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SO ORDERED.

Puno, C.J. (Chairperson), Corona, Azcuna, and *Leonardo-de Castro, JJ.,* concur.

FIRST DIVISION

[G.R. No. 141020. June 12, 2008]

CASINO LABOR ASSOCIATION, *petitioner, vs.* **COURT OF APPEALS, PHIL. CASINO OPERATORS CORPORATION (PCOC) and PHIL. SPECIAL SERVICES CORPORATION (PSSC),** *respondents.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENTS; A COURT DECISION MUST BE READ AS A WHOLE; INTERPRETATION OF JUDGMENTS, CONSTRUED.— A court decision must be read as a whole. With regard to interpretation of judgments, ***Republic v. De Los Angeles*** stated: As a general rule, judgments are to be construed like other written instruments. The determinative factor is the intention of the court, as gathered from all parts of the judgment itself. In applying this rule, effect must be given to that which is unavoidably and necessarily implied in a judgment, as well as to that which is expressed in the most appropriate language. Such construction should be given to a judgment as will give force and effect to every word of it, if possible, and make it as a whole consistent, effective and reasonable.

2. ID.; ID.; ID.; ID.; CASE AT BAR.— Thus, in resolving the issue of whether or not the NLRC has jurisdiction over employer-employee relations in PAGCOR, PCOC and PSSC, the Third Division made the definitive ruling that "there appears to be no question from the petition and its annexes that the respondent corporations were created by an original charter." The Court

collectively referred to all respondent corporations, including PCOC and PSSC, and held that in accordance with the Constitution and jurisprudence, corporations with original charter "fall under the jurisdiction of the Civil Service Commission and not the Labor Department." The Court stated further that P.D. 1869 exempts casino employees from the coverage of Labor Code provisions and although the employees are empowered by the Constitution to form unions, these are "subject to the laws passed to regulate unions in offices and corporations governed by the Civil Service Law." Thus, in dismissing the petition, the ruling of the Third Division was clear - - - it is the Civil Service Commission, and not the NLRC, that has jurisdiction over the employer-employee problems in PAGCOR, PCOC and PSSC. The 23 January 1989 Resolution already ruled on the NLRC's lack of jurisdiction over all the respondents in the case – PAGCOR, PCOC and PSSC. The Third Division neither veered away nor reversed such ruling in its 15 March 1989 Resolution to petitioner's motion for reconsideration. A reading of the two aforementioned resolutions clearly shows that the phrase "private companies" could not have referred to PCOC and PSSC for that would substantially alter the Court's ruling that petitioner's labor cases against the respondents are cognizable by the Civil Service Commission, and not by the NLRC.

3. ID.; ID.; SUPREME COURT; NOT A TRIER OF FACTS.— In its memorandum, petitioner presents a second issue not otherwise raised in its petition for *certiorari*, contending that respondents waived their rights to controvert petitioner's valid and just claims when they filed a motion to dismiss the consolidated cases with the labor arbiter on the ground of lack of jurisdiction. However, in our 20 August 2003 Resolution requiring the parties to submit their respective memoranda, we specifically stated that "no new issues may be raised by a party in his/its Memorandum." Moreover, petitioner, in support of this additional issue, presents its arguments on the merits of the consolidated labor cases. This Court is not a trier of facts.

APPEARANCES OF COUNSEL

George L. Howard for petitioner.
Henry A. Reyes for respondents.

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D E C I S I O N

PUNO, *C.J.*:

This petition for *certiorari*[1] assails the Decision[2] and Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 50826. The CA dismissed the petition for *certiorari* filed by the petitioner against the First Division of the National Labor Relations Commission (NLRC) and denied petitioner's motion for reconsideration.

The series of events which ultimately led to the filing of the petition at bar started with the consolidated cases[4] filed by the petitioner labor union with the Arbitration Branch of the NLRC. In an Order[5] dated 20 July 1987, the Labor Arbiter dismissed the consolidated cases for lack of jurisdiction over the respondents therein, Philippine Amusement and Gaming Corporation (PAGCOR) and Philippine Casino Operators Corporation (PCOC).

On appeal to the NLRC, the Commission *en banc* issued a Resolution[6] dated 15 November 1988, which dismissed the separate appeals filed by the petitioner on the ground that the NLRC has no jurisdiction over PAGCOR.

