

## FIRST DIVISION

[ G.R. NO. 154798, October 20, 2005 ]

**CRYSTAL SHIPPING, INC., AND/OR A/S STEIN LINE BERGEN,  
PETITIONERS, VS. DEO P. NATIVIDAD, RESPONDENT.**

### DECISION

**QUISUMBING, J.:**

For review on certiorari are the **Resolutions**<sup>[1]</sup> dated July 2, 2002 and August 15, 2002 of the Court of Appeals in CA-G.R. SP No. 71293 which denied petitioners' motion for extension of time to file a petition for certiorari and their motion for reconsideration, respectively.

Petitioner A/S Stein Line Bergen, through its local manning agent, petitioner Crystal Shipping, Inc., employed respondent Deo P. Natividad as Chief Mate of M/V Steinfighter for a period of ten months.<sup>[2]</sup> Within the contract period, respondent complained of coughing and hoarseness and was brought to shore for examination. He was diagnosed with "swelling neck and lymphatic glands right side in neck", declared unfit for duty, and advised to see an ear-nose-throat specialist.<sup>[3]</sup> He was repatriated to Manila on August 18, 1998.

Shortly after his arrival, respondent was referred to ClinicoMed Inc., the company-designated clinic, for check-up and later thoroughly examined at the Manila Doctors Hospital. He was diagnosed with "papillary carcinoma, metastatic to lymphoid tissue consistent with thyroid primary" and "reactive hyperplasia, lymph node". On September 11, 1998, he underwent a total thyroidectomy with radial neck dissection. After the operation, respondent developed chest complications and pleural effusion, and had to undergo a thoracentesis operation. On the basis of all these, his attending physician diagnosed him permanently disabled with a grade 9 impediment, with grade 1 as the most serious.<sup>[4]</sup>

A second opinion by Marine Medical Services and Metropolitan Hospital attending physician, Dr. Robert D. Lim, likewise concurred that respondent was disabled with a grade 9 impediment.<sup>[5]</sup> Under the care of Dr. Lim, respondent underwent various treatments, one of which was the radioactive iodine therapy at the Philippine General Hospital. While his treatment with Dr. Lim was ongoing, respondent sought the opinion of Dr. Efren R. Vicaldo, who opined that he was totally and permanently disabled for labor with a grade 1 impediment.<sup>[6]</sup> On February 22, 1999, respondent underwent a whole body scan which revealed no trace of radio iodine on his body to indicate metastasis or residual thyroid tissue. The attending physician, Dr. Wilson D. Lim, confirmed the earlier assessments of disability with a grade 9 impediment.<sup>[7]</sup>

All expenses incurred in respondent's examination and treatments were shouldered by the petitioners. Respondent was also paid the allowable illness allowances,

commensurate to a grade 9 impediment.

On June 25, 1999, petitioners offered US\$13,060 as disability benefits which respondent rejected. Respondent claimed that he deserves to be paid US\$60,000 for a grade 1 impediment. Failing to reach an agreement, respondent filed, with the Regional Arbitration Branch (RAB), a complaint for disability benefits, illness allowance, damages and attorney's fees.

The Labor Arbiter ruled for respondent and ordered petitioners to pay respondent US\$60,000 as disability benefits, P100,000 as moral damages, and ten percent of the total monetary award as attorney's fees.

On appeal, the National Labor Relations Commission (NLRC) initially reversed the ruling of the RAB on the ground that findings of the company-designated doctors were binding, as stipulated in the Philippine Overseas Employment Agency (POEA) Standard Employment Contract.<sup>[8]</sup> However, upon respondent's motion for reconsideration, citing jurisprudence that findings of company-designated doctors are self-serving, the NLRC affirmed the ruling of the RAB with respect only to the award of disability benefits.

Petitioners seasonably filed a motion for extension of time to file their petition for certiorari with the Court of Appeals. On July 2, 2002, the appellate court denied the motion on the ground that pressure of work is not a compelling reason for the grant of an extension.

In view of the foregoing, petitioner's motion for extension is DENIED and the instant case is DISMISSED.

