

## SECOND DIVISION

[ G.R. No. 163013, April 30, 2008 ]

**EUREKA PERSONNEL AND MANAGEMENT SERVICES, INC.,  
PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION  
AND APOLONIO A. BUENO, RESPONDENTS.**

### DECISION

**QUISUMBING, J.:**

This is a petition for review on certiorari seeking to set aside the Resolutions <sup>[1]</sup> dated December 3, 2003 and February 20, 2004, of the Court of Appeals in CA-G.R. SP No. 80746, which dismissed petitioner's special civil action for certiorari assailing the June 30, 2003 Decision <sup>[2]</sup> of the National Labor Relations Commission (NLRC) in NLRC NCR CA 031851-02 (OFW-01-08-1742-00).

The facts are undisputed.

Private respondent Apolonio A. Bueno was hired by petitioner Eureka Personnel and Management Services, Inc. in behalf of its principal, Saudi Archirodon, Ltd., as mechanic with a monthly salary of SR\$1,763.

On June 14, 1999, private respondent was deployed but was made to work as carpenter with a monthly salary of SR\$750. In the course of his employment, private respondent injured his right eyebrow and was treated at the Gosi Hospital in New Jeddah. Subsequent examinations showed that private respondent's eyes were still normal. However, private respondent remained in his quarters and refused to work.

On March 21, 2001, private respondent was repatriated. He also signed a receipt acknowledging that he received SR\$3,000 from Saudi Archirodon, Ltd.

Private respondent filed a complaint for illegal dismissal, non-payment and underpayment of salaries, and moral and exemplary damages against petitioner.

On February 28, 2002, the Labor Arbiter rendered a Decision <sup>[3]</sup> which reads:

WHEREFORE, the respondents are hereby ordered, jointly and severally, 1) to pay the complainant the equivalent of 3 months salary for the unexpired portion of the contract in the sum of SR\$5,289.00 (SR\$1763 x 3 = SR\$5,289); 2) to pay the complainant the sum of SR\$9,117.00 (SR\$1763 - SR\$750 = SR\$1,013 x 9 mos. = SR\$9,117.00) as salary differential. The rest of the claims are dismissed for lack of sufficient basis to make an award.

SO ORDERED. <sup>[4]</sup>

Petitioner appealed to the NLRC, which modified the Decision of the Labor Arbiter on June 30, 2003, as follows:

WHEREFORE, premises considered, judgment is hereby rendered MODIFYING the Decision dated 28 February 2002 by deleting the award of three (3) months salary but awarding salary differential for the whole period of its original contract, computed as follows:

$$\text{SR\$1,763} - \text{SR\$750} = \text{SR\$1,013} \times 12 \text{ mos.} = \text{SR\$12,156}$$

SO ORDERED. [5]

Petitioner filed a special civil action for certiorari with the Court of Appeals which was dismissed for failure to comply with the provisions of Section 1, Rule 65 in relation to Section 3, Rule 46 of the Rules of Court. Petitioner moved for reconsideration alleging that it had complied with the Rules of Court and that the resolution did not point out the particular deficiencies of the petition.

The appellate court denied the motion noting that petitioner still failed to rectify the procedural deficiencies by not submitting the documents required under Section 3, Rule 46, such as the (1) complaint for illegal dismissal; (2) medical records; (3) contract of employment; (4) position papers; and (5) Labor Arbiter's decision.

Petitioner submits the following as issues for the consideration of the Court:

I.

THE DOCUMENTS NOTED BY THE COURT OF APPEALS AS NOT SUBMITTED BY PETITIONER AND WHOSE ABSENCE WAS GROUND FOR THE DISMISSAL OF THE PETITION ARE NOT MATERIAL TO THE ISSUE.

II.

THE COURT OF APPEALS ONLY POINTED OUT THE DEFICIENCIES AFTER PETITIONER FILED ITS MOTION FOR RECONSIDERATION. [6]

In our view, the main issue is whether the Court of Appeals erred in dismissing the petition due to petitioner's failure to attach the documents required under Section 3, Rule 46 of the Rules of Court.

Worth noting in this regard is Section 1, Rule 65 in relation to Section 3, Rule 46 of the Rules of Court, which provide that:

SECTION 1. *Petition for certiorari.* — . . .

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

SEC. 3. *Contents and filing of petition; effect of non-compliance with requirements.* — . . .