

FIRST DIVISION

[G.R. No. 170646, June 22, 2011]

**MA. LIGAYA B. SANTOS, PETITIONER, VS. LITTON MILLS
INCORPORATED AND/OR ATTY. RODOLFO MARIÑO,
RESPONDENTS.**

D E C I S I O N

DEL CASTILLO, J.:

"Once again, we must stress that the technical rules of procedure should be used to promote, not frustrate, the cause of justice. While the swift unclogging of court dockets is a laudable aim, the just resolution of cases on their merits, however, cannot be sacrificed merely in order to achieve that objective. Rules of procedure are tools designed not to thwart but to facilitate the attainment of justice; thus, their strict and rigid application may, for good and deserving reasons, have to give way to, and be subordinated by, the need to aptly dispense substantial justice in the normal course." [1]

This Petition for Review on *Certiorari* [2] assails the March 10, 2005 Resolution [3] of the Court of Appeals (CA) in CA-G.R. SP No. 88601, which dismissed petitioner Ma. Ligaya B. Santos' (petitioner) Petition for *Certiorari* filed therewith for being defective in form, as well as the November 29, 2005 Resolution [4] which denied her Motion for Reconsideration. Likewise sought to be set aside are the August 27, 2004 and November 30, 2004 Resolutions [5] of the National Labor Relations Commission (NLRC) and the November 28, 2003 Decision [6] of Labor Arbiter Pablo C. Espiritu, Jr. in NLRC NCR Case No. 00-02-01560-2003, which dismissed petitioner's complaint for illegal dismissal against respondents Litton Mills, Inc. (respondent Litton Mills) and/or Atty. Rodolfo Mariño (respondent Atty. Mariño).

Factual Antecedents

Petitioner was hired on December 5, 1989 by respondent Litton Mills, a company engaged in the business of manufacturing textile materials. It used to sell its used sludge oil and other waste materials through its Plant Administration and Services Department, wherein petitioner was assigned as clerk.

On September 28, 2002, [7] respondent Atty. Mariño, personnel manager of respondent Litton Mills, directed petitioner to explain in writing why no disciplinary action should be imposed on her after having been caught engaging in an unauthorized arrangement with a waste buyer. Allegedly, petitioner has been demanding money from a certain Leonardo A. Concepcion (Concepcion) every time he purchases scrap and sludge oil from the company and threatening to withhold the release of the purchased materials by delaying the release of official delivery receipt and gate pass if he would not oblige. Respondent Atty. Mariño also informed

petitioner that she will be placed under preventive suspension for 15 days pending investigation of her case.

In her letter-reply, [8] petitioner denied the accusation and explained that her

job is merely clerical in nature and that she has no authority to hold the release of purchased waste items. Petitioner averred that the P2,000.00 she obtained from Concepcion was in payment for the loan she had extended to Concepcion's wife; and, that her practice of lending money to increase her income cannot be considered as an irregularity against her employer.

Meanwhile, a criminal complaint for robbery/extortion was lodged before the City Prosecutor of Pasig City against petitioner which was eventually filed in court. [9]

On October 1, 2002, respondent Atty. Mariño notified petitioner that an administrative investigation is scheduled on October 4, 2002 and requested her to appear and present her defenses on the charges. During the hearing, petitioner, represented by three officers of the union of which she was a member, submitted a Motion for Reinvestigation [10] (which she also filed in the criminal case for extortion), with a Counter-Affidavit [11] attached therein. She pointed out that it is not within her power to intimidate or threaten any buyer regarding the release of the company's waste items. Petitioner also presented a copy of her handwritten notes [12] showing a list of entries representing the debts owed to her by different debtors including Concepcion's wife.

On October 11, 2002, petitioner received a Letter of Termination [13] from respondents for obtaining or accepting money as a result of an unauthorized arrangement with a waste buyer, an act considered as affecting company interests, in violation of Section 2.04 of the company's Code of Conduct for Employee Discipline. [14] On February 4, 2003, petitioner filed a Complaint [15] for illegal dismissal against respondents which was later amended to include a prayer for moral and exemplary damages and attorney's fees.

Ruling of the Labor Arbiter

In a Decision dated November 28, 2003, the Labor Arbiter dismissed the complaint after finding that there was just cause for dismissal and proper observance of due process. The Labor Arbiter ruled that the pendency of the criminal case for extortion is an indication that there is sufficient evidence that petitioner is responsible for the offense charged, and that only substantial evidence and not proof beyond reasonable doubt is necessary for a valid dismissal. The Labor Arbiter was not convinced that the money which petitioner received from Concepcion was intended as payment for a loan and even if it was, it is still unauthorized and prohibited by the company rules. The claim for damages was likewise dismissed for lack of merit.

