

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**HAVTOR MANAGEMENT PHILS., INC.
(now known as BERGESEN D.Y.
PHILIPPINES, INC.), and/or A/S
HAVTOR MANAGEMENT,
*Petitioners,***

-versus-

**G.R. No. 146336
December 13, 2001**

**NATIONAL LABOR RELATIONS
COMMISSION and EMERLITO A.
RANO, A,
*Respondents.***

X-----X

D E C I S I O N

KAPUNAN, J.:

Assailed before this Court are the Resolutions, promulgated on 19 July 2000 and 07 December 2000, of the Court of Appeals in CA-G.R. SP No. 59602.

The case originated from a disability benefit claim filed by private respondent against Kvaerner Shipping A/S and C.F. Sharp & Co., Inc., foreign employer and local manning agent of the vessel Hedda where private respondent was assigned as a Chief Steward. While the case

was pending, Havtor Management (Philippines), Inc. took over the operations of Hedda as its local manning agent with A/S Havtor Management as its foreign principal.

Labor Arbiter Ernesto S. Dinopol ruled in favor of the complainant, as follows:

WHEREFORE, judgment is hereby rendered ordering respondent C.F. SHARP CO., INC. in its personal capacity and as agent of Kvaerner Shipping A/S and third party respondent Havtor Management (Philippines), Inc. also in its personal capacity and as agent of A/S Havtor Management to jointly and severally pay complainant EMERLITO A. RANO A the sum of:

Full disability benefit	US\$60,000.00
Less: Amount paid in advance	6,500.00

TOTAL AWARD	US\$53,500.00
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plus the sum of US\$5,350.00 as 10% attorney's fees since compelled to litigate complainant had to engage the services of counsel.

All other claims including respondents' counter claim are DISMISSED for lack of merit.

SO ORDERED.^[1]

Petitioners went to the Court of Appeals for relief. However, the appellate court, in its resolution, dated 19 July 2000 dismissed the petition for certiorari. The dismissal was anchored on the failure of petitioners to attach to the petition a board resolution showing that Rolando C. Adorable, President and General Manager of Havtor Management (Philippines), Inc., who signed the certification of non-forum shopping, was authorized to file the petition. The Court of Appeals likewise noted that no certification of non-forum shopping was filed in behalf of A/S Havtor Management.

In the resolution, dated 07 December 2000, the Court of Appeals denied petitioners' motion for reconsideration for lack of merit, holding that the Secretary's Certificate submitted by petitioners showed that Rolando Adorable was authorized to file the petition by Bergesen D.Y. Philippines, Inc., not Havtor Management (Philippines), Inc. The appellate court declared that the petition failed to mention that Havtor Management already changed its name.

Hence, the present recourse.

In the petition before us, petitioners pointed out, among other things, that Havtor Management (Philippines), Inc. changed its name to Bergesen D.Y. Philippines, Inc. as early as 1996. However, it continued to use its old name in this case.

In compliance with the Court's resolutions, dated 13 August 2001 and 22 October 2001, petitioners submitted to the Court pertinent documents^[2] certified by the Securities and Exchange Commission^[3] showing its change of name from Havtor Management (Philippines), Inc. to Bergesen D.Y. Philippines, Inc.

We find merit in the petition and give DUE COURSE thereto.

The Court has reviewed the documents submitted by petitioner, and it finds no reason to doubt that Havtor Management (Philippines), Inc. is the same as Bergesen D.Y. Philippines, Inc., whose board of directors authorized Adorable to file the petition before the Court of Appeals. The documents submitted by petitioners in compliance with the Court's directive fully supported petitioners' contention as regards its change of name. The Court notes that while petitioners may have initially failed to submit a secretary's certificate showing that Adorable was authorized by the Havtor Management (Philippines), Inc.'s board of directors to file the petition, they substantially complied with this requirement when they filed their motion for reconsideration.

It is well settled that the application of technical rules of procedure may be relaxed in labor cases to serve the demands of substantial justice.^[4] Thus, in the interest of justice, procedural lapses may be

disregarded by the Court to allow an examination of the conflicting rights and responsibilities of the parties in a case.^[5]

Private respondent alleged in its comment that petitioners' motion for reconsideration of the Court of Appeals' 19 July 2000 resolution was filed out of time because while the petition was dated, and apparently posted on, 17 August 2000, the verification was notarized only on 18 August 2000. The Court accepts the explanation of petitioners that the discrepancy was due to the mistake of the paralegal personnel who effected the entries in the motion for reconsideration. The Court is convinced that the error is due to inadvertence as the notarial register^[6] of Atty. Dino Martin W. Segundo who notarized the document showed that the motion for reconsideration was in fact notarized on 17 August 2000 and not on 18 August 2000. In addition, the registry receipt stamped on the motion for reconsideration showed that it was indeed posted on 17 August 2000. Hence, the motion for reconsideration was filed on time.

Finally, as regards the lack of a separate certificate of non-forum shopping for A/S Havtor Management, it bears stressing here that it is a foreign principal that is acting only through its local manning agent, that is, petitioner Havtor Management (Philippines), Inc. In view thereof, there is no need for a separate certificate of non-forum shopping for A/S Havtor Management.

Considering the foregoing, the petition is **GRANTED** and the case is **REMANDED** to the Court of Appeals for its appropriate action.

SO ORDERED.

**Davide, Jr., C. J., Pardo and Ynares-Santiago, JJ., concur.
Puno, J., on official leave.**

[1] Rollo, pp. 85-86.

[2] Certificate of Filing of Amended Articles of Incorporation, Rollo, p. 209; Amended Articles of Incorporation, Id., at 212; Certificate of Filing of Amended By-Laws, Id., at 221; Amended By-Laws, Id., at 224.

[3] Through Isma C. Gonzales, Public Reference Unit, HRASD.

[4] See *Dayag vs. Canizares, Jr.*, 287 SCRA 181 (1998).

[5] See Salinas, Jr. vs. NLRC, 319 SCRA 54 (1999).
[6] Rollo, p. 204.

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