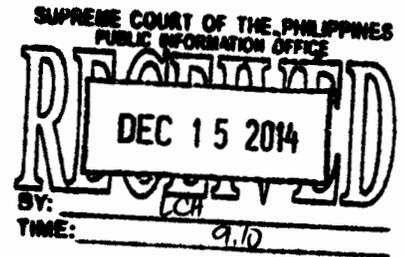




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 19, 2014** which reads as follows:*

“G.R. No. 214060 (Christian Theological College Foundation International, Inc., its members of the Board of Trustees and Rev. Chon Hyun Kim v. Emiliano A. David, Edwin C. Sula, Joselito J. Milarpis, and Rolando S. Manlapaz). – The petitioners’ motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

The National Labor Relations Commission is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the February 26, 2014 Decision¹ and August 29, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 125155 for failure of Christian Theological College Foundation International, Inc., its members of the Board of Trustees and Rev. Chon Hyun Kim (petitioners) to sufficiently show that the CA committed any reversible error in upholding the dismissal of their appeal for having been filed beyond the reglementary period, pursuant to Article 223³ of the Labor Code and Section 1,⁴ Rule VI of the National Labor Relations Commission (NLRC) Rules of Procedure.

¹ *Rollo*, pp. 21-30. Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Mario V. Lopez and Socorro B. Inting, concurring.

² *Id.* at 29-30.

³ Article 223 of the Labor Code provides:

ART. 223. APPEAL – Decisions, awards, or orders of the Labor Arbiter are final and executory unless appealed to the Commission by any or both parties within ten calendar days from receipt of such decisions, awards, or orders. x x x

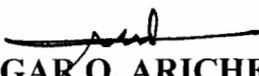
⁴ Section 1, Rule VI of the NLRC Rules of Procedure provides that:

SEC. 1. *Periods of Appeal.* – Decisions, resolutions, or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt thereof; x x x

As correctly ruled by the CA, petitioners are bound by the negligence of their counsel in filing their appeal before the NLRC only on November 8, 2011, or eight (8) days beyond the reglementary period, reckoned from October 21, 2011, the date when their former counsel received a copy of the adverse ruling of the Labor Arbiter (LA). It is well-settled that the negligence and mistakes of counsel bind the client and that a departure from this rule would bring about never-ending suits, so long as lawyers could allege their own fault or negligence to support the client's case and obtain remedies already lost by operation of law. The only exception would be, where the lawyer's gross negligence would result in the grave injustice of depriving his client of the due process of law. In this case, there was no such deprivation of due process as petitioners were able to fully present and argue their case before the LA, and thus, was accorded the opportunity to be heard. Hence, petitioner's failure to appeal the LA's Decision cannot, therefore, be deemed as a deprivation of the right to due process.⁵

SO ORDERED.” BERSAMIN, J., on official travel; **VELASCO, JR., J.**, designated acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *ff 11/19/14*
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Judgment Division (x)
Supreme Court

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(NLRC LAC No. 11-003087-11; NLRC
Case No. RAB III 07-15021-09)

SR

⁵ See *Building Care Corporation/Leopard Security & Investigation Agency v. Macaraeg*, G.R. No. 198357, December 10, 2012, 687 SCRA 643.

