

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

13th Congress
First Regular Session

HOUSE BILL NO. 372

Introduced by Representative Roseller L. Barinaga

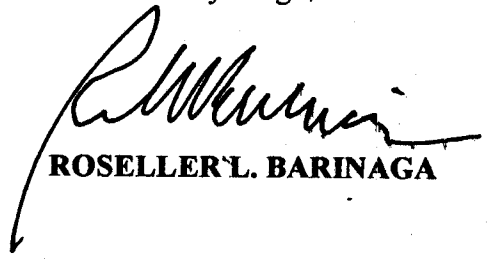
EXPLANATORY NOTE

The main purpose of this measure is to eliminate one layer of appellate body, the Court of Appeals, in the decisions of the National Labor Relations Commission (NLRC) which has just been instituted through judicial legislation. In order to "de-clog" its docket, the Supreme Court, in the case of *St. Martin Funeral Homes vs. NLRC*, G.R. No. 130866, September 16, 1998, ruled that the decisions of the NLRC shall be appealable to the Court of Appeals. As a consequence, the mandate of providing speedy labor justice is negated. It is an additional burden to our workers who could not afford a protracted, costly and frustrating litigation in another level of appeal. This situation affects the whole Filipino workforce, including overseas contract workers, agricultural workers and domestic helpers.

This must be corrected in accordance with the intent of R.A. 6715, which Congress enacted to afford speedy labor justice to party litigants. Thus, decisions of labor arbiters, who act as labor judges at the arbitral level, are appealable to the NLRC. By providing that the decision of the Commission shall be final and executory after ten (10) calendar days from its receipt by the parties concerned, Congress has intended not to allow further appeal from the decision of the NLRC. However, considering the constitutional review power of the Supreme Court over all decisions of regular courts and quasi-judicial bodies, such as the NLRC, it has long been the practice of the Court to entertain petitions filed by the aggrieved parties through the special civil action of *certiorari*. This is pursuant to paragraph (3), Section 9 of B.P. 129, reiterated in R.A. 7902, which specifically excepts the decision of the NLRC from the appellate jurisdiction of the Court of Appeals.

It is clear that Congress has intended not to provide for an appeal from the decisions of the NLRC. However, an aggrieved party may still avail of the special civil action of *certiorari* only on questions of law and/or jurisdiction by filing the said petition directly to the Supreme Court, pursuant to Rule 65 of the Rules of Court. This is what this bill intends to put into law.

In the light of the above considerations, support of this bill is earnestly sought.


ROSELLER L. BARINAGA

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AN ACT
PROVIDING FOR RELIEFS FROM AND EXECUTION OF FINAL DECISIONS AND
AWARDS OF THE NATIONAL LABOR RELATIONS COMMISSION AND THE
LABOR ARBITERS AMENDING FOR THE PURPOSE ARTICLES 223 AND 224 OF
P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE
PHILIPPINES

Be it enacted by the House of Representatives and the Senate of the Philippines in
Congress assembled:

1 **SECTION 1.** Article 223 of P.D. 442, as amended, otherwise known as the Labor Code
2 of the Philippines, is hereby amended to read as follows:

3 “Article 223. Appeal. - Decisions, awards, or orders of the Labor Arbiter
4 are final and executory unless appealed to the Commission by any or both parties
5 within ten (10) calendar days from receipt of such decisions, awards or orders.

6 Such appeal may be entertained only on any of the following grounds:

- 7 a) If there is *prima facie* evidence of abuse of discretion on the part of the
8 Labor Arbiter;
9 b) If the decision, order or award was secured through fraud or coercion,
10 including graft and corruption;
11 c) If made purely on questions of law; and

1 d) If serious errors in the findings of facts are raised which would cause
2 grave or irreparable damage or injury to the appellant.

3 "In case of a judgment involving a monetary award, an appeal by the
4 employer may be perfected only upon the posting of a cash or surety bond issued
5 by a reputable bonding company duly accredited by the Commission in the
6 amount equivalent to the monetary award in the judgment appealed from.

