



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 17, 2022, which reads as follows:

“G.R. No. 259846 (*Reliable Work Force & General Services, Inc. vs. Ludivico B. Animas II and Bonpack Corporation*).— Pursuant to Rule 45 and other related provisions of the 1997 Rules of Civil Procedure, as amended, governing appeals by *certiorari* to the Supreme Court, only petitions which are accompanied by or which comply strictly with the requirements specified therein shall be entertained.

On the basis thereof, the Court resolves to **DENY** the instant Petition for Review on *Certiorari*¹ which impugns the *Decision*² dated 26 February 2021 and the *Resolution*³ dated 14 March 2022 of the Court of Appeals (CA) in the consolidated cases docketed as CA-G.R. SP Nos. 163686 and 163766 for failure of Reliable Work Force & General Services, Inc. (petitioner) to attach material documents in support of the Petition, *i.e.*, copies of the Decision dated 28 June 2019 and the Resolution dated 30 September 2019 of the National Labor Relations Commission (NLRC), as well as the Decision dated 22 April 2019 of the Labor Arbiter (LA), in violation of Section 4(d)⁴ in relation to Section 5,⁵ Rule 45 of the said Rules. On this score alone, the

¹ *Rollo*, pp. 3-51.

² *Id.* at 53-69. Penned by Associate Justice Ramon R. Garcia, with the concurrence of Associate Justices Maria Filomena D. Singh (now a Member of this Court) and Bonifacio S. Pascua.

³ *Id.* at 152-154. Penned by Associate Justice Ramon R. Garcia, with the concurrence of Associate Justices Maria Filomena D. Singh (now a Member of this Court) and Bonifacio S. Pascua.

⁴ **Section 4. Contents of petition.** – The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) **be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court *a quo* and the requisite number of plain copies thereof, and such material portions of the record as would support the petition;** and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42.

⁵ **Section 5. Dismissal or denial of petition.** – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

Petition must fail.

In any event, there is no sufficient showing that the CA committed any serious reversible error in sustaining the NLRC's ruling that petitioner and Bonpack Corporation (Bonpack) were engaged in labor-only contracting, and that Ludivico B. Animas II (private respondent) was illegally dismissed, so as to warrant the exercise of this Court's discretionary appellate jurisdiction.

Contrary to the posturing of petitioner, the factual findings and legal conclusions of the NLRC are adequately supported by substantial evidence, and there is no misapprehension of facts that would impel this Court to review the evidence yet again. The Court is in accord with the ratiocination of the NLRC, as affirmed by the CA in due course, that the claim that private respondent voluntarily resigned through a personal Facebook message sent to petitioner's Human Resources supervisor is insufficient to establish the intention to terminate his employment, absent the overt act of executing a resignation letter pursuant to petitioner's own Company Handbook, and considering the immediate institution of a complaint for illegal dismissal. Indeed, it is illogical for private respondent to resign and then file a complaint for illegal dismissal.⁶ So, too, petitioner's belief that private respondent voluntarily resigned is largely negated by its claim that it sent notices requiring him to report back to work. Upon this point, the Court had occasion to rule that when an employer raises the defense of resignation, the burden to establish the voluntariness of such act rests on the employer,⁷ which petitioner ineludibly failed to discharge.

Anent the finding that petitioner was engaged in labor-only contracting as it was not shown to have clients other than Bonpack, the CA rightfully refused to consider the list of past and present clients and the audited financial statements which petitioner submitted for the first time in its Motion for Reconsideration⁸ before it, with nary an explanation as to why they were not seasonably adduced before the labor tribunals. Evidence should be presented in the proceedings before the Labor Arbiter, not after the rendition of the adverse decision by the Labor Arbiter or during appeal.⁹ Basic considerations of fairness and due process impel this rule. Not only does the unjustified belated submission of these records make a mockery of this Court's judicial processes, but this also casts doubt on their credibility.¹⁰ The Court thus finds no egregious error on the part of the CA in holding that the NLRC judiciously rendered its findings.

⁶ See *Jacob vs. Villaseran Maintenance Service Corp.*, G.R. No. 243951, 20 January 2021.

⁷ *Id.*

⁸ *Rollo*, pp. 70-104.

⁹ See *Robina Farms Cebu/Universal Robina Corp. vs. Villa*, 784 Phil. 636, 652 (2016).

¹⁰ See *Regala vs. Manila Hotel Corp.*, G.R. No. 204684, 5 October 2020.

SO ORDERED.” (Singh, *J.*, recused herself due to her prior participation in the Court of Appeals; Leonen, *J.*, was designated additional Member per Raffle dated 2 August 2022).

By authority of the Court:

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