

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

16<sup>th</sup> Congress  
First Regular Session

HOUSE BILL NO. **4529**



---

Introduced by: **HON. KARLO ALEXEI B. NOGRALES**

---

**EXPLANATORY NOTE**

The 1987 Constitution of the Philippines specifically provides: "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies." This provision contemplates not only the speedy disposition of cases within a particular judicial, quasi-judicial or administrative body, but speedy disposition of cases in its entirety, *i.e.* from filing of a case to the lower court (court of origin) up to the final review by the higher court.

Prior to the ruling of the Supreme Court in the case of *St. Martin Funeral Homes vs. NLRC*, dated 16 September 1998, decisions of the NLRC in the exercise of its appellate jurisdiction was directly reviewable by the Supreme Court via Petition for Certiorari. The Supreme Court in said case came out with a ruling that, "judicial review" over decisions of the NLRC shall first be lodged before the Court of Appeals.

It is apparent that the purpose of the Supreme Court in the said case was to de-clog its docket. However, this is a clear case of "judicial legislation" since the Court itself acknowledged in the same aforesaid case that: "*In fine, Congress did intend to provide for judicial review of the adjudications of the NLRC in labor cases by the Supreme Court, but there was an inaccuracy in the term used for the intended mode of review. x x x.*"

This will now clearly put into law the accurate "intended mode of review" of NLRC decisions directly with the Supreme Court.

Significantly, with the reforms implemented by the Department of Labor and Employment (DOLE) on Single-Entry Approach (SEnA) and Project Speedy and Efficient Delivery of Labor Justice (SpeED), majority of labor cases are now finally settled and decided at the level of the Regional Arbitration Branches and Commission Proper. But with the present set-up of three (3) stages/level of appeal/review of labor cases, the mandate of providing speedy labor justice will still be negated particularly for lowly workers who could ill afford a protracted, costly and frustrating litigation before another level of appellate body. This additional layer of appeal affects the whole workforce in the country, including the overseas contract workers, agricultural workers and domestic helpers.

Notably, from 2009-2013, of the total 63,000 or 12,600 average cases decided per year by the Commission Proper, only 5,844 or 1,168 average cases are appealed to the Court of Appeals. Thus, only 9% of the decisions of the Commission Proper are appealed to the Court of Appeals. Of this 1,168 average cases appealed to the Court of Appeals per year, 980 average cases are also appealed to the Supreme Court. Comparatively, of 12,600 cases decided by the Commission Proper, 11,432 or 91% attained finality in the Commission level, on the other hand, of 1,168 cases decided by the Court of Appeals, only 188 or 16% attained finality in the Court of Appeals level, hence, the remaining 980

or 84% are still appealed to the Supreme Court for final decision. In effect, had decisions of the Commission Proper been directly appealable to the Supreme Court by way of Petition for Certiorari, the 9% appealed/reviewed decisions of the Commission Proper or the 84% appealed/reviewed decisions of the Court of Appeals will be disposed of in a much shorter time by the Supreme Court with finality.

Interestingly, the process cycle time of appeal/review in the Commission Proper to the Court of Appeals and then to the Supreme Court is quite longer because of the different modes of appeal/review with different procedural requirements and periods. The decision of the Commission Proper is reviewable via Petition for Certiorari to the Court of Appeals under Rule 65 of the Rules of Court, and the decision of the Court of Appeals is reviewable via Petition for Review on Certiorari to the Supreme Court under Rule 45 of the Rules of Court. It must be noted that Rule 65 is a special civil actions governed by different procedural rules and requirements, while Rule 45 is an ordinary mode of appeal, also with different procedural rules and requirements. The procedural requirements and processes required by two (2) different modes of appeal before the case attains finality defeat the very purpose of the Constitution on speedy labor justice. This Bill will lessen the level of appeal/review and simplify the procedural requirements and processes.

Hence, early passage of the bill is hereby earnestly sought.



