

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
SECOND DIVISION**

**SOLEDAD E. VELASCO,
*Petitioner,***

-versus-

**G.R. No. 130244
July 7, 2004**

**COURT OF APPEALS, SOCIAL
SECURITY COMMISSION, HERMINIO
RIVERA, VICENTE SUDARIO, RENATO
MANLANGIT, JOSE PUSING,
REYNALDO SUGUI, MANUEL DINO,
MARTIN VILLARUEL, PAQUITO
BALISONG, JOSE POSADAS, MARIO
POSADAS, FERNANDO CAYCO, RUBEN
ROQUE, FERNANDO MANLANGIT,
FRANCISCO ESTILLORE, NICOLAS
AMARO, PAULINO SUDARIO, DIEGO
CAHILLO, AND HERMINIO ANTONIO,
*Respondents,***

**SOCIAL SECURITY SYSTEM,
*Intervenor.***

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DECISION

AUSTRIA-MARTINEZ, J.:

This resolves the Petition for Certiorari filed by Soledad E. Velasco seeking to set aside the Resolution^[1] of the Court of Appeals (CA for brevity) dated February 14, 1997 dismissing her petition for review on certiorari docketed as CA-G.R. SP No. 41125 for her failure to submit certified true copies of the assailed resolutions of the Social Security Commission (SSC), and the CA's Resolution dated July 31, 1997 denying petitioner's motion for reconsideration.

The antecedent facts are as follows:

Herein eighteen private respondents, led by Herminio Rivera, filed a petition before the SSC to compel their employer, spouses Salvador and Soledad Velasco, to report them for social security coverage and to remit contributions on their behalf for the period of their employment. Private respondents alleged in their petition before the SSC that they were employed on various dates as drivers by the Velasco spouses, who are owners-operators of passenger jeepneys; and that despite the fact that the Velasco spouses deducted P1.00 and later P1.50 from their daily earnings as SS contributions, they were only reported for coverage of the system after they had already lodged with the SSS Regional Office No. 3, a complaint against the spouses for non-reporting.

The Velasco spouses denied the material allegations in the petition of private respondents before the SSC and contended that ten of them have already executed their respective quitclaims and releases; that the true relationship of the Velasco spouses with private respondents Herminio Rivera and Manuel Dino was that of lessor and lessee which commenced only in 1983; and that the SS contributions of private respondents were all paid and remitted by the Velasco spouses to the Social Security System (SSS).

On September 6, 1995, the SSC issued a resolution ordering Salvador Velasco to remit in full to the SSS the contributions in

behalf of herein private respondents with corresponding penalties in the total amount of P774,149.86, computed as of September 15, 1995. The Velasco spouses filed a motion for reconsideration of said resolution of the SSC, but on May 8, 1996, the SSC issued a resolution denying the motion.

Salvador Velasco having died on May 27, 1996, only Soledad Velasco filed the petition for review before the CA on June 28, 1996 which was well within the extended period granted by the CA.

On February 14, 1997, the CA issued the assailed resolution dismissing the petition for failure to attach the required certified true copies of the questioned resolutions of the SSC, as required by Section 3-b, Rule 6 of the Revised Internal Rules of the Court of Appeals (RIRCA). The CA denied petitioner's motion for reconsideration in its Resolution dated July 31, 1997.

Hence, petitioner filed the present petition for certiorari, alleging the following:

I

PUBLIC RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN DISMISSING THE PETITION FOR REVIEW ON THE ALLEGED GROUND OF INSUFFICIENCY IN FORM IN ACCORDANCE WITH SEC. 3-B, RULE 6 OF THE REVISED INTERNAL RULES OF THE COURT OF APPEALS AS AMENDED (RIRCA);

II

PUBLIC RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN NOT RULING THAT THE OBLIGATION OF THE ORIGINAL PETITIONER SALVADOR P. VELASCO WHO HAS BEEN SINGLY ORDERED BY RESPONDENT COMMISSION TO REMIT IN FULL THE SS CONTRIBUTIONS ON BEHALF OF PRIVATE RESPONDENTS HAS ALREADY BEEN EXTINGUISHED UPON THE DEATH OF THE SAID ORIGINAL PETITIONER;

III

PUBLIC RESPONDENT COURT COMMITTED PRIMA FACIE EVIDENCE OF ABUSE OF DISCRETION IN NOT REVERSING THE FINDINGS OF THE RESPONDENT COMMISSION IN ORDERING PETITIONER SALVADOR P. VELASCO TO REMIT TO THE SSS-INTERVENOR THE AMOUNT OF P774,149.86 AS OF SEPTEMBER 15, 1995, WITHOUT ANY DETAILED EXPLANATION AS TO THE INDIVIDUAL PRIVATE RESPONDENTS ENTITLED THERETO AND THE BASIS FOR SAID COMPUTATION; AND

IV

PRIMA FACIE EVIDENCE OF ABUSE OF DISCRETION WAS COMMITTED BY PUBLIC RESPONDENT COURT IN NOT RESOLVING THE FINDINGS OF RESPONDENT COMMISSION IN GIVING WEIGHT AND PROBATIVE VALUE TO PRIVATE RESPONDENTS' EXHIBITS NOT FORMALLY OFFERED IN EVIDENCE.^[2]

It should be emphasized at the outset that the only issue proper for determination through a petition for certiorari is whether or not the tribunal or body exercising judicial or quasi-judicial functions has committed grave abuse of discretion amounting to lack or excess of jurisdiction. Thus, the Court will only consider the issue of whether or not the CA acted with grave abuse of discretion in dismissing outright the petition for review filed by petitioner on the ground that certified true copies of the assailed SSC resolutions were not attached to the petition.

