



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 27, 2022** which reads as follows:*

“**G.R. No. 260041 [formerly UDK-17328] (EEI CORPORATION, Petitioner v. RAMON MILLOROSO, Respondent).** — Before this Court is a Petition for Review on *Certiorari*,¹ filed by EEI Corporation (EEI Corp.) assailing the Decision dated July 30, 2020² and Resolution dated December 23, 2021,³ issued by the Court of Appeals (CA) in CA-G.R. SP No. 157733, which granted Ramon Milloroso’s (Ramon) petition for *certiorari* upon finding that he was illegally dismissed from employment.

The case stemmed from a complaint for illegal dismissal filed by Ramon against EEI Corp. Ramon alleged that, on June 5, 2017, he was told not to report for work despite having worked for various projects for EEI Corp. since November 22, 2011.⁴

For their part, EEI Corp. denied that Ramon was illegally dismissed, and claimed that Ramon was a project employee. His last project was at the Finance Center that reached its completion. EEI Corp. duly reported the termination of Ramon’s employment in the Establishment Employment Report filed with the Department of Labor and Employment (DOLE) as required by Department Order No. 19 Series of 1993.

¹ *Rollo*, pp. 11–31

² *Id.* at 37–51. Penned by CA Associate Justice Bonifacio S. Pascua, with the concurrence of CA Associate Justices Ricardo R. Rosario and Jhosep Y. Lopez (now members of this Court).

³ *Id.* at 34–35. Penned by CA Associate Justice Bonifacio S. Pascua, with the concurrence of CA Associate Justices Edwin D. Sorongon and Florencio M. Mamauag, Jr.

⁴ *Id.* at 39.

On April 18, 2019, the Labor Arbiter (LA) ruled in favor of Ramon, and declared him as a regular employee of EEI Corp.⁵ EEI Corp. failed to prove that they informed Ramon, at the time of his engagement, of his project/fixed-period employee status. EEI Corp. was ordered to pay Ramon backwages and separation pay in lieu of reinstatement, with attorney's fees.⁶

On appeal, the National Labor Relations Commission (NLRC) reversed the LA's ruling.⁷ The NLRC held that Ramon was adequately informed of his employment status as a project employee at the time of his engagement. His employment contracts from 2011 explicitly state his project employee status and the specific projects for which he was hired. Ramon was not illegally dismissed since his last assignment has reached its completion.

Aggrieved, Ramon sought recourse before the CA through a petition for *certiorari*. Consequently, the CA found grave abuse of discretion on the part of the NLRC when it ruled that Ramon was a project employee of EEI Corp. The CA noted that Ramon's employment contracts did not mention the duration of the projects. Further, Ramon was repeatedly and successively hired by EEI Corp. for more than five (5) years, hence, his project employment status was only used as a tool to preclude acquisition of security of tenure. Having rendered services that are desirable and necessary to the business of EEI Corp. for a period of more than one (1) year, Ramon was deemed a regular employee. The completion of Ramon's last project cannot validate his dismissal as completion of a project is not one of the just or authorized cause for dismissal under the law. The CA then reinstated the LA's awards of backwages and separation pay in favor of Ramon.⁸ EEI Corp. filed a motion for reconsideration, but it was denied.⁹

EEI Corp., through their counsel, received the CA's Resolution denying its motion for reconsideration on January 31, 2022. Pursuant to Rule 45 of the Rules of Court, EEI Corp. had 15 days, or until February 15, 2022, to file their petition before this Court. On February 22, 2022, this Court received a Motion for Extension of Time to File Petition for Review on *Certiorari* seeking an additional 30 days from February 15, 2022, or until March 17, 2022, to file their petition.

⁵ Id. at 205–215. The dispositive portion of the LA's April 18, 2018 Decision reads:

WHEREFORE, premises considered, the complaint is hereby **GRANTED**. Respondent EEI CORPORATION is ordered to pay complainant RAMON IBUYAN MILLOROSO full backwages from 05 June 2017 until the finality of this Decision plus separation pay in lieu of reinstatement computed from 11 November 2011 until the finality of this Decision at the rate of one month pay for every year of service with a fraction of at least six (6) months to be considered as one (1) year. The full backwages and separation pay are tentatively computed in the amount of PHP149,676.62 and PHP79,872.00, respectively plus ten percent (10%) attorney's fees on the total monetary award.

All other claims of the parties are dismissed for lack of merit.

SO ORDERED.

⁶ Id. at 215.

