

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**VILLA RHECAR BUS and/or ITS
MANAGER,**

Petitioner,

-versus-

**G.R. No. L-78936
January 7, 1988**

**FRUCTUOUSO DE LA CRUZ and
HONORABLE NATIONAL LABOR
RELATIONS COMMISSION, SECOND
DIVISION,**

Respondents.

X-----X

DECISION

GANCAYCO, J.:

This is a Petition which seeks a Review of a Resolution of the National Labor Relations Commission. The Petition is erroneously captioned "Petition for Review on Certiorari." This error notwithstanding, and in the interest of justice, We are treating the same as one for certiorari under Rule 65 of the Rules of Court on account of the jurisdictional issued raised herein.

The record of the case discloses that the herein petitioner Villa Rhecar Bus is a transportation firm operating in Davao City. The herein private respondent Fructuouso De la Cruz was employed as a line

inspector of the firm as early as April, 1979. His employment lasted until December 4, 1984. There appears to have been a dispute as to the separation pay, holiday pay, 13th month pay and emergency living allowance due to the private respondent.

On account of the same, the private respondent instituted a Complaint against the petitioner with the National Labor Relations Commission. The case was assigned to Labor Arbiter Jose O. Libron. A certain Atty. Ruben Pasamonte represented the petitioner in the proceedings. The parties, through counsel, reached an agreement to the effect that their respective position papers will be submitted to the Labor Arbiter within 20 days, counted from April 8, 1985, after which period the case will be deemed submitted for resolution. Counsel for the petitioner failed to file the necessary papers within the aforementioned period.

In a Decision dated March 13, 1986, the Labor Arbiter ruled in favor of the private respondent. The Labor Arbiter held that the petitioner waived its right to adduce evidence in its defense.

The petitioner appealed to the respondent Commission. The Appeal is anchored on the theory that the Labor Arbiter committed a grave abuse of discretion, amounting to lack of jurisdiction, in deciding the case with only the position papers submitted by the private respondent available for inspection. The petitioner submits that the same amounts to a violation of its right to procedural due process of law inasmuch as it was denied the opportunity to present evidence in its defense.

In a Resolution promulgated on April 30, 1987,^[1] the Second Division of the Commission^[2] dismissed the Appeal for lack of merit. The Commission held that there is no abuse of discretion, much less a violation of procedural due process, committed by the Labor Arbiter. The Commission likewise observed that the petitioner should proceed against his counsel for neglecting his duties instead of insisting on a right which had been waived.

Dissatisfied with the action taken by the Commission, the petitioner elevated the case to this Court on July 8, 1987 by way of the instant Petition.^[3] The thrust of the Petition is that the Labor Arbiter

committed a grave abuse of discretion in resolving the case in favor of the private respondent without affording the petitioner an opportunity to present its side, and that the respondent Commission itself also committed a grave abuse of discretion, amounting to loss of jurisdiction, when it ordered the dismissal of the Appeal.^[4] The petitioner also maintains that under the circumstances obtaining in this case, it was incumbent on the part of the Labor Arbiter to send a separate notice to it (the petitioner) requiring the submission of its position paper and accompanied by a warning that failure to do so would amount to a waiver of the right.^[5]

On September 25, 1987, the private respondent submitted his Comment on the Petition.^[6] On October 5, 1987, the petitioner submitted a Reply to the Comment.^[7] Finally, on October 27, 1987, the private respondent submitted a Rejoinder thereto.^[8] Thereafter, the case was deemed submitted for decision.

After a careful examination of the entire record of the case, We find the instant Petition devoid of merit.

It is unfortunate that the lawyer of the petitioner neglected his responsibilities to his client. This negligence ultimately resulted in a judgment adverse to the client. Be that as it may, such mistake binds the client, the herein petitioner. As a general rule, a client is bound by the mistakes of his counsel.^[9] Only when the application of the general rule would result in serious injustice should an exception thereto be called for. Under the circumstances obtaining in this case, no undue prejudice against the petitioner has been satisfactorily demonstrated. At most, there is only an unsupported claim that the petitioner had been prejudiced by the negligence of its counsel, without an explanation to that effect.

Moreover, the petitioner retained the services of counsel of its choice. It should, as far as this suit is concerned, bear the consequences of its faulty option. After all, in the application of the principle of due process, what is sought to be safeguarded against is not the lack of previous notice but the denial of the opportunity to be heard.^[10] The question is not whether the petitioner succeeded in defending its interest but whether the petitioner had the opportunity to present its side. Notice to counsel is notice to the client. The proposal of the

petitioner to the effect that the Labor Arbiter should be required to send a separate notice to the client should not be taken seriously. Otherwise, the provisions of the Civil Code on Agency^[11] as well as Section 23, Rule 138 of the Rules of Court^[12] will be put to naught.

If the negligence of counsel had indeed caused serious prejudice to the petitioner, then it can always take the necessary legal steps against him.

Accordingly, the instant Petition for certiorari should be dismissed for lack of merit.

WHEREFORE, in view of the foregoing, the instant Petition is hereby **DISMISSED** for lack of merit. We make no pronouncement as to costs.

SO ORDERED.

Teehankee, C.J., Narvasa, Cruz and Paras, JJ., concur.

[1] Annex “A”, Petition; page 12 to 14, Rollo.

[2] At the time of the promulgation of the Resolution, the Second Division of the National Labor Relations Commission was composed of Commissioners Daniel M. Lucas, Jr., Oscar N. Abella and Domingo H. Zapanta. Commissioner Zapanta prepared the Resolution.

[3] Pages 3 to 11, Rollo.

[4] Page 1, Petition; page 3, Rollo.

[5] Page 7, Petition; page 9, Rollo.

[6] Pages 18 to 22, Rollo.

[7] Pages 24 to 25, Rollo.

[8] Pages 27 to 29, Rollo.

[9] *Que vs. Court of Appeals*, 101 SCRA 13 (1980).

[10] *Bermejo vs. Barrios*, 31 SCRA 764 (1970).

[11] Articles 1868 to 1932.

[12] Section 23 of Rule 138 provides thus: “SEC. 23. Authority of attorneys to bind clients. — Attorneys have authority to bind their clients in any case by any agreement in relation thereto made in writing, and in taking appeals, and in all matters of ordinary judicial procedure.”