SO ORDERED.<sup>[9]</sup>

Prior to the receipt of the appellate court's denial, petitioners filed the petition. It was noted without action in view of the July 2, 2002 Resolution.<sup>[10]</sup> Subsequently, petitioners moved for reconsideration of the resolution, but it was denied.<sup>[11]</sup>

Hence, this appeal by certiorari ascribing error to the Court of Appeals,

I. " WHEN IT DENIED PETITIONERS" MOTION FOR EXTENSION OF TIME TO FILE THEIR PETITION FOR CERTIORARI UNDER RULE 65, FAILING TO GIVE DUE CONSIDERATION TO THE ALLEGATIONS OF PETITIONERS THEREIN;

II. " WHEN IT MERELY NOTED PETITIONERS" PETITION FOR CERTIORARI UNDER RULE 65 WITHOUT PERUSING THE ALLEGATIONS THEREIN AND THE ARGUMENTS IN SUPPORT THEREOF WHICH, UNDER THE CIRCUMSTANCES, IS CLEARLY INIQUITOUS AND UNJUST.<sup>[12]</sup>

Here, we are asked to resolve the procedural issue of whether the Court of Appeals erred when it denied petitioners' motion for extension of time to file a petition; and the substantive issue of the proper disability benefits that respondent is entitled to.

Anent the procedural issue, petitioners contend that the appellate court erroneously applied the ruling in *Velasco v. Ortiz*,<sup>[13]</sup> because the factual circumstances therein

were different from the present case. In *Velasco*, the parties sought for the admission of their appeal that was filed beyond the reglementary period. In the present case, however, petitioners filed their motion for extension of time within the reglementary period. They maintain that they have a valid and compelling reason in asking the appellate court for extension. Moreover, petitioners posit that technical rules of procedure should give way to substantive justice.

On the other hand, respondent argues that there should be more than a mere claim of "extreme pressure of work" to justify an extension of time to file a petition for certiorari. He calls attention to the fact that petitioners never moved for the reconsideration of the NLRC decision, which is a prerequisite for the filing of a petition for certiorari. Likewise, respondent counters petitioners' plea for liberality by indicating their failure to file a motion for reconsideration of the NLRC decision.

Jurisprudence abounds on the subject that a motion for reconsideration is a prerequisite for the filing of a special civil action for certiorari.<sup>[14]</sup> A literal interpretation of this prerequisite would require a motion for reconsideration of the NLRC decision, which granted a previous motion for reconsideration and reversed a prior decision. After all, the second decision is considered as entirely new.

We cannot fault the appellate court for faithfully complying with the rules of procedure which it has been mandated to observe.<sup>[15]</sup> Save for the most persuasive of reasons, strict compliance is enjoined to facilitate the orderly administration of justice.<sup>[16]</sup>

Indeed, on several occasions, we relaxed the rigid application of the rules of procedure to afford the parties opportunity to fully ventilate the merits of their cases. This is in line with the time-honored principle that cases should be decided only after giving all parties the chance to argue their causes and defenses. Technicality and procedural imperfection should thus not serve as basis of decisions.<sup>[17]</sup>

The reason for requiring a motion for reconsideration is to make sure that administrative remedies have been exhausted before a case is appealed to a higher court. It allows the adjudicator a second opportunity to review the case, to grapple with the issues therein, and to decide anew a question previously raised.<sup>[18]</sup> It is presumed that an administrative agency, if afforded an opportunity to pass upon a matter, will decide the same correctly, or correct any previous error committed in its forum.<sup>[19]</sup>

With the first motion for reconsideration which the NLRC granted, there is no need for the parties to file another motion for reconsideration before bringing up the matter to the Court of Appeals. The NLRC was already given the opportunity to pass upon and correct its mistakes. Moreover, it would be absurd to ask the NLRC to keep on reversing itself.

Considering that property rights of both parties are involved here, we will give due course to the instant petition. Remanding the case to the court *a quo* will only frustrate speedy justice and, in any event, would be a futile exercise, as in all probability the case would end up with this Court. <sup>[20]</sup> Thus, we shall bring the present controversy to rest by deciding on the appropriate disability benefits that