Ruling of the National Labor Relations Commission

On appeal, petitioner argued that the Labor Arbiter erred in relying on the pending criminal case in finding her dismissal as valid and claimed that the charge should

first be proven. She thereafter filed an Urgent Manifestation [16] to inform the tribunal that on April 20, 2004, the Regional Trial Court of Pasig City, Branch 167 has rendered a Decision [17] acquitting her of the criminal charge and declaring that she merely demanded payment for a loan and thus did not illegally exact money from Concepcion.

The NLRC, however, affirmed the findings of the Labor Arbiter in its Resolution dated August 27, 2004. [18] It held that petitioner's acquittal in the criminal case has no bearing on the illegal dismissal case since she was dismissed for accepting money by reason of an unauthorized arrangement with a client. This, according to the NLRC, is an infraction of the company's Code of Conduct for employees punishable by dismissal even for the first violation.

In its Resolution dated November 30, 2004, [19] the NLRC denied petitioner's Motion for Reconsideration.

Ruling of the Court of Appeals

Petitioner filed a Petition for *Certiorari* [20] with the CA. However, in a Resolution dated March 10, 2005, the CA dismissed the petition for failure of the petitioner to indicate in the petition the actual addresses of the parties and to state in the Verification and Certification of non-forum shopping that there were no other pending cases between the parties at the time of filing. The March 10, 2005 Resolution reads:

Petition is hereby DISMISSED due to the following jurisdictional flaws:

1. Actual addresses of the parties were not disclosed in the petition in contravention of Sec. 3, Rule 46, 1997 Rules of Civil Procedure;
2. Non-conformity to the required verification and certification of non-forum shopping by failure to state that there were no other pending cases between the parties at the time of filing (See Sections 4 and 5, Rule 7 and Sec. 1, Rule 65 in relation to Sec. 3, Rule 46 of the 1997 Rules of Civil Procedure). Deficiency is equivalent to the non-filing thereof.

SO ORDERED. [21]

Petitioner filed a Motion for Reconsideration [22] explaining that her petition substantially complied with the provisions of Section 3, Rule 46 of the Rules of Court because it indicated that the parties may be served with notices and processes of the Court through their respective counsels whose addresses were specifically mentioned therein. She also insisted that although the Verification and Certification attached to the petition was an abbreviated version, the same still substantially complied with the Rules. Nonetheless, she submitted her faithful compliance with the Rules by indicating the complete addresses of the parties and of their counsels and submitting a revised Verification and Certification of non-forum shopping. At the same time, she contended that her excusable lapse is not enough reason to dismiss her meritorious petition.

On November 29, 2005, [23] the CA rendered its Resolution denying the motion for reconsideration. The said Resolution reads:

Instead of [rectifying] the deficiencies of the petition, the petitioner chose to avoid compliance, arguing more than revising the mistakes explicitly pointed out.

WHEREFORE, for lack of merit, petitioner's March 31, 2005 Motion for Reconsideration is hereby DENIED.

SO ORDERED. [24]

Issues

Hence, this petition anchored on the following grounds:

WITH DUE RESPECT, THE COURT OF APPEALS HAD SHOWN HOSTILITY AGAINST THE PETITIONER AND ACTED DESPOTICALLY BECAUSE THE DEFICIENCIES IN THE PETITION WERE DULY CORRECTED AND THE EXPLANATION MADE FOR THE ALLOWANCE OF THE PETITION IS MERELY TO POINT OUT THAT THIS HONORABLE SUPREME COURT HAD SHOWN LENIENCY EVEN IN MORE SERIOUS CASES AND THAT PETITIONER HAS A MERITORIOUS CASE.

WITH DUE RESPECT, THE NLRC AND THE LABOR ARBITER COMMITTED A SERIOUS ERROR AND ABUSED THEIR DISCRETION IN FINDING THAT PETITIONER OBTAINED OR ACCEPTED MONEY CONSEQUENT OF AN UNAUTHORIZED ARRANGEMENT WITH A WASTE BUYER DESPITE CLEAR EVIDENCE TO THE CONTRARY AND THE FINDINGS OF THE REGIONAL TRIAL COURT THAT THE P2,000.00 DEMANDED BY THE PETITIONER IS FOR THE PAYMENT OF A LOAN. [25]

Petitioner questions the propriety of the CA's dismissal of her petition despite correction of the deficiencies in faithful compliance with the rules. She prays for liberality and leniency for the minor lapses she committed so that substantial justice would not be sacrificed at the altar of technicalities.

Petitioner also questions the propriety of the labor tribunals' declaration that her dismissal from employment was legal. She contends that her act of extending a loan to a person and consequently demanding payment for the same should not be considered as sufficient ground for the imposition of the supreme penalty of dismissal.

Our Ruling

We partly grant the petition.