



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 May 2021** which reads as follows:*

“G.R. No. 249040 (Mitac Overseas Manpower Corporation v. The Honorable Court of Appeals and the Philippine Overseas Employment Administration). - The Court resolves to **DISPENSE WITH** the compliance by Mitac Overseas Manpower Corporation with the Resolution dated September 23, 2020.

After a judicious study of the case, the Court resolves to **DISMISS** the petition¹ outright for assailing a ruling which had long become final and executory. It is well to emphasize that the assailed Resolution² dated February 28, 2018 of the Court of Appeals had become final and executory, and consequently, was recorded in the Book of Entries of Judgment for petitioner’s failure to file a motion for reconsideration or an appeal to the Supreme Court.³ It was only after more than one (1) year later that the instant petition was filed.⁴ Clearly, the same is already barred by the doctrine of immutability of judgment.

Time and again, the Court has repeatedly held that ‘a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. This principle, known as the doctrine of immutability of judgment, has a two-fold purpose, namely: (a) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (b) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Verily, it fosters the judicious perception that the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As such, it is not regarded as a mere technicality to be easily brushed aside, but rather, a matter of public policy which must be faithfully

¹ *Rollo*, pp. 3-24

² *Id.* at 26.

³ See Entry of Judgment dated March 30, 2018, signed by Division Clerk of Court Atty. Josephine C. Yap, *id.* at 48.

⁴ The petition was filed on September 17, 2019. See *id.* at 3.

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complied.⁵ While there are exceptions⁶ and circumstances⁷ that would allow the relaxation of the doctrine of immutability of judgment, none applies in this case.

SO ORDERED. (J. Lopez, 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

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *(with) 6/2*

02 JUN 2021

⁵ *Aguinaldo IV v. People*, G.R. No. 226615, January 13, 2021, citing *Uy v. Del Castillo*, 814 Phil. 61, 74-75 (2017).

⁶ 'The only exceptions to the rule on the immutability of final judgments are (1) the correction of clerical errors, (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments.' (*One Shipping Corp. v. Penafiel*, 751 Phil. 204, 211 [2015], citing *Mocorro, Jr. v. Ramirez*, 582 Phil. 357, 367 [2008]).

⁷ 'However, this doctrine 'is not a hard and fast rule as the Court has the power and prerogative to relax the same in order to serve the demands of substantial justice considering: (a) matters of life, liberty, honor, or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) the lack of any showing that the review sought is merely frivolous and dilatory; and (f) that the other party will not be unjustly prejudiced thereby.' (*Aguinaldo IV v. People*, supra, citing *Uy v. Del Castillo*, supra)

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