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[1] Under Rule 65 of the Rules of Court.

[2] *Rollo*, pp. 88-93. Promulgated on 22 June 1999. Penned by Associate Justice Romeo A. Brawner, concurred in by Associate Justices Angelina Sandoval-Gutierrez and Martin S. Villarama, Jr.

[3] *Id.* at 100. Promulgated on 6 December 1999.

[4] NLRC-NCR-6-2331-86 entitled "*Casino Labor Association (CALAS) v. Philippine Amusement and Gaming Corp. (PAGCOR) and Philippine Casino Operators Corporation (PCOC)*"; NCR-NS-11-539-86 entitled "*In re: Notice of Strike filed by CALAS v. PAGCOR and/or PCOC*"; NCR-00-03-00824-87 entitled "*CALAS v. PCOC, Philippine Special Services Corporation (PSSC) and PAGCOR*."

[5] *Rollo*, pp. 26-33. Penned by Labor Arbiter Isabel P. Ortiguerra.

[6] *Id.* at 34.

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Petitioner then elevated the case to this Court, via a petition for review on *certiorari*,[7] entitled ***Casino Labor Association v. National Labor Relations Commission, Philippine Amusement & Gaming Corporation, Philippine Casino Operators Corporation and Philippine Special Services Corporation*** and docketed as **G.R. No. 85922**. In a Resolution[8] dated 23 January 1989, the Third Division of the Court dismissed the petition for failure of the petitioner to show grave abuse of discretion on the part of the NLRC.

Petitioner filed a motion for reconsideration, but the same was denied with finality in a 15 March 1989 Resolution.[9] The Resolution states, in part:

x x x Any petitions brought against private companies will have to be brought before the appropriate agency or office of the Department of Labor and Employment.

Based solely on that statement, petitioner filed a Manifestation/Motion[10] with the NLRC praying that the records of the consolidated cases be "remanded to the Arbitration Branch for proper prosecution and/or disposition thereof against private respondents Philippine Casino Operators Corporation (PCOC) and Philippine Special Services Corporation (PSSC)."

Acting on the Manifestation/Motion, the NLRC First Division issued an Order[11] dated 30 June 1989, which granted the motion and ordered that the records of the cases be forwarded to the Arbitration Branch for further proceedings.

Respondents PCOC and PSSC filed a motion for reconsideration. In an Order[12] dated 22 July 1994, the NLRC

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[7] Treated as a special civil action for *certiorari*.

[8] *Rollo*, pp. 48-49.

[9] *Id*. at 52.

[10] *Id*. at 53-54.

[11] *Id*. at 55-57.

[12] *Id*. at 59-62.

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First Division granted the motion, set aside the 30 June 1989 Order for having been issued without legal basis, and denied with finality the petitioner's Manifestation/Motion. Petitioner's motion for reconsideration was likewise denied in a Resolution[13] dated 28 November 1997.

Petitioner filed a petition for *certiorari*[14] with this Court asserting that the NLRC First Division committed grave abuse of discretion in ignoring the mandate of G.R. No. 85922. Petitioner argued that, with the statement "(a)ny petitions brought against private companies will have to be brought before the appropriate agency or office of the Department of Labor and Employment," this Court laid down the law of the case and mandated that petitions against respondents PCOC and PSSC should be brought before the NLRC. By way of resolution,[15] this Court referred the case to the CA in accordance with the ruling in ***St. Martin Funeral Homes v. NLRC***.[16]

On 22 June 1999, the CA rendered its Decision dismissing the petition for *certiorari*. The CA found no grave abuse of discretion on the part of the NLRC First Division when it issued: (a) the 22 July 1994 Order, which set aside its 30 June 1989 Order remanding the case to the Arbitration Branch for further proceedings; and (b) the 28 November 1998 Resolution, which denied petitioner's motion for reconsideration. Petitioner filed a motion for reconsideration, which the CA denied in its 6 December 1999 Resolution.

Hence, the instant petition for *certiorari* in which the petitioner raises this sole issue:

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[13] *Id*. at 72-73.

[14] Docketed as G.R. No. 131963.

[15] *Rollo*, p. 85. Dated 18 November 1998.

