Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MALAYANG MANGGAGAWA NG STAYFAST PHILS., INC., Petitioner,	**G.R. No. 155306**
	Present:
- *versus* -	SERENO, *CJ.*, Chairperson, LEONARDO-DE CASTRO, BERSAMIN, MENDOZA,* and REYES, *JJ.*
NATIONAL LABOR RELATIONS COMMISSION, STAYFAST PHILIPPINES, INC./ MARIA ALMEIDA, Respondents.	Promulgated: AUG 2 8 2013

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DECISION

LEONARDO-DE CASTRO, *J.*:

This petition for *Certiorari* under Rule 65 of the Rules of Court seeks a review and reversal of the Decision[1] dated July 1, 2002 of the Court of Appeals in CA-G.R. SP No. 59465, which dismissed the petition for *certiorari* of petitioner Malayang Mangggagawa ng Stayfast Phils., Inc.

The Labor Arbiter and the National Labor Relations Commission (NLRC) made similar findings of fact. Petitioner and Nagkakaisang Lakas ng Manggagawa sa Stayfast (NLMS-Olalia) sought to be the exclusive bargaining agent of the employees of respondent company, Stayfast Philippines, Inc. A certification election was conducted on December 29, 1995.[2] Out of the 223 valid votes cast, petitioner garnered 109 votes while NLMS-Olalia received 112 votes and 2 votes were for "No Union."[3] Thus, the Med-Arbiter who supervised the certification election issued an Order dated January 9, 1996 certifying NLMS-Olalia as the sole and exclusive

* Per Special Order No. 1502 dated August 8, 2013.

1 *Rollo*, pp. 114-122; penned by Associate Justice Jose L. Sabio, Jr. with Associate Justices Romeo A. Brawner and Mario L. Guariña III, concurring.

2 Id. at 115.

3 Resolution dated January 14, 1998 in G.R. No. 125957 (*Malayang Mangggagawa ng Stayfast Phils., Inc. v. Hon. Secretary of Labor and Employment, Nagkakaisang Lakas ng Manggagawa sa Stayfast [NLMS-Olalia] and Stayfast Philippines, Inc.*).

bargaining agent of all rank and file employees of respondent company.[4]

Petitioner appealed the Order of the Med-Arbiter to the Secretary of Labor and Employment. The Secretary of Labor and Employment initially set aside the Order of the Med-Arbiter and called for run-off election between petitioner and NLMS-Olalia. On motion of NLMS-Olalia, however, the Secretary of Labor and Employment reconsidered his earlier decision and restored the Med-Arbiter's Order dated January 9, 1996. Petitioner elevated the matter via petition for *certiorari* to this Court.[5] The petition, docketed as G.R. No. 125957, was dismissed in a Resolution dated January 14, 1998.[6]

Meanwhile, NLMS-Olalia demanded to collectively bargain with respondent company. The latter rejected petitioner's demand, insisting that it would negotiate a collective bargaining agreement only with whichever union is finally certified as the sole and exclusive bargaining agent of the workers. Nevertheless, NLMS-Olalia went on strike on April 1, 1997 until it was temporarily restrained eight days later.[7]

Subsequently, on June 5, 1997, petitioner filed its own notice of strike in the National Conciliation and Mediation Board (NCMB). Respondent company opposed petitioner's move and filed a motion to dismiss on the ground that petitioner was not the certified bargaining agent and therefore lacked personality to file a notice of strike.[8] Thereafter, the parties were able to make concessions during the conciliation-mediation stage in the NCMB which led petitioner to withdraw its notice of strike.[9] In this connection, the NCMB issued a Certification dated July 31, 1997 which reads:

CERTIFICATION

TO WHOM IT MAY CONCERN:

> This is to certify that it appears from the "Minutes/Agreement" of conciliation conference dated July 15, 1997, which was further confirmed by Conciliator/Mediator Gil Caragayan[,] the Notice of Strike filed by MMSP-Independent on June [5], 1997, against Stayfast Philippines, Inc. is considered dropped/withdrawn from the business calendar of this office.
>
> It is further certified that there is no new Notice of Strike filed by the same union.