Petitioner asseverates that the CA committed grave abuse of discretion in dismissing her petition for review by erroneously applying Section 3-b, Rule 6 of the RIRCA, effective August 18, 1988, to wit:

SEC. 3. Petitions for Review. – Within the period to appeal, the petitioner shall file a verified petition.

(b) What Should Be Filed. – The petition shall be accompanied by a certified true copy of the disputed decisions, judgments, or orders, of the lower courts, together with true copies of the pleadings and other material portions of the record as would support the allegations of the petition. (Emphasis supplied)

when the applicable provision to her petition is Section 6, Rule 6 thereof, as amended by Supreme Court Circular No. 1-91, dated February 27, 1991, thus:

6. Contents of petition. – The petition for review shall contain a concise statement of the facts and issues involved and the grounds relied upon for the review, and shall be accompanied by a duplicate original or a certified true copy of the ruling, award, order, decision or judgment appealed from, together with certified true copies of such material portions of the record as are referred to therein and other supporting papers. The petition shall state the specific material dates showing that it was filed within the period fixed therein. (Emphasis supplied)

Petitioner points out that since their petition for review assails the resolution of a quasi-judicial agency, i.e., the SSC, the applicable provision is Section 6 of the same Rule as amended by Circular No. 1-91, which deals with appeals from administrative tribunals or quasi-judicial agencies. If said provision were applied by the CA, then the petition should not have been dismissed since it clearly states that the petition would be sufficient if accompanied with a duplicate original of the assailed resolution or order. Petitioner insists that what she attached to the petition for review filed with the CA were the duplicate originals of the assailed resolution and order of the SSC.

On the other hand, in support of its contention that the assailed resolution and order of the SSC were based on the law, the evidence and jurisprudence, respondent SSS which filed a Comment merely alleged that there is no justifiable reason for the Court to grant the petition.

Petitioner's reliance on Circular No. 1-91 is misplaced. At the time the petition was filed with the CA on June 28, 1996, Administrative Circular No. 1-95,^[3] governing appeals to the CA from judgments or final orders of the Court of Tax Appeals and quasi-judicial agencies, was already in effect. It was, therefore, the provisions of said circular that are applicable to the petition. Pertinent portions of Administrative Circular No. 1-95 are as follows:

6. Contents of the petition. – The petition for review shall x x x (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record as are referred to therein and other supporting papers;
7. Effect of failure to comply with requirements. – The failure of the petitioner to comply with the foregoing requirements regarding the contents of and the documents which should accompany the petition shall be sufficient grounds for the dismissal thereof.

Subsequently, the Court, to clarify the meaning of the requirements of the Rules for petitions “to the Supreme Court, or in petitions or other initiatory pleadings filed in other courts or other quasi-judicial agencies which have adopted the same or similar provisions,” issued Administrative Circular No. 3-96 effective June 1, 1996, specifically stating therein the meaning of “duplicate original copy,” thus:

1. The “duplicate original copy” shall be understood to be that copy of the decision, judgment, resolution or order which is intended for and furnished to a party in the case or proceeding in the court or adjudicative body which rendered and issued the same.
2. The duplicate original copy must be duly signed or initialed by the authorities or the corresponding officer or representative of the issuing entity, or shall at least bear the

dry seal thereof or any other official indication of the authenticity and completeness of such copy.

With the foregoing rules to guide the appellate court, the CA has seriously abused its discretion when it failed to examine the documents attached by petitioner to her petition filed with the CA. By the simple act of examining the document, the CA could have readily found that although at first glance, the copies of the resolution and order of the SSS bear signs of being mere photostatic copies, a closer inspection of said documents readily shows that it indeed bore the marks of a dry seal. Pursuant to paragraph 2 of the Supreme Court Administrative Circular No. 3-96, the presence of the seal qualifies the document as a duplicate original copy. Evidently, there was compliance with the requirement that a duplicate original copy or a certified true copy of the assailed judgment, resolution or order be attached to the petition.

It should be noted that respondent SSC never filed its comment; instead, it was the SSS which filed such pleading. In its Comment, the SSS never refuted petitioner's claim that what was attached to the petition for review filed with the CA was the duplicate original copy. Such failure to refute petitioner's claim is an implied admission of petitioner's allegation that the copy attached to the petition was indeed the duplicate original copy required by the Rules.

In fine, the petition for review filed by petitioner with the CA complied with the Rules and therefore the appellate court committed grave abuse of discretion in outrightly dismissing the petition.

WHEREFORE, herein petition is **GRANTED**. The Resolution of the Court of Appeals dated February 14, 1997 dismissing the petition for review and its Resolution dated July 31, 1997 denying petitioner's motion for reconsideration are **SET ASIDE**. The Court of Appeals is hereby **ORDERED to GIVE DUE COURSE** to the petition for review docketed as CA-G.R. SP No. 41125. Let the records of the case be **REMANDED** to the Court of Appeals for further proceedings.

SO ORDERED.

Puno, J., (Chairman), Quisumbing, Callejo, Sr., and Tinga, JJ., concur.

- [1] Penned by Associate Justice Lourdes K. Tayao-Jaguros, with Associate Justices Emeterio C. Cui and Romeo A. Brawner concurring.
- [2] Petition, pp. 25-26, Rollo.
- [3] Effective February 15, 1995

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