[16] G.R. No. 130866, September 16, 1998, 295 SCRA 494. The Court *En Banc* declared that all appeals from the NLRC to the Supreme Court [petition for *certiorari* under Rule 65 of the 1997 Rules of Civil Procedure] should henceforth be initially filed in the Court of Appeals as the appropriate forum for the relief desired in strict observance of the doctrine on the hierarchy of courts.

CAN THE COURT OF APPEALS IGNORE THE MANDATE OF THE HONORABLE SUPREME COURT'S RESOLUTION IN G.R. 85922, THAT PETITIONS AGAINST PRIVATE RESPONDENTS PCOC AND PSSC SHOULD BE TRIED BY THE COMMISSION (NLRC) THRU ITS ARBITRATION BRANCH?

To determine whether the CA acted with grave abuse of discretion correctable by *certiorari*, it is necessary to resolve one core issue: whether the Supreme Court, in G.R. No. 85922, mandated that the NLRC assume jurisdiction over the cases filed against PCOC and PSSC.

The resolution of the case at bar hinges on the intended meaning of the Third Division of the Court when it stated in its 15 March 1989 Resolution in G.R. No. 85922, *viz*:

x x x Any petitions brought against private companies will have to be brought before the appropriate agency or office of the Department of Labor and Employment.

Petitioner considers the foregoing statement as a legal mandate warranting the remand of the consolidated labor cases to the Arbitration Branch of the NLRC for further proceedings against respondents PCOC and PSSC.

We do not agree.

A court decision must be read as a whole. With regard to interpretation of judgments, ***Republic v. De Los Angeles*** stated:

As a general rule, judgments are to be construed like other written instruments. The determinative factor is the intention of the court, as gathered from all parts of the judgment itself. In applying this rule, effect must be given to that which is unavoidably and necessarily implied in a judgment, as well as to that which is expressed in the most appropriate language. Such construction should be given to a judgment as will give force and effect to every word of it, if possible, and make it as a whole consistent, effective and reasonable.[17]

Hence, a close scrutiny of the full text of the 23 January and 15 March 1989 Resolutions in G.R. No. 85922 sheds much

[17] G.R. No. L-26112, October 4, 1971, 41 SCRA 422, 443-444.

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needed light. In the first Resolution, the Third Division of this Court dismissed the petitioner's case in this wise:

> The issue in this case is whether or not the National Labor Relations Commission has jurisdiction over employee-employer problems in the Philippine Amusement and Gaming Corporation (PAGCOR), the Philippine Casino Operators Corporation (PCOC), and the Philippine Special Services Corporation (PSSC).
>
> The present Constitution specifically provides in Article IX B, Section 2(1) that "the civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters." (Emphasis supplied)
>
> There appears to be no question from the petition and its annexes that the respondent corporations were created by an original charter, P.D. No. 1869 in relation to P.D. Nos. 1067-A, 1067-C, 1399 and 1632.
>
> In the recent case of *National Service Corporation, et al. v. Honorable Third Division, National Labor Relations Commission, et al.* (G.R. No. 69870, November 29, 1988), this Court ruled that subsidiary corporations owned by government corporations like the Philippine National Bank but which have been organized under the General Corporation Code are not governed by Civil Service Law. They fall under the jurisdiction of the Department of Labor and Employment and its various agencies. Conversely, it follows that government corporations created under an original charter fall under the jurisdiction of the Civil Service Commission and not the Labor Department.
>
> Moreover, P.D. 1869, Section 18, specifically prohibits formation of unions among casino employees and exempts them from the coverage of Labor Code provisions. Under the new Constitution, they may now form unions but subject to the laws passed to regulate unions in offices and corporations governed by the Civil Service Law.
>
> CONSIDERING the failure of the petitioner to show grave abuse of discretion on the part of the public respondent, the COURT RESOLVED to DISMISS the petition.

