

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
SECOND DIVISION**

**RIZAL EMPIRE INSURANCE GROUP
and/or SERGIO CORPUS,**
Petitioners,

-versus-

**G.R. No. 73140
May 29, 1987**

**NATIONAL LABOR RELATIONS
COMMISSION, TEODORICO L. RUIZ,
as Labor Arbiter and ROGELIO R.
CORIA,**
Respondents.

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DECISION

PARAS, J.:

This is a Petition for Review on Certiorari of the March 14, 1985 Decision of Labor Arbiter Teodorico L. Ruiz which held that herein private respondent Rogelio R. Coria was illegally dismissed; and of the Resolution of the National Labor Relations Commission which dismissed petitioner's appeal on the ground that the same was filed out of time.

In August, 1977, herein private respondent Rogelio R. Coria was hired by herein petitioner Rizal Empire Insurance Group as a casual

employee with a salary of P10.00 a day. On January 1, 1978, he was made a regular employee, having been appointed as clerk-typist, with a monthly salary of P300.00. Being a permanent employee, he was furnished a copy of petitioner company's "General Information, Office Behavior and Other Rules and Regulations." In the same year, without change in his position-designation, he was transferred to the Claims Department and his salary was increased to P450.00 a month. In 1980, he was transferred to the Underwriting Department and his salary was increased to P580.00 a month plus cost of living allowance, until he was transferred to the Fire Department as filing clerk. In July, 1983, he was made an inspector of the Fire Division with a monthly salary of P685.00 plus allowances and other benefits.

On October 15, 1983, private respondent Rogelio R. Coria was dismissed from work, allegedly, on the grounds of tardiness and unexcused absences. Accordingly, he filed a complaint with the Ministry of Labor and Employment (MOLE), and in a Decision dated March 14, 1985 (Record, pp. 80-87), Labor Arbiter Teodorico L. Ruiz reinstated him to his position with back wages. Petitioner filed an appeal with the National Labor Relations Commission (NLRC) but, in a Resolution dated November 15, 1985 (Ibid., pp. 31-32), the appeal was dismissed on the ground that the same had been filed out of time. Hence, the instant petition (Ibid., pp. 2-22).

In compliance with the resolution of the Second Division of this Court dated April 30, 1986 (Ibid., p. 94), private respondent filed his Comment on May 23, 1986 (Ibid., pp. 97-101) and public respondent on July 2, 1986 (Ibid., pp. 120-124).

On June 6, 1986, petitioners filed their Reply to private respondent's Comment (Ibid., pp. 102-105) and on July 25, 1986, their Reply to public respondent's Comment (Ibid., pp. 126-131).

In a Resolution dated August 18, 1986, the Second Division of this Court resolved to give due course to the petition and to require the parties to submit their respective memoranda (Ibid., p. 132).

In compliance with the above mentioned Resolution, petitioners filed their memorandum on November 10, 1986; while private respondent

filed his Memorandum on October 17, 1986 (Ibid., pp. 139-144), and public respondent on November 16, 1986 (Ibid., pp. 160-166).

Before going however, into the merits of the case, an important point to consider is whether or not it is still within the jurisdiction of this Court to review.

Rule VIII of the Revised Rules of the National Labor Relations Commission on appeal, provides:

“SECTION 1. (a) Appeal. — Decision or orders of a Labor Arbiter shall be final and executory unless appealed to the Commission by any or both of the parties within ten (10) calendar days from receipt of notice thereof.

x x x”

“SECTION 6. No extension of period. No motion or request for extension of the period within which to perfect an appeal shall be entertained.”

The record shows that the employer (petitioner herein) received a copy of the decision of the Labor Arbiter on April 1, 1985. It filed a Motion for Extension of Time to File Memorandum of Appeal on April 11, 1985 and filed the Memorandum of Appeal on April 22, 1985. Pursuant to the “no extension policy” of the National Labor Relations Commission, aforesaid motion for extension of time was denied in its resolution dated November 15, 1985 and the appeal was dismissed for having been filed out of time (Rollo, pp. 31-32).

Petitioners claim, among other things, that respondent Commission committed a grave abuse of discretion amounting to lack of jurisdiction in arbitrarily dismissing petitioners’ appeal on a technicality (Rollo, p. 9). It invokes the Rules of Court provision on liberal construction of the Rules in the interest of substantial justice.

It will be noted however, that the foregoing provision refers to the Rules of Court. On the other hand, the Revised Rules of the National Labor Relations Commission are clear and explicit and leave no room for interpretation.

Moreover, it is an elementary rule in administrative law that administrative regulations and policies enacted by administrative bodies to interpret the law which they are entrusted to enforce, have the force of law, and are entitled to great respect (*Espanol vs. Philippine Veterans Administration*, 137 SCRA 314 [1985]).

Under the above-quoted provisions of the Revised NLRC Rules, the decision appealed from in this case has become final and executory and can no longer be subject to appeal.

Even on the merits, the ruling of the Labor Arbiter appears to be correct; the consistent promotions in rank and salary of the private respondent indicate he must have been a highly efficient worker, who should be retained despite occasional lapses in punctuality and attendance. Perfection cannot after all be demanded.

WHEREFORE, this petition is **DISMISSED**.

SO ORDERED.

Fernan, Gutierrez, Jr., Bidin and Cortes, JJ., concur.
Padilla, J., took no part.