

FIRST DIVISION

[G.R. No. 152304, November 12, 2004]

PHILIPPINE VALVE MFG. COMPANY AND/OR ENGR. RENE B. GALERA, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND TERESITA N. AN, RESPONDENTS.

DECISION

AZCUNA, J.:

Assailed in this petition for review under Rule 45 of the Rules of Court, are the resolutions of the Court of Appeals dated January 11, 2002 and February 18, 2002.

Petitioners herein, Philippine Valve Manufacturing Company (PVMC) and Rene B. Galera, were respondents in an illegal dismissal case filed by Teresita N. An, the private respondent herein. The said illegal dismissal case was filed on November 5, 1998. It was decided on January 25, 2000 by the labor arbiter, who in his decision, wrote:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Declaring respondent Philippine Valve Manufacturing Company (PVMC) not guilty of illegal dismissal as above-discussed. However, in the interest of social justice and humanitarian consideration taking into account the continuous service of complainant Teresita N. An with respondent PVMC for ten (10) years, the latter is hereby directed to pay severance pay to the former equivalent to one-half (1/2) month pay for every year of service, a fraction of six (6) months shall be considered as one (1) whole year. The severance pay due to complainant Teresita N. An is P37,746.00 as earlier computed.
2. Dismissing the other money claims and/ or charges of complainant An for lack of merit.
3. Dismissing the charges against individual respondent Engr. Rene Galera for lack of merit.

SO ORDERED.

Petitioners PVMC and Galera made a timely appeal on the aforesaid decision to the National Labor Relations Commission (NLRC) on February 24, 2000. The NLRC, however, affirmed *in toto* the decision of the labor arbiter and dismissed the appeal. The motion for reconsideration of petitioners was likewise denied by the NLRC in a resolution dated October 22, 2001.

Undaunted, petitioners went up to the Court of Appeals by way of a petition for

certiorari under Rule 65 of the Rules of Court. The Court of Appeals, however, dismissed the petition on the ground that its certification of non-forum shopping was signed by only one of the petitioners, Galera. PVMC, as the other petitioner, failed to show that it had authorized Galera to initiate the filing of the aforesaid petition. Hence, the CA held:

On account of the foregoing, [w]e cannot admit the certification of non-forum shopping signed by Engr. Rene B. Galera absent any board resolution and/ or other authority submitted to prove the grant of said authority to sue for and in behalf of petitioner. Such omission amounts to non-compliance with the requirement of a certification.^[1]

Petitioners PVMC and Galera now ask this Court to reverse and set aside the assailed resolution on the following grounds:

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN DISMISSING THE PETITION FOR CERTIORARI THEREBY EFFECTIVELY AFFIRMING THE LABOR ARBITER AND NATIONAL LABOR RELATIONS COMMISSION'S DECISION FINDING PETITIONER PHILIPPINE VALVE MANUFACTURING COMPANY (PVMC) NOT GUILTY OF ILLEGAL DISMISSAL, BUT AT THE SAME TIME AWARDING SEPARATION PAY TO THE PRIVATE RESPONDENT.

THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR FOR DISMISSING THE PETITION FOR CERTIORARI IN THAT IT FAILED TO CONSIDER THAT THE SIGNATORY OF THE VERIFICATION CERTIFICATION IS ONE OF THE PETITIONERS AND NOT MERELY ACTING IN HIS CAPACITY AS VICE-PRESIDENT OF PETITIONER PHILIPPINE VALVE MFG., COMPANY.^[2]

This Court finds no reversible error in the resolutions sought to be reviewed. Section 5, Rule 7 of the Rules of Court states:

Sec. 5. Certification against forum shopping. --- The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. x x x