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THIRD DIVISION

[G.R. No. 124841, July 31, 1998]

PEFTOK INTEGRATED SERVICES, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND EDUARDO ABUGHO, ET. AL., RESPONDENTS.

D E C I S I O N

PURISIMA, J.:

Pacta privata juri publico derogare non possunt. Private agreements (between parties) cannot derogate from public right.

Filed on May 22, 1996, this petition for certiorari under Rule 65 of the Revised Rules of Court seeks to set aside the decision of the National Labor Relations Commission (NLRC) dismissing the appeal of petitioner. The case stemmed from the decision handed down by Labor Arbiter Noel Augusto S. Magbanua, disposing, as follows:

> *"WHEREFORE, in view of the foregoing premises, respondents-PEFTOK Security Agency and Timber Industries of the Philippines, Inc. (TIPI) and Union Plywood Corporation are hereby ordered to pay, jointly and solidarily the claims of complainants as previously computed as follows:*
>
> | | |
> |---|---|
> | 1. Eduardo Abugho | ₱49,397.83 |
> | 2. Clenio Macanoquit | 31,596.12 |
> | 3. Claro Mendez | 49,308.83 |
> | 4. Leovemin Lumban | 16,666.45 |
> | 5. Crispin Balingkit | 44,772.34 |
> | 6. Ulysses Labis | 43,812.64 |
> | 7. Fidel Sabellina | 23,666.90 |
> | 8. Leonardo Daluperi | 27,026.59 |
> | 9. Valentine Adame | 17,084.92 |
> | 10. Gonzalo Ernero | 18,018.56 |
> | 11. Celso Niluag | 18,670.00 |
> | 12. Reynaldo Maasin | 19,499.28[1] |
>
> GRAND TOTAL - 342,598.52

Other claims are hereby dismissed for failure to substantiate and for lack of merit.

SO ORDERED."

Pertinent sheriff's return shows that the aforesaid decision was partly executed up to fifty percent (50%), Timber Industries of the Philippines (TIPI) having paid half of their solidary obligation to the security guards-employees, who quitclaimed and waived fifty percent (50%) of the benefits adjudged in their favor. On October 13, 1989,[2] Eduardo Abugho, Claro Mendez and Leonardo Daluperi executed a waiver[3] of all their claims against Peftok Integrated Services, Inc. (**PEFTOK**, for brevity) for the period ending on June 30, 1989. Said waiver[4] appeared to bar all claims they may have had against **PEFTOK** before June 30, 1989. Urged by their entitlement to full benefits as provided in the labor arbiter's decision, the private respondents sought the issuance of an alias writ of execution.

On May 29, 1992, Eduardo Abugho, Fidel Sabellina, Leonardo Daluperi, Claro Mendez and Reynaldo Maasin executed another waiver and quitclaim[5] purportedly renouncing whatever claims they may have against **PEFTOK** for the period ending March 15, 1998. Such waiver or quitclaim was worded to preclude whatever claim they may have against **PEFTOK** on or before March 16, 1998. However, Eduardo Abugho, Fidel Sabellina, Leonardo Daluperi, Reynaldo Maasin and Claro Mendez subsequently executed affidavits[6] stating that the aforementioned quitclaims were prepared and readied for their signature by PEFTOK and they were forced to sign the same for fear that they would not be given their salary on pay day, and worse, their services would be terminated if they did not sign the said quitclaims under controversy.

Private respondents asserted that the waivers of claims signed by them are contrary to public policy; the same being written in the English language which they do not understand and the contents thereof were not explained to them. On June 19, 1995, the prayer for alias writ of execution was granted by Labor Arbiter Henry F. Te.

In support of its prayer, petitioner **PEFTOK** theorizes that the quitclaims executed by the security guards suffer no legal infirmity. Like any other right, the claims in dispute can be waived and waiver thereof is not prohibited by law. No surety bond is required to perfect an appeal, in the same manner that no bond is necessary for the issuance of an alias writ of execution; petitioner maintains.

The comment sent in by the Solicitor General prays that the petition be dismissed outright for being premature and for non-compliance with the requisite motion for reconsideration of the NLRC decision before elevating the same to this court. It stressed that quitclaims by employees are basically against public policy.

There is no quibble over the fact that subject decision of the labor arbiter appealed from was received by petitioner on June 30, 1995. The appeal therefrom should have been interposed within 10 days or not later than July 10, 1995. But unfortunately for petitioner, its appeal was only filed on July 17, 1995. Indeed, it is decisively clear that petitioner's appeal is flawed by late filing. The prescribed period for appeal is both mandatory and jurisdictional.

Then, too, the petition under consideration is likewise dismissable on the ground of