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4 *Rollo*, p. 115.
5 Id.
6 Upon finality of the Resolution, entry of judgment was made on May 22, 1998.
7 *Rollo*, pp. 115-116.
8 Id. at 116.
9 Id. at 87-99, 95; NLRC Resolution dated January 31, 2000.

This certification is being issued upon the written request of Atty. Edgardo R. Abaya.

July 31, 1997.

(Sgd.) LEOPOLDO B. DE JESUS
Director II[10]

On July 21, 1997, however, petitioner's members staged a "sit-down strike" to dramatize their demand for a fair and equal treatment as respondent company allegedly continued to discriminate against them. Respondent company issued a memorandum requiring the alleged participants in the "sit-down strike" to explain within 24 hours why they should not be terminated or suspended from work for infraction of company rules and regulations pertaining to unauthorized work stoppage, acts inimical to company interest, and disregard of instruction of immediate supervisor to perform assigned task. As no one complied with the memorandum within the 24-hour deadline, respondent company promptly terminated the service of the participants in the "sit-down strike" on July 22, 1997. Consequently, on July 23, 1997, petitioner staged a strike and filed a complaint for unfair labor practice, union busting and illegal lockout against respondent company and its General Manager, Maria Almeida, in the NLRC.[11]

In support of its complaint, petitioner alleged that respondents had repeatedly committed acts of discrimination, such as the denial of the use of the company canteen for purposes of conducting a strike vote, the constant denial of applications of petitioner's members for leave to attend hearings in relation to certain labor cases while similar applications of members of the other union were approved, and the suspension of petitioner's president for being absent due to attendance in hearings of labor cases involving petitioner's members. Petitioner further claimed that the termination of about 127 of its officers and members constituted union busting and unlawful lockout.[12]

For its part, respondent company claimed that petitioner lacked legal authority to go on strike since it is a minority union. As petitioner withdrew its notice of strike during the proceedings in the NCMB, the strike conducted by petitioner was illegal as it constituted a wildcat strike and later became a full-blown strike on July 23, 1997. Petitioner committed illegal acts during the strike and obstructed the free ingress and egress from respondent company's premises.[13]

On April 27, 1999, the Labor Arbiter rendered a Decision which ruled that, while petitioner may file a notice of strike on behalf of its members, petitioner failed to cite any instance of discrimination or harassment when it

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10 CA *rollo*, p. 63.
11 Id. at 68-69; Labor Arbiter's Decision dated April 27, 1999.
12 Id. at 98-99.
13 Id. at 99.

filed its notice of strike on June 5, 1997 and the incidents mentioned as discriminatory occurred after the filing of the said notice. Moreover, assuming the strike was legal at the beginning, it became illegal when petitioner committed acts prohibited under Article 264(e) of the Labor Code, such as acts of violence, coercion and intimidation and obstruction of the free ingress to and egress from respondent company's premises. Also, petitioner was supposed to have made a self-imposed prohibition to stage a strike when it submitted its labor dispute with respondent company for compulsory arbitration in the afternoon of July 23, 1997. Yet, petitioner continued with its strike. For these reasons, the Labor Arbiter dismissed the petition.[14] The dispositive portion of the Labor Arbiter's Decision dated April 27, 1999 reads:

> PREMISES CONSIDERED, the complaint is hereby dismissed for lack of merit.[15]

Petitioner appealed but, in a Resolution dated January 31, 2000, the NLRC upheld the Labor Arbiter's Decision. According to the NLRC, the actuations of petitioner were patently illegal because the sit-down strike staged on July 21, 1997 was made barely a week after petitioner withdrew its notice of strike, with prejudice, on account of the concessions agreed upon by the parties. Petitioner filed no new notice of strike that could have supported its charges of discriminatory acts and unfair labor practice. Moreover, no evidence was presented to establish such charges. Also, petitioner's members were given the opportunity to explain their violation of respondent company's rules on unauthorized work stoppage, acts inimical to company interest and disregard of instruction of immediate supervisor to perform assigned task. Thus, the NLRC dismissed petitioner's appeal.[16] The dispositive portion of the NLRC's Resolution dated January 31, 2000 reads:

> WHEREFORE, premises considered, the decision under review is AFFIRMED, and complainants' appeal, DISMISSED, for lack of merit.[17]

Petitioner filed a motion for reconsideration but the NLRC denied it in a Resolution dated April 10, 2000.[18]

Petitioner filed a petition for *certiorari* in the Court of Appeals, docketed as CA-G.R. SP No. 59465, on the following grounds:

> (A) RESPONDENT NLRC COMMITTED GROSS AND GRAVE ABUSE OF DISCRETION WHEN IT UPHELD THE LABOR ARBITER'S DECISION.