7 "In any event, the decision of the Labor Arbiter reinstating a dismissed or
8 separated employee, insofar as the reinstatement aspect is concerned, shall
9 immediately be executory, even pending appeal. The employee shall either be
10 admitted back to work under the same terms and conditions prevailing prior to his
11 dismissal or separation or, at the option of the employer, merely reinstated in the
12 payroll. **IN CASE THE EMPLOYER SHALL OPT FOR PAYROLL**
13 **REINSTATEMENT, THE DISMISSED EMPLOYEE SHALL BE PAID**
14 **HIS SALARIES/WAGES AND OTHER BENEFITS DURING THE**
15 **PENDENCY OF THE APPEAL IN THE COMMISSION.** The posting of a
16 bond by the employer shall not stay the execution of the reinstatement provided
17 herein.

18 "To discourage frivolous or dilatory appeals, the Commission or the Labor
19 Arbiter shall impose reasonable penalty, including fines or censures, upon erring
20 parties.

21 "In all cases, the appellant shall furnish a copy of the memorandum of
22 appeal to the other party who shall file an answer not later than ten (10) calendar
23 days from receipt thereof.

1 “The Commission shall decide all cases within [twenty (20)] **THIRTY**
2 **(30)** calendar days from receipt of the answer of the appellee. The decision of the
3 Commission shall be final and executory after ten (10) calendar days from receipt
4 thereof by the parties. **IN CASE A MOTION FOR RECONSIDERATION IS**
5 **FILED, THE DECISION SHALL BE EXECUTORY AFTER TEN (10)**
6 **CALENDAR DAYS FROM RECEIPT OF THE RESOLUTION OF SUCH**
7 **MOTION.**

8 “ Any law enforcement agency may be deputized by the Secretary of Labor
9 and Employment or the Commission in the enforcement of decisions, awards, or
10 orders.”

11
12 **SEC. 2.** Article 224 of P.D. 442, as amended, is hereby amended to read as follows:

13 “Article 224. Execution of Decisions, Orders or Awards. -

14 **A) DECISIONS, RESOLUTIONS OR AWARDS OF THE**
15 **COMMISSION, EXCEPT THOSE ON CERTIFIED CASES,**
16 **SHALL BE APPEALABLE ONLY TO THE SUPREME COURT ON**
17 **CERTIORARI UNDER RULE 65 OF THE RULES OF COURT**
18 **SOLELY ON QUESTIONS OF LAW OR JURISDICTION.**

19 “[(a)] **(B)** The Secretary of Labor and Employment or any Regional
20 Director, the Commission or any Labor Arbiter, or Med-Arbiter or
21 Voluntary Arbitrator or panel of Voluntary Arbitrators may, *motu proprio*
22 or on motion of any interested party, issue a writ of execution on a
23 judgment within five (5) years from the date it becomes final and
24 executory, requiring a sheriff or a duly deputized officer to execute or

1 enforce final decisions, orders or awards of the Secretary of Labor and
2 Employment or Regional director, the Commission, the Labor Arbiter or
3 Med-Arbiter, or Voluntary Arbitrator or panel of Voluntary Arbitrators.

4 In any case, it shall be the duty of the responsible officer to separately
5 furnish immediately the counsels-of-record and the parties with copies of
6 said decisions, orders or awards. Failure to comply with the duty
7 prescribed herein shall subject such responsible officer to appropriate
8 administrative sanctions.

9 "[(b)] (C) The Secretary of Labor and Employment, and the Chairman of
10 the Commission may designate special sheriffs and take any measure
11 under existing laws to ensure compliance with their decisions, orders or
12 awards and those of Labor Arbiters and Voluntary Arbitrators or panel of
13 Voluntary Arbitrators, including the imposition of administrative fines
14 which shall not be less than Five hundred pesos (P500.00) nor more than
15 Ten thousand pesos (P10, 000.00)."

16
17 **SEC. 3.** If any provision of this Act is declared unconstitutional, the same shall not
18 affect the validity and effectivity of the other provisions thereof.

19
20 **SEC. 4.** All laws, executive orders, presidential decrees, presidential proclamations,
21 rules and regulations or any part thereof inconsistent with the provisions of this Act are hereby
22 repealed or modified accordingly.
23

1 **SEC. 5.** This Act shall take effect fifteen (15) days after its complete publication in the
2 *Official Gazette* or in at least two (2) newspapers of national circulation.

Approved.