



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **08 February 2021** which reads as follows:*

“G.R. No. 254890 (**Azizzah International Manpower Services, Incorporated and Azizza* T. Salim v. Nasrudin P. Sandigan**). – After a judicious study of the case, the Court resolves to **DISMISS** outright the instant petition¹ for being the wrong mode of appeal in assailing the Decision² dated October 24, 2019 and the Resolution³ dated August 19, 2020 of the Court of Appeals, Cagayan de Oro City (CA) in CA-G.R. SP No. 09154.

Notably, petitioners Azizzah International Manpower Services, Inc. and Azizza T. Salim (petitioners) should have filed a petition for review under Rule 45 of the Rules of Court, which is the plain, speedy, and adequate remedy, and not a petition for *certiorari* under Rule 65 of the same Rules, in assailing the findings of the CA. Fundamental is the rule that the extraordinary remedy of *certiorari* would not lie if there is a plain, speedy, and adequate remedy in the ordinary course of law.⁴

In any event, the CA did not commit any reversible error in upholding the award of salary differential to respondent Nasrudin P. Sandigan (respondent).

As correctly ruled by the CA, the labor tribunals cannot be faulted in disregarding petitioners’ Position Paper⁵ for having been filed beyond the period prescribed under the 2011 National Labor Relations Commission Rules of Procedure⁶ and absent any adequate justification for its late filing. Moreover, even if admitted, petitioners still failed to establish by substantial evidence their claim that respondent was paid all his monetary entitlements. Consequently, the award of salary differential claimed by respondent must be sustained. It bears stressing that factual findings of the labor tribunals, when affirmed by the CA, are generally

* ‘Azizzah’ in the title of the petition. See *rollo*, p. 3.

¹ Id. at 3-36.

² Id. at 522-531. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Loida S. Posadas-Kahulugan and Angelene Mary W. Quimpo-Sale, concurring.

³ Id. at 44-44A.

⁴ See *Mulangyang Manggagawang Stayfast Phils., Inc. v National Labor Relations Commission*, 716 Phil. 500 (2013); citation omitted.

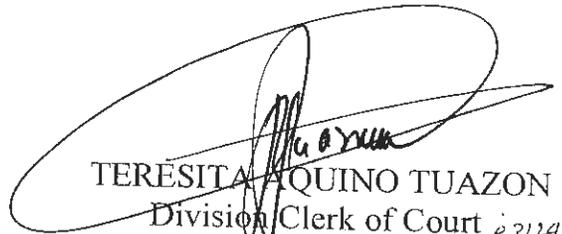
⁵ *Rollo*, pp. 552-561.

⁶ Entitled ‘THE 2011 NLRC RULES OF PROCEDURE, AS AMENDED,’ (May 31, 2011).

accorded not only respect, but even finality, and are binding on the Court,⁷ as in this case.

SO ORDERED.”

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court p 2/24
24 FEB 2021

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CA-G.R. SP No. 09154-MIN

Please notify the Court of any change in your address.
GR254890. 02/08/2021(149)URES

⁷ See *Grande v. Philippine Nautical Training College*, 806 Phil. 601 (2017).