**KARLO ALEXEI B. NOGRALES**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

16<sup>th</sup> Congress  
First Regular Session

HOUSE BILL NO. **4529**

---

Introduced by: HON. KARLO ALEXEI B. NOGRALES

---

**AN ACT PROVIDING FOR APPEAL OF THE DECISIONS OF THE NATIONAL LABOR  
RELATIONS COMMISSION TO THE SUPREME COURT, AMENDING FOR THIS  
PURPOSE ARTICLES 223 AND 224 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED,  
OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES"**

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

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

"Article 223. Appeal. – Decisions, awards or orders of the Labor Arbiter are  
final and executory unless appealed to the Commission by any or both parties within  
ten (10) calendar days from receipt of such decisions, awards or orders. **NO  
APPEAL OR PETITION FROM THE DECISIONS, AWARDS OR ORDERS  
OF THE LABOR ARBITER SHALL BE ENTERTAINED BY ANY COURT  
OR AGENCY, EXCEPT BY THE COMMISSION.** Such appeal **OR PETITION**  
may be entertained only on any of the following grounds:

- (a) If there is prima facie evidence of abuse of discretion on the part of the Labor  
Arbiter;
- (b) If the decision, order or award was secured through fraud or coercion,  
including graft and corruption;
- (c) If made purely on questions of law; and
- (d) If serious errors in the findings of facts are raised which would cause grave or  
irreparable damage or injury to the appellant.

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

In any event, the decision of the Labor Arbiter reinstating a dismissed or  
separated employee insofar as the reinstatement aspect is concerned shall  
immediately be executory, even pending appeal. The employee shall either be  
admitted back to work under the same terms and conditions prevailing prior to his  
dismissal or separation or, at the option of the employer, merely reinstated in the  
payroll. The posting of a bond by the employer shall not stay the execution of the  
reinstatement provided herein.

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

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

The Commission shall decide all cases within twenty (20) calendar days from receipt of the answer of the appellee. The decision of the Commission shall be final and executory after ten (10) calendar days from receipt thereof by the parties.

Any law enforcement agency may be deputized by the Secretary of Labor and Employment or the Commission in the enforcement of decisions, awards or orders."

**SEC. 2.** Article 224 of PD 442, otherwise known as the Labor Code of the Philippines, as amended, is hereby further amended to read as follows:

**"Article 224. Execution of Decisions, Orders or Awards. – (A) DECISIONS, RESOLUTIONS OR AWARDS OF THE COMMISSION SHALL BE REVIEWABLE ONLY BY THE SUPREME COURT ON PETITION FOR CERTIORARI UNDER THE RULES OF COURT SOLELY ON QUESTIONS OF LAW OR JURISDICTION IN THE EXERCISE OF ITS POWERS UNDER PARAGRAPH (1) SECTION 5, ARTICLE VIII OF THE CONSTITUTION.**

**(B)** The Secretary of Labor and Employment or any Regional Director, the Commission or any Labor Arbiter, or Med-Arbiter or Voluntary Arbitrators may, motu proprio or on motion of any interested party, issue a writ of execution on a judgment within five (5) years from the date it becomes final and executor, requiring a sheriff or a duly deputized officer to execute or enforce final decisions, orders or awards of the Secretary of Labor and Employment or Regional Director, the Commission, the Labor Arbiter or Med-Arbiter or Voluntary Arbitrator or panel of Voluntary Arbitrators. In any case, it shall be the duty of the responsible officer to separately furnish immediately the counsels-of-record and the parties with copies of said decisions, orders or awards. Failure to comply with the duty prescribed herein shall subject such responsible officer to appropriate administrative sanctions.

**(C)** The Secretary of Labor and Employment, and the Chairman of the Commission may designate special sheriffs and take any measure under existing laws to ensure compliance with their decisions, orders or awards and those of Labor Arbiters and Voluntary Arbitrators or panel of Voluntary Arbitrators, including the imposition of administrative fines which shall not be less than five hundred pesos (P500.00) nor more than ten thousand pesos (P10,000.00)."

**SEC. 3. Separability Clause.** – All laws, decrees, executive orders, rules and regulations, or parts hereof inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

**SEC. 4. Effectivity Clause.** – This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,