

THIRD DIVISION

[G.R. No. 148279, May 27, 2004]

CORPORATE INN HOTEL, ANNIE DEL ROSARIO AND JULIE PALINSAD, PETITIONERS, VS. JENNEVIE H. LIZO, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

At the heart of the controversy is the issue of whether petitioners, by the simple expedient of arguing substantial justice and miscarriage of justice, may be allowed to disregard the mandatory 10-day period of perfecting an appeal from the decision of the Labor Arbiter. A reverberating negative ruling was rendered by both the Court of Appeals and the National Labor Relations Commission (NLRC).

Before us is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision^[1] dated March 30, 2001 and the Resolution^[2] dated May 23, 2001 rendered by the Court of Appeals in CA-G.R. SP No. 59037, entitled "*Corporate Inn Hotel, Annie Del Rosario and Julie Palinsad vs. Jennevie H. Lizo.*"

The undisputed facts of the case are as follows:

On January 25, 1999, Corporate Inn Hotel, petitioner, engaged the services of Jennevie Lizo, respondent, as a probationary account executive. In such capacity, she was tasked to deal with clients, entertain customers, and promote patronage of the hotel. However, just a few weeks after her employment, petitioner received complaints from its clients against her for undesirable conduct. They also called petitioner's attention to her inefficiency in discharging her duties.

Prompted by such reports, petitioner, on February 8, 1999, evaluated respondent's performance. The evaluation disclosed her inability to deal with hotel guests. Thus, she was recommended to undergo an additional training under maximum supervision. But barely twenty-one (21) days after her employment, petitioner terminated her services effective February 15, 1999.

Aggrieved, respondent filed with the Labor Arbiter a complaint for illegal dismissal and other monetary claims against petitioner and its officers, Annie Del Rosario and Julie Palinsad, docketed as NLRC NCR Case No. 00-03-02577-99.

On September 30, 1999, the Labor Arbiter rendered a Decision holding that respondent was illegally dismissed, thus:

"All told, it is the finding of this Arbitration Branch that the imputation against the complainant are but the product of afterthoughts, if not surmises, and guessworks. The inevitable conclusion is that complainant

was dismissed without just and valid cause and absent due process. Accordingly, she is entitled to her backwages from February 15, 1999 up to the date of this decision and to separation pay equivalent to one (1) month salary, hereunder computed as follows:

Backwages:	P6,000.00/mo. x 7.5 mos	= P 45,000.00
Separation Pay:	at one (1) month pay	= P 6,000.00

		TOTAL P51,000.00

On the matter of the complainant's claim for moral and exemplary damages, this is not substantiated by the complainant. Mere allegation of illegal dismissal is not enough as it is required that complainant must prove that bad faith on the part of the respondents attended her dismissal from employment.

WHEREFORE, all the foregoing premises being considered, judgment is hereby rendered ordering the respondents to pay complainant the sum of P51,000.00.

SO ORDERED."

Upon appeal, the National Labor Relations Commission (NLRC), in a Resolution dated March 31, 2000, dismissed the same for being late.

Petitioners filed a motion for reconsideration but was denied by the NLRC in a Resolution dated April 28, 2000.

Consequently, petitioners filed with the Court of Appeals a petition for certiorari.

In a Decision promulgated on March 30, 2001, the Appellate Court affirmed in toto the NLRC Resolution, ratiocinating thus:

"We dismiss the petition.

First. The perfection of an appeal within the reglementary period and in the manner prescribed by law is jurisdictional. Non-compliance therewith is fatal and it renders the judgment final and executory. Non-compliance with the required procedure deprives the appellate court of jurisdiction to alter the final judgment, much less, to entertain the appeal. The requirements for the perfection of an appeal are intended to discourage employers from using the appeal to delay or evade their obligations to their employees. It also assures employees that the money judgment in their favor will be satisfied.

The reglementary period for perfecting an appeal is provided for in Art. 223 of the Labor Code, to wit:

'ART. 223. Appeal. – Decisions, awards, or orders of the Labor Arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such decisions, awards, or orders. Such