⁷ Id. at 128–137. Decision dated June 28, 2018.

⁸ Id. at 50.

⁹ Id. at 35.

The motion was posted through LBC.¹⁰ On March 16, 2022, the Court denied EEI Corp.'s motion for time for being filed beyond the reglementary period and for failure to pay docket and other lawful fees.¹¹ Nonetheless, on March 17, 2022, EEI Corp. filed their Petition for Review.

Thereafter, EEI Corp. filed a Motion for Reconsideration of the Court's denial of its motion for extension of time.¹² EEI Corp. invokes "liberal treatment, rather than strict adherence to the technical rules, in order to promote substantial justice"¹³ and begs the indulgence of the Court to reconsider its resolution, admit their petition "with the desired objective of deciding the case on the merits."¹⁴

EEI Corp. attached to their motion for reconsideration copies of their: (a) Manifestation filed via registered mail on February 15, 2022, submitting the copy of the official receipt of the payment of docket and other lawful fees paid on February 15, 2022, with copies of three Postal Money Order Checks¹⁵ dated February 15, 2022 in the total amount of ₱4,530.00; (2) Motion for Extension of Time to File Petition for Review on *Certiorari*¹⁶ dated February 14, 2022 mailed thru LBC; and (3) the proof of filing of the petition made on, within the extended period prayed for.

The established rule is that the date of delivery of pleadings to a private letter-forwarding agency is not to be considered as the date of filing of the pleading in court. In such cases, the date of actual receipt by the court, and not the date of delivery to the private courier, is deemed the date of filing of the pleading. This notwithstanding, considering the timely payment of docket and other lawful fees, and in the greater interest of substantial justice, the Court deems it prudent to admit the petition.

FOR THESE REASONS, EEI Corporation's motion for reconsideration is **GRANTED**. The Resolution dated March 16, 2022 is **REVERSED** and the Petition filed on March 17, 2022 is **ADMITTED**.

Furthermore, the Court resolves to require the respondent to **COMMENT** on the petition within ten (10) days from notice.

The Court **NOTES**:

1. the payment dated February 15, 2022 by counsel for petitioner in the amount of ₱4,530.00 for docket and other lawful fees, deposit for costs, and sheriff's trust fund under O.R. No. 328293;

¹⁰ Id. at 3-6.

¹¹ Id. at 8.

¹² Id. at 302-305.

¹³ Id. at 303.

¹⁴ Id. at 304.

¹⁵ Id. at 309.

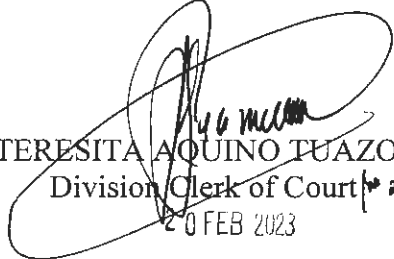
¹⁶ Id. at 310.

2. manifestation dated February 15, 2022 of counsel for petitioner, submitting the copy of the official receipt of the payment of docket and other fees, attached as Annex "A;" and

3. the copy of the affidavit of proof of service of the motion for reconsideration to the adverse party and the court of origin filed by counsel for petitioner.

SO ORDERED. (Lopez, J.Y., *J.* no part due to prior action in the Court of Appeals; Zalameda, *J.* designated additional member per Raffle dated June 22, 2022.)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 20 FEB 2023

PUBLIC ATTORNEY'S OFFICE (reg)
 Special & Appealed Cases Service
 Department of Justice
 PAO-DOJ Agencies Building
 NIA Road corner East Avenue
 1104 Diliman, Quezon City

VELASCO GESULGA MIRANDA REYNOSO (reg)
 Counsel for Petitioner
 No. 12 Manggahan Street
 Bagumbayan, 1110 Quezon City

NATIONAL LABOR RELATIONS
 COMMISSION (reg)
 PPSTA Building, Banawe Street
 corner Quezon Boulevard
 1100 Quezon City
 (NLRC LAC No. 05-001943-180
 NLCR NCR Case No. 08-11738-17)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
 LIBRARY SERVICES (x)
 [For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
 PHILIPPINE JUDICIAL ACADEMY (x)
 Supreme Court, Manila

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. SP No. 157733

*CASH DISBURSEMENT & COLLECTION
 DIVISION (x)
 THE AUDITOR (x)
 Supreme Court, Manila

*for this resolution only
 Please notify the Court of any change in your address.
 GR260041. 07/27/2022B(86 & 131)URES