

THIRD DIVISION

[G.R. No. 143789, November 27, 2000]

**SYSTEMS FACTORS CORPORATION AND MODESTO DEAN,
PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION,
RONALDO LAZAGA AND LUIS C. SINGSON RESPONDENTS.**

R E S O L U T I O N

GONZAGA-REYES, J.:

The instant petition seeks to set aside the Resolution dated February 15, 2000 dismissing the petition for certiorari and the Resolution dated June 22, 2000 denying the motion for reconsideration, both issued by the Court of Appeals in CA-G.R. SP No. 56849.

Petitioner Systems Factors Corporation is a corporation engaged in the business of installing electrical system in buildings and infrastructure projects wherein it employs electricians, engineers and other personnel. Private respondents Ronaldo Lazaga and Luis Singson were employed by petitioner corporation as electricians in one of its projects. Private respondents filed a complaint against petitioners for illegal dismissal and non-payment of backwages, service incentive fees, premium pay, separation pay and other allowances. The Labor Arbiter rendered judgment ordering petitioners to reinstate private respondents to their former positions and to pay them backwages. On appeal, the NLRC affirmed the LA-decision. Petitioners allegedly received the NLRC judgment on August 10, 1999 and a motion for reconsideration thereto was filed on August 20, 1999. On November 25, 1999, petitioners received the NLRC-Resolution dated November 11, 1999 denying their motion for reconsideration. Hence, on January 24, 2000, petitioners filed a petition for certiorari pursuant to Rule 65 with the Court of Appeals. On February 15, 2000, the Court of Appeals issued a resolution denying the petition for failure of petitioners to comply with procedural requirements, i.e., (1) the petition was filed out of time, and (2) except for the assailed NLRC resolutions, the documents and material portions referred to in the petition were not certified. On Motion for Reconsideration, the Court of Appeals, in its Resolution dated June 22, 2000, applied this Court's ruling in the case of *Cadayona vs. Court of Appeals, et. al.*, G.R. No. 128772, February 3, 2000 and gave weight to petitioners' submission that only the questioned resolution need be certified and not the entire records. Said motion for reconsideration was nonetheless denied in view of its finding that the petition was filed out of time.

The Court of Appeals, in finding that the petition for certiorari was filed out of time, reckoned the counting of the period of sixty (60) days, pursuant to Section 4, Rule 65 of the 1997 Rules of Civil Procedure, from receipt on August 10, 1999 of the NLRC-resolution dismissing the appeal which is interrupted by the filing on August 20, 1999 of the Motion for Reconsideration; and the remaining period to be counted from receipt on November 25, 1999 of the resolution denying the motion for