

THIRD DIVISION

[G.R. No. 144074, March 20, 2001]

**MEDINA INVESTIGATION & SECURITY CORPORATION AND
ERNESTO Z. MEDINA, PETITIONERS, VS. COURT OF APPEALS,
NATIONAL LABOR RELATIONS COMMISSION AND ROMEO
TABURNAL, RESPONDENTS.**

RESOLUTION

GONZAGA-REYES, J.:

Before this Court is a Petition for Review seeking to set aside the Resolution dated June 2, 2000 dismissing the petition for being filed beyond the 60-day reglementary period and the Resolution dated July 12, 2000 denying the motion for reconsideration, both issued by the Court of Appeals in CA-G.R. SP No. 58968.

Respondent Romeo Taburnal was hired by petitioner corporation as security guard on September 8, 1996 and was assigned to one of its clients, Abenson, Inc. at Sta. Lucia Grand Mall. On September 5, 1997, the client requested that respondent Taburnal be relieved due to violations pursuant to the Service Contract such as reporting late for duty, below standard performance of duties, and exceeding the maximum six (6) months duty in the company. In view of his replacement, respondent Taburnal filed a complaint for Illegal Dismissal claiming for separation pay, non-payment of legal/special holiday and overtime pay, underpayment of 13th month pay and cash bond and tax refund. On April 29, 1999, the Labor Arbiter rendered judgment ordering the reinstatement of respondent Taburnal without loss of seniority rights and the payment of full backwages and salary differentials. Petitioners appealed to the NLRC which dismissed the same for lack of jurisdiction. The Motion for Reconsideration thereto was denied. Herein petitioners filed a petition for *certiorari* with the Court of Appeals which dismissed the petition outright for having been filed beyond the 60-day reglementary period or on the 67th day per its Resolution on June 2, 2000. The Court of Appeals ruled that the petition was filed on the sixty-seventh (67th) day since petitioners received on November 10, 1999 the Order dated August 26, 1999 of the NLRC and the Motion for Reconsideration thereto was filed of November 19, 1999. Copy of the order denying the said motion was received by petitioners on April 3, 2000, while the petition was filed with the Court of Appeals on May 31, 2000. The Court of Appeals did not discuss the merits of the petition. Hence, the petition raising the following grounds:

"THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE PETITION FOR CERTIORARI WAS FILED BEYOND THE REGLEMENTARY PERIOD.

"PUBLIC APPELLEES COMMITTED A REVERSIBLE ERROR WHEN THEY DISMISSED THE PETITION, THEREBY AFFIRMING THE DECISION OF LABOR ARBITER FELIPE P. PATI WHICH AWARDED MONETARY CLAIMS AND OTHER RELIEF NOT PRAYED FOR IN THE COMPLAINT, IN GRAVE ABUSE OF THEIR DISCRETION, AMOUNTING TO LACK OR EXCESS OF