Thus, in resolving the issue of whether or not the NLRC has jurisdiction over employer-employee relations in PAGCOR, PCOC

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and PSSC, the Third Division made the definitive ruling that "there appears to be no question from the petition and its annexes that the respondent corporations were created by an original charter." The Court collectively referred to all respondent corporations, including PCOC and PSSC, and held that in accordance with the Constitution and jurisprudence, corporations with original charter "fall under the jurisdiction of the Civil Service Commission and not the Labor Department." The Court stated further that P.D. 1869 exempts casino employees from the coverage of Labor Code provisions and although the employees are empowered by the Constitution to form unions, these are "subject to the laws passed to regulate unions in offices and corporations governed by the Civil Service Law." Thus, in dismissing the petition, the ruling of the Third Division was clear - - - it is the Civil Service Commission, and not the NLRC, that has jurisdiction over the employer-employee problems in PAGCOR, PCOC and PSSC.

In its motion for reconsideration, petitioner lamented that its complaint might be treated as a "pingpong ball" by the Department of Labor and Employment and the Civil Service Commission. It argued:

> x x x the petitioner will now be in a dilemna (sic) for the reason, that the charter creating PAGCOR expressly exempts it from the coverage of the Civil Service Laws and therefore the petitioner, will now be in a quandary whether it will be allowed to prosecute its case against PAGCOR before the Civil Service Commission while its own charter expressly exempts it from the coverage of the Civil Service Law x x x[18]

The Third Division denied the motion for reconsideration in a Resolution dated 15 March 1989, which contained the statement upon which the petitioner's whole case relies. The Court stated:

> The petitioner states in its motion for reconsideration that the PAGCOR charter expressly exempts it from the coverage of the Civil Service Laws and, consequently, even if it has an original charter, its disputes with management should be brought to the Department

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[18] *Rollo* (G.R. No. 85922), p. 32.

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of Labor and Employment. This argument has no merit. Assuming that there may be some exemptions from the coverage of Civil Service Laws insofar as eligibility requirements and other rules regarding entry into the service are concerned, a law or charter cannot supersede a provision of the Constitution. The fear that the petitioner's complaint will be rejected by the Civil Service Commission is unfounded as the Commission must act in accordance with its coverage as provided by the Constitution. **Any petitions brought against private companies will have to be brought before the appropriate agency or office of the Department of Labor and Employment.**

CONSIDERING THE FOREGOING, the COURT RESOLVED to DENY the motion for reconsideration. This DENIAL is FINAL. (emphasis added)

Petitioner contends that the "private companies" referred to therein pertain to respondents PCOC and PSSC, and consequently, this Court has laid down the law of the case in G.R. No. 85922 and has directed that the cases against PCOC and PSSC should be prosecuted before the Department of Labor and Employment or NLRC.

Petitioner's contention is untenable. It is well-settled that to determine the true intent and meaning of a decision, no specific portion thereof should be resorted to, but the same must be considered in its entirety.[19] Hence, petitioner cannot merely view a portion of the 15 March 1989 Resolution in isolation for the purpose of asserting its position. The 23 January 1989 Resolution already ruled on the NLRC's lack of jurisdiction over all the respondents in the case — PAGCOR, PCOC and PSSC. The Third Division neither veered away nor reversed such ruling in its 15 March 1989 Resolution to petitioner's motion for reconsideration. A reading of the two aforementioned resolutions clearly shows that the phrase "private companies" could not have referred to PCOC and PSSC for that would substantially alter the Court's ruling that petitioner's labor cases against the respondents are cognizable by the Civil Service Commission, and not by the NLRC. In its assailed decision, the Court of Appeals ratiocinated:

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[19] *Policarpio v. Philippine Veterans Board*, 106 Phil. 125 (1959).

Evidently, the [March 15] Resolution containing the questioned pronouncement did not give legal mandate to petitioner to file its Petition with the Department of Labor and Employment or any of its agencies. On the contrary, the Resolution decided with finality that petitions brought against the PAGCOR or similar agencies/ instrumentalities of the government must be filed with the Civil Service Commission which has jurisdiction on the matter. The questioned pronouncement, to Our mind, was made only to illustrate the instance when jurisdiction is instead conferred on the Department of Labor *vis-à-vis* the Civil Service Commission; that is, when the petitions are filed [against] private companies.

Finally, as pointed out by the Office of the Solicitor General, the subject matter of the pronouncement in question is "any petition" not the petition filed by petitioners. Likewise, the petition must be one which is brought against "private companies" not against private respondents. Apparently, the abovequoted pronouncement is intended to be a general rule that will govern petitions filed against private companies. It is not intended to be a specific rule that will apply only to the petition filed by herein petitioners. Where the law makes no distinctions, one does not distinguish. *A fortiori*, where the questioned pronouncement makes no distinctions, one does not distinguish.