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14 Id. at 71-78.
15 Id. at 78.
16 Id. at 95-107.
17 Id. at 106.
18 Id. at 111.

> (B) COMPLAINANTS/APPELLANTS WHOSE TERMINATION RESULTED FROM THE UNFAIR LABOR PRACTICE[,] UNION-BUSTING AND UNLAWFUL LOCKOUT OF HEREIN RESPONDENT ARE ENTITLED TO REINSTATEMENT WITH FULL BACKWAGES.
>
> (C) COMPLAINANTS, BY REASON OF THE ARBITRARY ACTION IN WANTON DISREGARD OF THE LEGAL RIGHTS OF HEREIN [COMPLAINANTS,] ARE ENTITLED TO DAMAGES AND ATTORNEY'S FEES.[19]

In a Decision dated July 1, 2002, the Court of Appeals found that petitioner was seeking a review of the findings of fact and conclusion of the Labor Arbiter which was sustained by the NLRC. The Court of Appeals found no cogent reason to indulge petitioner. It applied the rule that findings of fact made by the Labor Arbiter and affirmed by the NLRC are considered by the appellate court as binding if supported by substantial evidence. The Court of Appeals ruled that the NLRC Resolution dated January 31, 2000 was supported by justifiable reason and cannot be faulted with grave abuse of discretion. Petitioner failed to establish that the NLRC committed grave abuse of discretion. Moreover, a petition for *certiorari* is not used to correct a lower tribunal's appreciation of evidence and findings of fact. Thus, the Court of Appeals dismissed the petition. The dispositive portion of the Court of Appeals' Decision dated July 1, 2002 reads:

> WHEREFORE, foregoing premises considered, the Petition, having no merit, in fact and in law, is hereby DENIED DUE COURSE and ORDERED DISMISSED. Resultantly, the assailed Resolution[s] are AFFIRMED, with costs to Petitioner.[20]

Hence, this petition for *certiorari*[21] under Rule 65 of the Rules of Court.

According to petitioner, it "interposes appeal on the judgment of the Honorable Justices of the Court of Appeals" on the following grounds:

> (1) The Honorable Justices of the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction when they upheld the rulings of the NLRC and disregarded the constitutional protection of labor as well as Article 248 (e) and Article 263 of the Labor Code.
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> (2) The Honorable Justices of the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction when they upheld the decision of the NLRC that the termination of complainants/appellants were valid and corollary thereto no reinstatement[,] backwages, damages and attorney's fees were awarded.[22]

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19 Id. at 114-116.
20 *Rollo*, p. 121.
21 Id. at 3-18.
22 Id. at 8.

In discussing the above grounds, petitioner claims that the discriminatory acts of respondent company and its General Manager against petitioner's members constituted unfair labor practice under Article 248(e) of the Labor Code, as amended. The termination of employment of petitioner's 127 officers and members constituted union-busting and unlawful lockout. As the said officers and members were unlawfully dismissed from employment, they are entitled to reinstatement with full backwages. The arbitrary action of respondent company and its General Manager wantonly disregarded the legal rights of petitioner's officers and members thereby entitling said officers and members to damages and attorney's fees.[23]

Respondent company and its General Manager, for their part, question the timeliness of the petition which was filed 52 days after petitioner's receipt of the Decision of the Court of Appeals. They point out that petitioner should have filed a petition for review under Rule 45 of the Rules of Court within 15 days from receipt of a copy of the Court of Appeals Decision. Respondent company and its General Manager also argue that the sit-down strike which subsequently became a full blown strike conducted by petitioner was illegal as it had previously withdrawn its notice of strike. The illegality of the strike was compounded by the commission of prohibited acts like the blocking of the entry and exit points of respondent company's premises. Also, petitioner's officers and employees were afforded due process before they were dismissed as they were issued a memorandum requiring them to explain their participation in the illegal sit-down strike but they simply ignored the said memorandum.[24]

The petition fails for many reasons.

