SUPREME COURT
FIRST DIVISION

INDUSTRIAL TIMBER CORP. and/or LORENZO TANGSOC,
***Petitioners*,**

-versus-

G.R. No. 111985
June 30, 1994

NATIONAL LABOR RELATIONS COMMISSION, CONCORDIA DOS PUEBLOS and LOLITA SANCHEZ,
***Respondents*.**
x----------x

D E C I S I O N

CRUZ, *J.*:

In the earlier case of Industrial Timber Corporation vs. NLRC, G.R. No. 83616,[1] this Court affirmed the finding of the NLRC that the petitioners are the employers of private respondents and remanded the case for a determination of the validity of the quitclaim allegedly signed by the latter.

In its resolution dated February 3, 1992,[2] the NLRC affirmed in toto the decision of Labor Arbiter Amado M. Solamo on February 26, 1987, ordering the petitioners to reinstate the private respondents (complainants therein) without loss of seniority rights and privileges,

and to pay them back wages, ECOLA, 13th month pay, holiday pay, vacation and sick leave pay in the amount of P24,300 each, moral and exemplary damages of P10,000 each, and attorney's fees equivalent to 10% of the total award.

In view of the lapse of time since the promulgation of the decision, the NLRC likewise directed the petitioners to pay the private respondents severance benefits equivalent to one month pay for every year of service computed from the date of their employment up to the promulgation of the resolution should reinstatement of the private respondents to their former position be no longer possible.[3]

This resolution became final and executory on March 9, 1992, and entry of judgment was made on March 25, 1992.

The private respondents meanwhile had filed on March 20, 1992, an ex parte motion for issuance of a writ of execution with manifestation that from February 26, 1987, up to the present, they have not been reinstated and thus were entitled to back salaries for the said period and until actual reinstatement shall have been made.

Executive Labor Arbiter Benjamin E. Pelaez thereupon directed the Fiscal Examiner of the Arbitration Branch to compute the actual amount that the private respondents should receive. In a report dated March 22, 1992,[1] Fiscal Examiner Renrico N. Pacamo found that each of them was entitled to P175,964.84, representing three years back wages, ECOLA under Wage Order No. 6, 13th month pay, legal holiday pay, vacation and sick leave pay and other privileges under the collective bargaining agreement likewise for a period of three years. In addition, the private respondents should also be awarded moral and exemplary damages of P10,000 each and attorney's fees equivalent to 10% of the total monetary award. In sum, the petitioners were held liable to the private respondents for the total amount of P387,122.65.

Both the petitioners and the private respondents filed their respective objections to this computation. Meanwhile, the Executive Labor Arbiter transferred the case to Labor Arbiter Leon P. Murillo, who thereafter issued an order dated November 19, 1992,[5] concurring with the computation of the Fiscal Examiner Pacamo.

The Commission, on appeal of the computation, only made a slight modification of the amount of the award and directed the petitioners to pay the private respondents the sum of P375,795.20.[6] The motion for reconsideration filed by the petitioners through JRS-Butuan, a private letter-forwarding company, reached the NLRC a day late and was denied on August 31, 1993, mainly for tardiness.[7]

In this petition now before us, the NLRC is faulted with grave abuse of discretion for merely modifying the award of damages and denying the motion for reconsideration.

On the first issue, the petitioners submit that the NLRC decision of February 3, 1992, which affirmed in toto the order of Arbiter Solamo and remanded the case for immediate execution need not be recomputed because the monetary awards due the private respondents had already been determined and fixed in the said order. It is argued that to allow the decision of Arbiter Murillo to prevail and sizably increase the monetary award to the private respondents would in effect allow an arbiter to change a decision of the Commission that has become final and executory. Arbiter Murillo's duty, it is stressed, is limited to the ministerial act of executing the NLRC decision.

We disagree.