We agree with the CA. The statement that "(a)ny petitions brought against private companies will have to be brought before the appropriate agency or office of the Department of Labor and Employment," upon which petitioner's entire case relies, is of no consequence. It is *obiter dictum*.

In its memorandum,[20] petitioner presents a second issue not otherwise raised in its petition for *certiorari*, contending that respondents waived their rights to controvert petitioner's valid and just claims when they filed a motion to dismiss the consolidated cases with the labor arbiter on the ground of lack of jurisdiction. However, in our 20 August 2003 Resolution requiring the parties to submit their respective memoranda, we specifically stated that "no new issues may be raised by a party in his/its Memorandum." Moreover, petitioner, in support of this additional issue, presents its arguments on the merits of the consolidated

[20] *Rollo*, pp. 235-247.

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labor cases. This Court is not a trier of facts. In ***Santiago v. Vasquez***, we reiterated:

> We discern in the proceedings in this case a propensity on the part of petitioner, and, for that matter, the same may be said of a number of litigants who initiate recourses before us, to disregard the hierarchy of courts in our judicial system by seeking relief directly from this Court despite the fact that the same is available in the lower courts in the exercise of their original or concurrent jurisdiction, or is even mandated by law to be sought therein. This practice must be stopped, not only because of the imposition upon the precious time of this Court but also because of the inevitable and resultant delay, intended or otherwise, in the adjudication of the case which often has to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as better equipped to resolve the issues since this Court is not a trier of facts. We, therefore, reiterate the judicial policy that this Court will not entertain direct resort to it unless the redress desired cannot be obtained in the appropriate courts or where exceptional and compelling circumstances justify availment of a remedy within and calling for the exercise of our primary jurisdiction.[21]

In this case, the Civil Service Commission is the proper venue for petitioner to ventilate its claims.

The Court is not oblivious to petitioner's plea for justice after waiting numerous years for relief since it first filed its claims with the labor arbiter in 1986. However, petitioner is not completely without fault. The 23 January 1989 Resolution in G.R. No. 85922, declaring the lack of jurisdiction by the NLRC over PAGCOR, PCOC and PSSC, became final and executory on March 27, 1989. The petitioner did not file a second motion for reconsideration nor did it file a motion for clarification of any statement by the Court which petitioner might have thought was ambiguous. Neither did petitioner take the proper course of action, as laid down in G.R. No. 85922, to file its claims before the Civil Service Commission. Instead, petitioner pursued a protracted course of action based solely

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[21] G.R. Nos. 99289-90, January 27, 1993, 217 SCRA 633, 651-652.

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on its erroneous understanding of a single sentence in the Court's resolution to a motion for reconsideration.

IN VIEW WHEREOF, the instant petition for *certiorari* is DISMISSED. The assailed 22 June 1999 Decision and 6 December 1999 Resolution of the Court of Appeals in CA-G.R. SP No. 50826 are AFFIRMED.

SO ORDERED.

Carpio, Corona, Azcuna, and *Leonardo-de Castro, JJ.,* concur.

FIRST DIVISION

[G.R. No. 145044. June 12, 2008]

PHILIPPINE CHARTER INSURANCE CORPORATION, *petitioner, vs.* **NEPTUNE ORIENT LINES/OVERSEAS AGENCY SERVICES, INC.,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; APPEALS; FACTUAL FINDINGS OF THE RTC AND CA ARE BINDING ON THE SUPREME COURT; CASE AT BAR.— Moreover, the same Survey Report cited by petitioner stated: From the investigation conducted, we noted that Capt. S.L. Halloway, Master of MV "BALTIMAR ORION" filed a Note of Protest in the City of Manila, and was notarized on 06 October 1993. Based on Note of Protest, copy attached hereto for your reference, carrier vessel sailed from Hongkong on 1st October 1993 carrying containers bound for Manila. Apparently, at the time the vessel [was] sailing at about 2400 hours of 2nd October 1993, she encountered winds and seas such as to cause occasional moderate to heavy pitching and rolling deeply at times. At 0154 hours, same day, while in position Lat. 20