First, this petition for *certiorari* is a wrong remedy.

A petition for *certiorari* under Rule 65 of the Rules of Court is a special civil action that may be resorted to only in the absence of appeal or any plain, speedy and adequate remedy in the ordinary course of law.[25] Contrary to petitioner's claim in the Jurisdictional Facts portion of its petition that there was no appeal or any other plain, speedy and adequate remedy in the ordinary course of law other than this petition for *certiorari*, the right recourse was to appeal to this Court in the form of a petition for review on *certiorari* under Rule 45 of the Rules of Court, Section 1 of which provides:

> Section 1. *Filing of petition with Supreme Court*. – A party desiring to appeal by certiorari from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may

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23 Id. at 9-15.

24 Id. at 133-140; Comment.

25 Rules of Court, Rule 65, Section 1.

> file with the Supreme Court a verified petition for review on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law, which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency.

For purposes of appeal, the Decision dated July 1, 2002 of the Court of Appeals was a final judgment as it denied due course to, and dismissed, the petition. Thus, the Decision disposed of the petition of petitioner in a manner that left nothing more to be done by the Court of Appeals in respect to the said case. Thus, petitioner should have filed an appeal by petition for review on *certiorari* under Rule 45, not a petition for *certiorari* under Rule 65, in this Court. Where the rules prescribe a particular remedy for the vindication of rights, such remedy should be availed of.

The proper remedy to obtain a reversal of judgment on the merits, final order or resolution is appeal. This holds true even if the error ascribed to the court rendering the judgment is its lack of jurisdiction over the subject matter, or the exercise of power in excess thereof, or grave abuse of discretion in the findings of fact or of law set out in the decision, order or resolution. The existence and availability of the right of appeal prohibits the resort to *certiorari* because one of the requirements for the latter remedy is that there should be no appeal.[26]

Petitioner cannot mask its failure to file an appeal by petition for review under Rule 45 of the Rules of Court by the mere expedient of conjuring grave abuse of discretion to avail of a petition for *certiorari* under Rule 65. The error of petitioner becomes more manifest in light of the following pronouncement in *Balayan v. Acorda*[27]:

> It bears emphasis that the special civil action for *certiorari* is a limited form of review and is a remedy of last recourse. The Court has often reminded members of the bench and bar that this extraordinary action lies only where there is no appeal nor plain, speedy and adequate remedy in the ordinary course of law. It cannot be allowed when a party to a case fails to appeal a judgment despite the availability of that remedy, *certiorari* not being a substitute for a lapsed or lost appeal. Where an appeal is available, *certiorari* will not prosper, even if the ground therefor is grave abuse of discretion. x x x. (Citations omitted.)

Moreover, *certiorari* is not and cannot be made a substitute for an appeal where the latter remedy is available but was lost through fault or negligence.[28] In this case, petitioner received the Decision dated July 1, 2002 on August 2, 2002 and, under the rules,[29] had until August 19, 2002 to

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26 *Bugarin v. Palisoc*, 513 Phil. 59, 66 (2005).

27 523 Phil. 305, 309 (2006).

28 *Bugarin v. Palisoc*, supra note 26 at 66-67.

29 Section 2, Rule 45 of the Rules of Court provides:

> Section 2. *Time for filing; extension.* – The petition shall be filed within fifteen (15) days from notice of the judgment or final order or resolution

file an appeal by way of a petition for review in this Court. Petitioner let this period lapse without filing an appeal and, instead, filed this petition for *certiorari* on October 1, 2002.

Second, even assuming that a petition for *certiorari* is the correct remedy in this case, petitioner failed to comply with the requirement of a prior motion for reconsideration.