It is true that after a judgment has become final and executory, it can no longer be modified or otherwise disturbed. However, this principle admits of exceptions, as where facts and circumstances transpire which render its execution impossible or unjust and it therefore becomes necessary, "in the interest of justice, to direct its modification in order to harmonize the disposition with the prevailing circumstances."[8]

> The general rule is indeed, that once a judgment becomes final and executory, said judgment can no longer be disturbed, altered or modified. That principle, however, admits of exceptions as in cases where, because of supervening events, it becomes imperative, in the higher interest of justice, to direct its modification in order to harmonize the disposition with the prevailing circumstances (Seavan Carrier Inc. vs. GTI

> Sportswear Corp., 137 SCRA 580) or whenever it is necessary to accomplish the aims of justice (Pascual vs. Tan, 85 Phil 164; Central Textile Mills vs. United Textile Workers Union, 94 SCRA 883). In the case at bar, the modification of the judgment, rendered by the Labor Arbiter on 4 May 1993, is warranted by the fact that the Bank had been placed under liquidation thereby permanently foreclosing the possibility for the Bank to resume its business. Reinstatement of Galindez, as Cashier, therefore was rendered inappropriate considering the Bank's eventual closure.[9] (Emphasis supplied).

Applying this exception to the case at bar, we note with approval the following observations of the Solicitor General:[10]

> It may be true that the amount of backwages and other benefits due to the private respondents as recomputed, is not in harmony with the literal import of the dispositive portion of the decision subject of execution. However, sight must not be lost of the fact that at the time the recomputation was made in 1992, five (5) years had already elapsed from the time the Labor Arbiter rendered his Decision on February 26, 1987. Thus, a recomputation was necessary to arrive at a just and proper determination of the monetary awards due the private respondents.
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> Indeed, the back wages and other benefits awarded by Arbiter Solamo to each of the private respondents in the amount of P24,300.00 correspond merely to the period between their illegal dismissal on April 26, 1986, up to the time of the rendition of the decision on February 26, 1987. There is no dispute that from April 26, 1986, to this date, the private respondents have not been reinstated nor has payment of the monetary awards decreed by the NLRC been made them.

A similar action was taken in the recent case of Sampaguita Garments Corporation vs. NLRC,[11] where this Court upheld the nullification of a decision of the NLRC ordering the reinstatement of an employee after her conviction of the same offense of which she was absolved in the administrative case.

On the issue of the timeless of the petitioners' motion for reconsideration, we find that the NLRC correctly applied the rule that where a pleading is filed by ordinary mail or by private messengerial service, it is deemed filed on the day it is actually received by the court, not on the day it was mailed or delivered to the messengerial service.

As this Court held in Benguet Electric Cooperative, Inc. vs. NLRC:[12]

> 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 thereof in court, and that in such cases, the date of actual receipt by the court, and not the date of delivery to the private carrier, is deemed the date of filing of that pleading.
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> The 10th day for filing the motion for reconsideration was June 26, 1993, which fell on a Saturday. The last day for filing would have been the following business day, June 28, 1993, which was a Monday. The petitioners' counsel claims he was able to deliver the pleading to JRS-Butuan on June 26, 1993, but the motion for reconsideration reached the Commission on June 29, 1993, or a day late.

At any rate, the respondent Commission noted that the motion contained no substantial matters to warrant the reconsideration sought and could have been denied just the same on that ground.

WHEREFORE, the petition is **DISMISSED**. The resolutions of the respondent NLRC dated May 31, 1993, and August 31, 1993, are **AFFIRMED**, with costs against the petitioners. It is so ordered.

Davide, Jr., Bellosillo, Quiason and Kapunan, *JJ.*, concur.

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[1] 169 SCRA 341, January 20, 1989.
[2] Cited in the Petition, Rollo, p. 9.
[3] Ibid., p. 10.
[4] Petition, Annex D, Rollo, p. 35.
[5] Rollo, pp. 43-49.
[6] Resolution, May 31, 1993, Rollo, pp. 26-29.

[7] Resolution, August 31, 1993, Rollo, pp. 30-31.
[8] Seavan Carrier, Inc. vs. GTI Sportswear Corp., 137 SCRA 580; Lee vs. Hon. de Guzman, 187 SCRA 276.
[9] Galindez vs. Rural Bank of Llanera, Inc., 175 SCRA 132, pp. 138-139, July 5, 1989.
[10] Ibid., p. 92.
[11] G.R. No. 102406.
[12] 209 SCRA 55, May 18, 1992.