

THIRD DIVISION

[G.R. No. 172538, April 25, 2012]

ISABELO ESPERIDA, LORENZO HIPOLITO, AND ROMEO DE BELEN, PETITIONERS, VS. FRANCO K. JURADO, JR., RESPONDENT.

D E C I S I O N

PERALTA, J.:

This is a petition for review on *certiorari* assailing the Resolution^[1] dated March 2, 2006 denying the Motion for Extension of Time to File Answer filed by petitioners Isabelo Esperida, Lorenzo Hipolito, and Romeo de Belen, and the Resolution^[2] dated April 19, 2006 denying petitioners' Omnibus Motion and Second Motion for Extension, of the Court of Appeals in CA-G.R. SP No. 90525.

The factual and procedural antecedents are as follows:

On February 5, 2001, petitioners Isabelo Esperida, Lorenzo Hipolito, and Romeo de Belen filed a Complaint for illegal dismissal against respondent Franco K. Jurado, Jr. before the Labor Arbiter.

On March 14, 2002, the Labor Arbiter rendered a Decision^[3] in favor of petitioners, declaring that they have been illegally dismissed and awarding them their corresponding backwages and separation pay. Respondent appealed the decision before the National Labor Relations Commission (NLRC), but the latter issued a Resolution^[4] dismissing the appeal and affirming the decision of the Labor Arbiter in *toto*.

Aggrieved, respondent sought recourse before the Court of Appeals (CA) docketed as CA-G.R. SP No. 81118. On December 13, 2004, the CA rendered a Decision^[5] dismissing the petition and affirming the assailed Resolution of the NLRC. Respondent then filed a motion for reconsideration of the decision, which was eventually denied in the Resolution^[6] dated September 27, 2005.

However, during the pendency of the motion for reconsideration, or on July 21, 2005, respondent filed before the CA a Petition to Declare Petitioners in Contempt of Court^[7] against the petitioners. In the said petition, respondent sought to declare herein petitioners guilty of indirect contempt of court on the basis of their alleged acts of dishonesty, fraud, and falsification of documents to mislead the CA to rule in their favor in CA-G.R. SP No. 81118.

Finding the petition to be sufficient in form and substance, the CA issued a Resolution^[8] ordering herein petitioners to file their Answer within 15 days from notice, showing cause why they should not be adjudged guilty of indirect contempt

of court.

On February 8, 2006, counsel for petitioners filed his entry of appearance, together with a motion for extension of time, seeking that petitioners be granted 15 days from February 3, 2006, or up to February 18, 2006, within which to submit their Answer to the petition.

On March 2, 2006, the CA issued one of the assailed Resolutions^[9] denying the motion for extension, to wit:

The entry of appearance filed by mail by Atty. Daniel F. Furaque is **NOTED**.

The motion for extension filed together with the entry of appearance, seeking for the respondents fifteen (15) days from February 3, 2006 within which to submit their answer to the petition, is **DENIED**, considering that it was mailed only on February 8, 2006 despite the last day to file being on February 3, 2006, and considering that it did not contain any explanation why it was not served and filed personally.

The case is now deemed submitted for resolution sans the answer of respondents Isabelo E. Esperida, Lorenzo Hipolito, and Romeo de Belen.

SO ORDERED.^[10]

On February 21, 2006, petitioners filed a Second Motion for Extension,^[11] alleging that the Answer to the petition is due on February 18, 2006, but due to counsel's work load, they are praying that they be allowed to submit their Answer until February 28, 2006.

On March 20, 2006, petitioners' counsel also filed an Omnibus Motion (For Reconsideration of the March 02, 2006 Resolution; and For Admission of Respondent's Answer),^[12] reasoning that the late filing of the motion for extension was because counsel was so tied up with the preparations of equally important paper works and pleadings for the other cases which he is also handling. Counsel explained that he failed to give instructions to his liaison officer to mail the motion on the same day. Also, personal service was not possible due to the considerable distance between the parties' respective offices. Ultimately, petitioners, through counsel, prayed that the Resolution be set aside and their Answer,^[13] which is attached to said Omnibus Motion, be admitted.

On April 19, 2006, the CA issued the other assailed Resolution,^[14] denying both the Omnibus Motion and Second Motion for Extension for lack of merit.

In denying the motions, the CA ratiocinated that petitioners did not file their Answer within the reglementary period and clearly disregarded the rules of procedure. Petitioners' plea for liberality is, therefore, undeserving of any sympathy.

Hence, the petition assigning the following errors:

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN DENYING PETITIONERS' MOTIONS FOR EXTENSION;

II.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN CONSIDERING THE CASE SUBMITTED FOR DECISION WITHOUT GIVING PETITIONERS THEIR INHERENT AND INALIENABLE RIGHT TO DUE PROCESS OF LAW; and

III.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN DENYING BOTH THE MOTION FOR RECONSIDERATION AND MOTION FOR ADMISSION OF PETITIONERS' ANSWER.^[15]

Petitioners argue that the reasoning advanced by its counsel in failing to submit their Answer on time, and their failure to submit the Explanation why their answer was not served personally, erases any legal defect or impediment for the admission of their Answer by the CA. Petitioners maintain that the CA should have practiced liberality in interpreting and applying the rules in the interest of justice, fair play and equity.

Petitioners contend that if their Answer would not be considered and appreciated in the disposition of the case, they will be adjudged guilty of falsification and misrepresentation without being afforded an opportunity to explain their side of the controversy, in gross violation of their constitutional right to due process of law.

On his part, respondent maintains that the CA did not err in denying petitioners' motions and that they were not denied due process of law. Moreover, respondent avers that even if petitioners' Answer was not admitted, it does not mean that they will unceremoniously be adjudged in contempt of court. It only means that the contempt proceedings will commence without petitioners' Answer, in accordance with the Rules.

The petition is meritorious.

Sections 3^[16] and 4,^[17] Rule 71 of the Rules of Court, specifically outlines the procedural requisites before the accused may be punished for indirect contempt. *First*, there must be an order requiring the respondent to show cause why he should not be cited for contempt. *Second*, the respondent must be given the opportunity to comment on the charge against him. Third, there must be a hearing and the court must investigate the charge and consider respondent's answer. Finally, only if found guilty will respondent be punished accordingly.^[18] The law requires that there be a charge in writing, duly filed in court, and an opportunity given to the person charged to be heard by himself or counsel. What is most essential is that the alleged