As a general rule, a motion for reconsideration is a prerequisite for the availment of a petition for *certiorari* under Rule 65.[30] The filing of a motion for reconsideration before resort to *certiorari* will lie is intended to afford the public respondent an opportunity to correct any actual or fancied error attributed to it by way of re-examination of the legal and factual aspects of the case.[31] While there are well recognized exceptions to this rule,[32] this petition is not covered by any of those exceptions. The Court of Appeals was not given any opportunity either to rectify whatever error it may have made or to address the ascription and aspersion of grave abuse of discretion thrown at it by petitioner. Nor did petitioner offer any compelling reason to warrant a deviation from the rule. The instant petition for *certiorari* is therefore fatally defective.

Third, petitioner was not able to establish its allegation of grave abuse of discretion on the part of the Court of Appeals.

Where a petition for *certiorari* under Rule 65 of the Rules of Court alleges grave abuse of discretion, the petitioner should establish that the

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> appealed from, or of the denial of the petitioner's motion for new trial or reconsideration filed in due time after notice of the judgment. On motion duly filed and served, with full payment of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Supreme Court may for justifiable reasons grant an extension of thirty (30) days only within which to file the petition.

The 15th day after petitioner's receipt of the Decision dated July 1, 2002 was August 17, 2002, a Saturday. Under Section 1, Rule 22, if the last day of the period "falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day." Hence, petitioner had until August 19, 2002, a Monday, to file the petition for review in this Court.

30 *Romy's Freight Service v. Castro*, 523 Phil. 540, 545 (2006).

31 *Villena v. Rupisan*, 549 Phil. 146, 158 (2007).

32 These exceptions are:

(a) Where the order is a patent nullity, as where the court *a quo* has no jurisdiction;
(b) Where the questions raised in the *certiorari* proceeding have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court;
(c) Where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable;
(d) Where, under the circumstances, a motion for reconsideration would be useless;
(e) Where petitioner was deprived of due process and there is extreme urgency for relief;
(f) Where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable;
(g) Where the proceedings in the lower court are a nullity for lack of due process;
(h) Where the proceedings were *ex parte* or in which the petitioner had no opportunity to object; and
(i) Where the issue raised is one purely of law or where public interest is involved. (*Romy's Freight Service v. Castro*, supra note 30.)

respondent court or tribunal acted in a capricious, whimsical, arbitrary or despotic manner in the exercise of its jurisdiction as to be equivalent to lack of jurisdiction.[33] This is so because "grave abuse of discretion" is well-defined and not an amorphous concept that may easily be manipulated to suit one's purpose. In this connection, *Yu v. Judge Reyes-Carpio*[34] is instructive:

> The term "grave abuse of discretion" has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility." Furthermore, the use of a petition for *certiorari* is restricted only to "truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void." From the foregoing definition, it is clear that the special civil action of certiorari under Rule 65 can only strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross. x x x. (Citations omitted.)

In this case, nowhere in the petition did petitioner show that the issuance of the Decision dated July 1, 2002 of the Court of Appeals was patent and gross that would warrant striking it down through a petition for *certiorari*. Aside from a general statement in the Jurisdictional Facts portion of the petition and the sweeping allegation of grave abuse of discretion in the general enumeration of the grounds of the petition,[35] petitioner failed to substantiate its imputation of grave abuse of discretion on the part of the Court of Appeals. No argument was advanced to show that the Court of Appeals exercised its judgment capriciously, whimsically, arbitrarily or despotically by reason of passion and hostility. Petitioner did not even discuss how or why the conclusions of the Court of Appeals were made with grave abuse of discretion. Instead, petitioner limited its discussion on its version of the case, which had been already rejected both by the Labor Arbiter and the NLRC. Thus, petitioner failed in its duty to demonstrate with definiteness the grave abuse of discretion that would justify the proper availment of a petition for *certiorari* under Rule 65 of the Rules of Court.

Fourth, petitioner essentially questioned the factual findings of the Labor Arbiter and the NLRC. Petitioner cannot properly do that in a petition for *certiorari*.

