpower then argues that there is no factual nor legal basis