
NWPC LAW GAZETTE

NWPC Case No. E-12-001

3. LATE FILING OF APPEAL

NWPC Case No. E-12-001 30 January 2012
[Case No. WO No. IVA-14D(04)]

IN RE: APPLICATION FOR EXEMPTION FROM WAGE
ORDER NO. IVA-14

MURASE HOTEL CARE CORP., Applicant-Appellant.

SAMAHAN NG MGA MANGGAGAWA SA MURASE HOTEL
CARE CORP.-INDEPENDENT, Oppositor-Appellee.

Wage Order; Appeal; Dismissal Due to Late Filing of Appeal; Decision Becoming Final and Executory - While there was substantial compliance on the part of the Applicant-Appellant on the notice requirements following the ruling of the Court of Appeals in its Decision dated 28 November 2008 in Subic Bay Apparel Workers' Union – PTGWO vs. Subic Bay Apparel Corp. and NWPC, C.A – G.R.. SP No. 101868 that the rationale for the requisite notice is to make known to the employees, through its union, of the corporation's application for exemption and the posting of notice within the work premises must be held as satisfactory compliance with the implementing rules, but the appeal should be dismissed. The appeal was filed beyond the 10-day reglementary period provided for under Section 10.D.1 of the NWPC Guidelines No.02, Series of 2007 (NWPC Amended Rules on Exemption). Per Registry Return Receipt, the Applicant-Appellant received the 03 October 2011 Decision of the Board reversing its original Decision granting the application for exemption on 11 November 2011. Hence, it had until 21 November 2011 within which to file an appeal. Applicant-Appellant filed a Notice/Memorandum of Appeal only on 12 December 2011. Therefore, the Board's 03 October 2011 Decision has become final and executory.

NWPC LAW GAZETTE

NWPC Case No. E-12-001

Same; Same; Final and immutable Decision/Judgment. - Basic is the rule that an appeal filed out of time makes the decision/judgment final and immutable. The Supreme Court in the cases of Session Delights Ice Cream and Fast Foods vs. Court of Appeals, G.R. No. 172149, February 8, 2010 and FGU Insurance Corporation vs. RTC of Makati City Branch 66, G.R. No. 161282, February 23, 2011 reiterated the doctrine of finality of judgment or immutability of judgment: “a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down.”

FACTS:

To comply with the P17.00 daily basic wage increase mandated under Wage Order No. IVA-14 effective 15 January 2011, Applicant-Appellant began paying its employees P315.00 per day on 20 January 2011. Subsequently, Applicant-Appellant filed on 16 February 2011 an exemption application as a distressed establishment where the Board granted a one (1) year exemption. Thus, by reason of said grant of exemption, the Applicant-Appellant reduced the wages of its workers to P298.00 per day.

Feeling aggrieved by the Board’s decision, the Oppositor-Appellee filed a MR which was opposed by the Applicant-Appellant. The Oppositor-Appellee also filed a comment on the pleadings filed by the Applicant-Appellant. The Board reversed its 18 February 2011 Decision and required the Applicant-Appellant to pay its employees P315.00 per day from the effectivity of the wage order. A copy of the Decision was received by the Applicant-Appellant and the Oppositor-Appellee on 11 November 2011.

NWPC LAW GAZETTE

NWPC Case No. E-12-001

The Applicant-Appellant filed a Notice/Memorandum of Appeal on 12 December 2011

ISSUE:

Whether or not the appeal was filed on time.

HELD:

Appeal was dismissed.

While there was substantial compliance on the part of the Applicant-Appellant on the notice requirements following the ruling of the Court of Appeals in its Decision dated 28 November 2008 in Subic Bay Apparel Workers' Union – PTGWO vs. Subic Bay Apparel Corp. and NWPC, C.A – G.R.. SP No. 101868 that the rationale for the requisite notice is to make known to the employees, through its union, of the corporation's application for exemption and the posting of notice within the work premises must be held as satisfactory compliance with the implementing rules, but the appeal should be dismissed.

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The Board’s Decision dated 03 October 2011 reversing the grant of exemption was affirmed. Applicant-Appellant Murase Hotel Care Corp. was directed to pay all covered workers the minimum wage of P315.00 per day prescribed under Wage Order No. IVA-14 effective 15 January 2011 plus simple interest of one (1) percent per month pursuant to Section 4.c of R.A. 6727 and Section 11, NWPC Guidelines No. 02, series Of 2007.

Trasmonte (Chairman Designate), , Floro, Diwa, Rondain (Commissioners), Lagunzad III (Member), voted to dismissed the appeal.

Paderanga (Vice-Chairman), Bagtas (Commissioner), took no part.

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