Petitioner used the Discussion/Arguments portion of its petition to refute the findings of fact of the Labor Arbiter which was upheld by the NLRC. In particular, petitioner reiterated its position that respondent company and its General Manager committed discriminatory acts against

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33 *Abedes v. Court of Appeals*, 562 Phil. 262, 276 (2007).
34 G.R. No. 189207, June 15, 2011, 652 SCRA 341, 348.
35 *Rollo*, pp. 5 and 8.

petitioner's members which constituted unfair labor practice; that the termination of employment of petitioner's officers and members was a case of union-busting and unlawful lockout; and, that the said officers and members were unlawfully dismissed from employment and are therefore entitled to reinstatement with full backwages, plus damages and attorney's fees.[36] For petitioner to question the identical findings of the Labor Arbiter and the NLRC is to raise a question of fact. However, it is settled that questions of fact cannot be raised in an original action for *certiorari*.[37] Only established or admitted facts can be considered.[38] *Romy's Freight Service v. Castro*[39] explains the rationale of this rule:

> The Supreme Court is not a trier of facts, more so in the consideration of the extraordinary writ of *certiorari* where neither questions of fact nor of law are entertained, but only questions of lack or excess of jurisdiction or grave abuse of discretion. The sole object of the writ is to correct errors of jurisdiction or grave abuse of discretion. The phrase 'grave abuse of discretion' has a precise meaning in law, denoting abuse of discretion "too patent and gross as to amount to an evasion of a positive duty, or a virtual refusal to perform the duty enjoined or act in contemplation of law, or where the power is exercised in an arbitrary and despotic manner by reason of passion and personal hostility." It does not encompass an error of law. Nor does it include a mistake in the appreciation of the contending parties' respective evidence or the evaluation of their relative weight. (Citations omitted.)

Fifth, considering that petitioner basically presented an issue of fact, its petition for *certiorari* crumbles in view of the identical findings of the Labor Arbiter and the NLRC which were further upheld by the Court of Appeals.

The Court of Appeals correctly ruled that findings of fact made by Labor Arbiters and affirmed by the NLRC are not only entitled to great respect, but even finality, and are considered binding if the same are supported by substantial evidence.[40] That ruling is based on established case law.[41] Furthermore, in arriving at the said ruling, the Court of Appeals even reviewed the rationale of the Labor Arbiter's decision and was convinced that there was justifiable reason for the NLRC to uphold the same.[42] This Court finds no compelling reason to rule otherwise.

Sixth, even on the merits, the case of petitioner has no leg to stand on.

Petitioner's case rests on the alleged discriminatory acts of respondent company against petitioner's officers and members. However, both the

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36 Id. at 9-15.
37 *Korea Technologies Co., Ltd. v. Lerma*, 566 Phil. 1, 35 (2008).
38 *Ramcar, Inc. v. Hi-Power Marketing*, 527 Phil. 699, 708 (2006).
39 Supra note 30 at 546.
40 *Spouses Santos v. National Labor Relations Commission*, 354 Phil. 918, 931 (1998).
41 For example, the doctrine is reiterated in *Metro Transit Organization, Inc. v. National Labor Relations Commission*, 367 Phil. 259, 263 (1999).
42 *Rollo*, p. 121.

Labor Arbiter and the NLRC held that there was no sufficient proof of respondent company's alleged discriminatory acts.[43] Thus, petitioner's unfair labor practice, union-busting and unlawful lockout claims do not hold water. Moreover, the established facts as found by the NLRC are as follows: the "sit-down strike" made by petitioner's officers and members on July 21, 1997 was in violation of respondent company's rules, and petitioner's officers and members ignored the opportunity given by respondent company for them to explain their misconduct, which resulted in the termination of their employment.[44] The Court of Appeals ruled that the said findings were supported by substantial evidence.[45] This Court finds that such ruling of the appellate court is not grave abuse of discretion, nor could it be considered wrong.

In sum, there is an abundance of reasons, both procedural and substantive, which are all fatal to petitioner's cause. In contrast, the instant petition for *certiorari* suffers from an acute scarcity of legal and factual support.

WHEREFORE, the petition is hereby **DISMISSED.**

SO ORDERED.

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

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43 Labor Arbiter's Decision dated April 27, 1999, pp. 6-7 and NLRC Resolution dated January 31, 2000, pp. 9-11, *rollo*, pp. 71-72 and 95-97, respectively.

44 Id. at 97.

45 Id. at 121.

LUCAS P. BERSAMIN
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice