

## EIGHTH DIVISION

[ CA-G.R. SP No. 126125, May 26, 2014 ]

**CAMARINES SUR III ELECTRIC COOPERATIVE, INC. (CASURECO III), PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND EMMANUEL C. EBALO, JR., ET AL., RESPONDENTS.**

### DECISION

**INTING, S.B., J.:**

In this Petition for Certiorari<sup>[1]</sup> under Rule 65 of the 1997 Rules Court petitioner Camarines Sur III Electric Cooperative, Inc. (CASURECO III) assails the following issuances of public respondent National Labor Relations Commission (NLRC), Sixth Division, in NLRC LAC Case No. 10-002817-11: (1) *Decision*<sup>[2]</sup> dated 30 April 2012, which dismissed its appeal from the Decision of the Labor Arbiter; (2) *Resolution*<sup>[3]</sup> dated 29 June 2012 which denied its motion for reconsideration thereof.

The facts, as culled from the records, follow.

The petition stemmed from the complaints filed by private respondents Emmanuel C. Eballo, Jr., Rommel U. Laniog, Remegio Albert T. Taduran and Prudencio M. Turiano against Camarines Sur III Electric Cooperative, Inc. (CASURECO III) and its Officer-in-Charge Manager, Claro Turiano (Turiano), for regularization, underpayment of salaries and 13<sup>th</sup> month pay, claims for rice allowance, year-end bonus, vacation leave, and attorney's fees.

In their Joint Position Paper, private respondents claimed that they were regular employees of CASECO III. Their employment data with CASECO III reveals the following:

Name	Date hired	Position	Monthly Wage
Emmanuel C. Eballo, Jr.	16 Nov. 2002	Mechanic	P5,750.00
Rommel U. Laniog	20 Oct. 2006	Boomtruck operator	P5,750.00
Remegio Albert Taduran	Feb. 2006	Disconnecter	P5,750.00
Prudencio M. Turiano	19 Sept. 2006	Welder/Mechanic	P5,750.00

During their employment, private respondents performed their tasks under the supervision of CASURECO III employees occupying higher positions.

Private respondent Ebalo, Jr. worked for six (6) years for CASURECO III while the rest of the private respondents worked for three (3) years.

Private respondents further alleged that they were paid differently and were not afforded benefits and privileges provided under the Collective Bargaining Agreement compared to other employees of CASURECO III who were performing similar duties.

On the other hand, CASURECO III and its OIC Manager, Turiano, asserted that the contracts entered into by private respondents were for fixed periods of employment.

On 24 August 2011, the Labor Arbiter ruled in favor of private respondents. The dispositive of the Decision reads:

"Wherefore, premises considered judgment is hereby rendered declaring complainants as regular employees of respondent electric cooperative and ordering respondent Camarines Sur III Cooperative, Inc. (CASURECO III) to pay complainants the total amount of ONE MILLION TWO HUNDRED FIFTY FIVE THOUSAND AND EIGHT PESOS & 41/100 (P1,255,008.41), representing the latter's wage differentials, 13th month pay differentials, rice allowances, cost of living allowances, year-end bonuses, vacation leave and ten percent (10%) attorney's fees, as computed above.

SO ORDERED."<sup>[4]</sup>

CASURECO III and Turiano appealed to the NLRC. However, in its Decision dated 30 April 2012 the NLRC dismissed the appeal due to the absence of a board resolution authorizing Turiano to represent and file the appeal for and in behalf of CASURECO III.<sup>[5]</sup>

CASURECO III and Turiano's motion for reconsideration from the said Decision was likewise dismissed on the ground that the same was filed out of time.<sup>[6]</sup> Hence, this petition for certiorari anchored on the following grounds:<sup>[7]</sup>

**A. PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DENYING THE PETITIONER'S MOTION FOR RECONSIDERATION SOLELY ON THE GROUND THAT THE MOTION FOR RECONSIDERATION WAS "FILED OUT OF TIME;"**

**B. PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DISMISSING THE PETITIONER'S APPEAL SOLELY ON THE GROUND OF NON-PERFECTION ON ACCOUNT OF IMPROPER VERIFICATION;**

**C. PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN NOT REVERSING THE FINDING OF THE LABOR ARBITER THAT RESPONDENTS BECAME REGULAR EMPLOYEES OF PETITIONER IMMEDIATELY AFTER THE END OF THEIR ONE (1) YEAR OF SERVICE;**