SUPREME COURT
THIRD DIVISION

LAGUNA CATV NETWORK, INC.,
***Petitioner*,**

-versus-

G.R. No. 139492
November 19, 2002

HON. ALEX E. MARAAN, Regional Director, Region IV, Dept. of Labor and Employment (DOLE), ENRICO SAGMIT, Acting Deputy Sheriff, DOLE Region IV, PEDRO IGNACIO, DIOMEDES CASTRO, FE ESPERANZA CANDILLA, RUBEN, LAMINA, JR., JOEL PERSIUNCULA, ALVINO PRUDENTE, JOEL RAYMUNDO, REGIE ROCERO, LINDA, RODRIGUEZ, JOHN SALUDO, ALBERTO REYES, and ANACLETA VALOIS,
***Respondents*.**
x----------x

D E C I S I O N

SANDOVAL-GUTIERREZ, *J.*:

On March 3, 1998, private respondents Pedro Ignacio, Diomedes Castro, Fe Esperanza Candilla, Ruben Lamina, Jr., Joel Persiuncula,

Alvino Prudente, Joel Raymundo, Regie Rocero, Linda Rodriguez, John Seludo, Alberto Reyes and Anacleta Valois filed with the Department of Labor and Employment, Regional Office No. IV (DOLE Region IV), separate complaints for underpayment of wages and non-payment of other employee benefits.[1] Impleaded as respondent was their employer, Laguna CATV Network, Inc. (Laguna CATV).

Private respondents filed their separate complaints pursuant to Article 128 of the Labor Code, as amended by Republic Act No. 7730,[2] which provides:

> "Article 128. Visitatorial and enforcement powers. — (a) The Secretary of Labor or his duly authorized representatives, including labor regulation officers, shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of this Code and of any labor law, wage order or rules and regulations issued pursuant thereto.
>
> "(b) x x x
>
> "An order issued by the duly authorized representative of the Secretary of Labor and Employment under this article may be appealed to the latter. In case said order involves a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Secretary of Labor and Employment in the amount equivalent to the monetary award in the order appealed from. (emphasis added)
>
> " x x x."

On April 1, 1998, DOLE Region IV conducted an inspection within the premises of Laguna CATV and found that the latter violated the laws on payment of wages and other benefits. Thereupon, DOLE Region IV requested Laguna CATV to correct its violations but the latter refused,

prompting Regional Director Alex E. Maraan to set the case for summary investigation.[3] Thereafter, he issued an Order dated August 19, 1998[4] directing Laguna CATV to pay the concerned employees the sum of Two Hundred Sixty-One Thousand, Nine and 19/100 (P261,009.19) Pesos representing their unpaid claims, within 10 days from notice, and to submit proof of payment within the same period. Forthwith, Laguna CATV filed a motion for reconsideration.[5]

In view of Laguna CATV's failure to comply with the Order directing it to pay the unpaid claims of its employees, DOLE Regional Director Maraan issued a writ of execution on January 29, 1999[6] ordering Sheriff Enrico Sagmit to collect in cash from Laguna CATV the amount specified in the writ or, in lieu thereof, to attach its goods and chattels or those of its owner, Dr. Bernardino Bailon. Sheriff Sagmit subsequently levied on Dr. Bailon's L300 van and garnished his bank deposits.

On March 2, 1999, Laguna CATV and Dr. Bailon, in his personal capacity, filed a motion to quash the writ of execution, notice of levy and sale on execution and garnishment of bank deposits,[7] alleging that the writ was premature because Laguna CATV's motion for reconsideration of the Order dated August 19, 1998 has not yet been resolved by Regional Director Maraan. On April 21, 1999, he issued an Order[8] denying the motion to quash the writ of execution, stating inter alia, that Laguna CATV failed to perfect its appeal of the August 19, 1998 Order because it did not comply with the mandatory requirement of posting a bond equivalent to the monetary award of P261,009.19; and that the writ of execution dated January 29, 1999 should be considered as an "overt denial" of Laguna CATV's motion for reconsideration.[9]

Instead of appealing to the Secretary of Labor, Laguna CATV filed with the Court of Appeals a motion for extension of time to file a petition for review.[10] Laguna CATV was of the view that an appeal to the Secretary of Labor "would be an exercise in futility considering that the said appeal will be filed with the Regional Office and it will surely be disapproved."[11]

On May 13, 1999, the Court of Appeals issued a Resolution[12] denying Laguna CATV's motion for extension and dismissing the case. The

Appellate Court found, among others, that it failed to exhaust administrative remedies.

Laguna CATV filed a motion for reconsideration but was denied by the Court of Appeals in its Resolution dated July 22, 1999.[13] Hence, it filed the instant petition for review on certiorari.[14]

Specifically, petitioner contends that the Court of Appeals erred in denying its motion for extension and in dismissing the case.

Private respondents, in their comment on the petition, claim that the assailed Orders of DOLE Region IV have become final and executory for petitioner's failure to appeal to the Secretary of Labor.

The petition lacks merit. The Court of Appeals was correct in holding that petitioner failed to exhaust all administrative remedies.

As provided under Article 128 of the Labor Code, as amended, earlier quoted, an order issued by the duly authorized representative of the Secretary of Labor may be appealed to the latter. Thus, petitioner should have first appealed to the Secretary of Labor instead of filing with the Court of Appeals a motion for extension of time to file a petition for review.

