



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 June 2021** which reads as follows:*

“**G.R. No. 256310 (Bright International Manpower Services, Inc. and/or Ahmed Alsadiq Aluminum Factory v. Court of Appeals [Fifth Division], National Labor Relations Commission [Fifth Division], and Diosdado N. Naag)**. - After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ for being filed out of time and **AFFIRM** the Resolutions of the Court of Appeals (CA) dated September 18, 2020² and February 24, 2021³ in CA-G.R. SP No. 165874 for failure of petitioners Bright International Manpower Services, Inc. and/or Ahmed Alsadiq Aluminum Factory (petitioners) to show that the CA committed grave abuse of discretion in: (a) denying their petition for *certiorari* outright due to procedural infirmities; and (b) rendering the Resolution dated September 18, 2020 final and executory for their failure to timely move for reconsideration or appeal the same.

At the outset, records reveal that petitioners received a copy of the assailed Resolution dated September 18, 2020 on September 28, 2020 but failed to file a motion for reconsideration or appeal the same which rendered it final and executory. Accordingly, the CA issued a Resolution dated February 24, 2021 providing for the Entry of Judgment of the earlier Resolution. It is a well-established rule that a judgment, once it has attained finality, can never be altered, amended, or modified, even if the alteration, amendment or modification is to correct an erroneous judgment.⁴ While there are recognized exceptions to this principle,⁵ none have been shown to apply in this case. However, even assuming that the Entry of Judgment was tainted with grave abuse of discretion for which the writ of *certiorari* was proper, the records reveal that petitioners received notice of the Entry of Judgment on March 22, 2021. Thus, they had until May 21, 2021 to file the instant petition. Instead, the petition was belatedly filed on May 24, 2021. Petitioners neither proffered an adequate reason for failing to appeal the CA’s Resolution dated

¹ *Rollo*, pp. 3-37.

² *Id.* at 77-81. Penned by Associate Justice Mariflor P. Punzalan-Castillo with Associate Justices Pedro B. Corales and Alfredo D. Ampuan, concurring.

³ *Id.* at 83.

⁴ *Republic of the Philippines v. Department of Public Works and Highways (DPWH)*, 824 Phil. 568, 578 (2018), citing *FGU Insurance Corporation (now BPI/MS Insurance Corporation) v. RTC*, 659 Phil. 117, 123 (2011).

⁵ *Id.*, citing *Briones-Vasquez v. CA*, 491 Phil. 81, 92 (2005).

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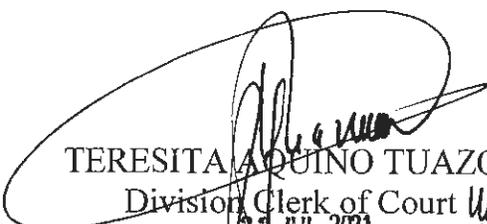
September 18, 2020 nor provided an acceptable explanation for filing the instant petition belatedly. This warrants the dismissal of the instant petition.

In any event, the CA correctly held that petitioners' petition for *certiorari* was rife with procedural infirmities, most notably that it was belatedly filed beyond the extended reglementary period granted by the Court through Administrative Circular No. 39-2020.⁶ As borne from the records, petitioners had until May 12, 2020 to file their petition for *certiorari* from the National Labor Relations Commission's (NLRC) Resolution⁷ dated February 24, 2020, which denied their motion for reconsideration. Given the said Administrative Circular No. 39-2020, the period to file the same was extended for thirty (30) calendar days counted from June 1, 2020. Thus, petitioners had until June 30, 2020 to file the same. Instead, they filed their petition on August 25, 2020, or fifty-six (56) days beyond the prescribed extended period. Petitioners reasoned that their offices were closed during the Enhanced Community Quarantine and the Modified Enhanced Community Quarantine. It even remained closed during the General Community Quarantine as its officers and employees had comorbidities that required them to stay at home. It only resumed operations on August 25, 2020 and it immediately filed their petition for *certiorari*. The lack of time to prepare the same also allegedly caused the inadvertence of failing to indicate the date of receipt of the Labor Arbiter's Decision, of failing to secure certified true copies of the NLRC's rulings, and using the old verification format.⁸ It thus prayed for the relaxation of the procedural rules to uphold substantial justice. However, the 'invocation of substantial justice is not a magical incantation that will automatically compel this Court to suspend procedural rules. Rules of procedure are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed.'⁹ The relaxation of procedural rules remains the exception rather than the general rule,¹⁰ and requires the one who invokes the same to provide **valid and compelling reasons** for such a procedural lapse,¹¹ which petitioners failed to do.

With the dismissal of the instant petition, petitioners' prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction is necessarily **DENIED**.

SO ORDERED." (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court

23 JUL 2021

7/22

⁶ Entitled, 'MODIFIED ENHANCED COMMUNITY QUARANTINE IN CERTAIN AREAS UNTL 31 MAY 2020,' effective on May 14, 2020.

⁷ *Rollo*, pp. 71-73.

⁸ *Id.* at 20.

⁹ *Cu-Unjieng v. Court of Appeals*, 515 Phil. 568, 578 (2006).

¹⁰ *Ng Ching Ting v. Philippine Business Bank, Inc.*, 835 Phil. 965, 976 (2018).

¹¹ *Daikoku Electronics Phils., Inc. v. Raza*, 606 Phil. 796, 806 (2009).

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(NLRC LAC No. 06-000404-19-OFW)

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Please notify the Court of any change in your address.
GR256310. 06/28/2021(184)URES *h/v*