Courts, for reasons of law, comity and convenience, should not entertain suits unless the available administrative remedies have first been resorted to and the proper authorities have been given an appropriate opportunity to act and correct their alleged errors, if any, committed in the administrative forum.[15] Observance of this doctrine is a sound practice and policy. As succinctly explained by this Court in Carale vs. Abarintos.[16]

> "It (the doctrine of exhaustion of administrative remedies) ensures an orderly procedure which favors a preliminary sifting process, particularly with respect to matters peculiarly within the competence of the administrative agency, avoidance of interference with functions of the administrative agency by withholding judicial action until the administrative process had run its course, and prevention of attempts to swamp the courts by a resort to them in the first instance."[17]

This Court, in a long line of cases, has consistently held that if a remedy within the administrative machinery can still be resorted to by giving the administrative officer concerned every opportunity to decide on a matter that comes within his jurisdiction, then such remedy should be exhausted first before the court's judicial power can be sought.[18] The party with an administrative remedy must not merely initiate the prescribed administrative procedure to obtain relief but also pursue it to its appropriate conclusion before seeking judicial intervention in order to give the administrative agency an opportunity to decide the matter itself correctly and prevent unnecessary and premature resort to the court.[19] The underlying principle of the rule rests on the presumption that the administrative agency, if afforded a complete chance to pass upon the matter will decide the same correctly.[20] Therefore, petitioner should have completed the administrative process by appealing the questioned Orders to the Secretary of Labor.

Although this Court has allowed certain exceptions to the doctrine of exhaustion of administrative remedies, such as:

1) when there is a violation of due process;

2) when the issue involved is a purely legal question;

3) when the administrative action is patently illegal amounting to lack or excess of jurisdiction;

4) when there is estoppel on the part of the administrative agency concerned;

5) when there is irreparable injury;

6) when the respondent is a Department Secretary whose acts as an alter ego of the President bears the implied and assumed approval of the latter;

7) when to require exhaustion of administrative remedies would be unreasonable;

8) when it would amount to a nullification of a claim;

9) when the subject matter is a private land in land case proceedings;

10) when the rule does not provide a plain, speedy, adequate remedy;

11) when there are circumstances indicating the urgency of judicial intervention;

12) when no administrative review is provided by law;

13) where the rule of qualified political agency applies; and

14) when the issue of non-exhaustion of administrative remedies has been rendered moot.[21]

Petitioner fails to show that the instant case falls under any of the exceptions. Its contention that an appeal to the Secretary of Labor would be futile as "it will surely be disapproved," is purely conjectural and definitely misplaced.

In the recent case of Republic of the Philippines vs. Express Telecommunication Co.,[22] this Court held that "the premature invocation of the court's intervention is fatal to one's cause of action." Accordingly, absent any finding of waiver, estoppel, or any of the exceptions to the doctrine of exhaustion of administrative remedies, the case is susceptible of dismissal for lack of cause of action.[23]

WHEREFORE, the instant petition for review is **DENIED**.

SO ORDERED.

Puno, Panganiban, and Carpio-Morales, *JJ.*, concur.
Corona, *J.*, on official leave.

---

[1] Annexes "C" to "C-8" of Petition, Rollo, at 26-34.
[2] Dated June 2, 1994.

[3] Annex "E," supra, at 38.
[4] Id., at 38-40.
[5] Filed on September 14, 1998.
[6] Annex "G," supra, at 41.
[7] Annex "H," supra, at 43-45.
[8] Annex "I," supra, at 46, 48.
[9] Supra, at 47.
[10] Annex "J," supra, at 49-50.
[11] Id., at 49.
[12] Annex "A," supra, at 22-23.
[13] Annex "B," id., at 24-25.
[14] Pursuant to Rule 45 of the 1997 Rules of Civil Procedure, as amended.
[15] Factoran, Jr. vs. Court of Appeals, 320 SCRA 530, 539 (1999), citing University of the Philippines vs. Catungal, Jr., 272 SCRA 221, 240 (1997); Carale vs. Abarintos, 269 SCRA 132, 141 (1997).
[16] Supra.
[17] Id., at 141, citing Antonio vs. Tanco, Jr., 65 SCRA 448, 454 (1975); Abe-Abe vs. Manta, 90 SCRA 524, 532 (1979).
[18] Province of Zamboanga del Norte vs. Court of Appeals, 342 SCRA 549, 557 (2000); Zabat vs. Court of Appeals, 338 SCRA 551, 560 (2000); Diamonon vs. Department of Labor and Employment, 327 SCRA 283, 291 (2000); Social Security System Employees Association vs. Bathan-Velasco, 313 SCRA 250, 252 (1999); Paat vs. Court of Appeals, 266 SCRA 167, 175 (1997).
[19] Carale vs. Abarintos, supra, at 142.
[20] Id., at 141.
[21] Province of Zamboanga del Norte vs. Court of Appeals, supra, at 558-559; Paat vs. Court of Appeals, supra, at 176-177.
[22] G.R. Nos. 147096 & 147210, January 15, 2002.
[23] Province of Zamboanga del Norte vs. Court of Appeals, supra, at 557; Paat vs. Court of Appeals, supra, at 175.