

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



**SIXTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 4614**

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Introduced by  
**OFW Family Party-List Representative ROY V. SEÑERES**

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**EXPLANATORY NOTE**

This bill seeks to strengthen protection and to promote the welfare of labor pursuant to the relevant provisions of the 1987 Constitution of the Republic of the Philippines, to wit:

1. Section 18, Article II – “The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.”
2. Section 16, Article III – “All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.”
3. Section 5 (1), Article VIII – “The Supreme Court shall have the following powers –
  - (1) Exercise original jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, *quo warranto*, and habeas corpus.”
4. Section 3, Article XIII – “The State shall afford full protection to labor, local and overseas, organized and

unorganized, and promote full employment and equality of employment opportunities for all."

Article 3 (Declaration of basic policy) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, states that:

"The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relation between worker and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just humane conditions of work."

Also, Section 9 (3) of Republic Act No. 7902, which took effect on 18 March 1995, provides that:

"SEC. 9. Jurisdiction. – The Court of Appeals shall exercise:

(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the Labor Code of the Philippines under Presidential Decree No. 442, as amended, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948."

In conformity with the foregoing considerations, there is urgency and every reason to amend Article 223 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, so as to implement the clear and unambiguous

intent of paragraph (3), Section 9 of Republic Act No. 7902 which took effect on 18 March 1995, as quoted above.

The enactment into law of this proposed bill will greatly speed up the disposition of labor disputes by eliminating one layer in the adjudication of such disputes.

Therefore, immediate and preferential approval of this bill is urgently requested.



**ROY VILLAREAL SEÑERES**

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**AN ACT**  
**PRESCRIBING THE ONLY MODE OF JUDICIAL REVIEW FROM**  
**THE DECISIONS, RESOLUTIONS, ORDERS, OR AWARDS OF**  
**THE NATIONAL LABOR RELATIONS COMMISSION BEFORE**  
**THE SUPREME COURT OF THE PHILIPPINES THROUGH A**  
**PETITION FOR CERTIORARI UNDER RULE 65 OF THE RULES**  
**OF COURT, AMENDING FOR THE PURPOSE ARTICLE 223 OF**  
**P.D. NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE**  
**LABOR CODE OF THE PHILIPPINES, AND FOR OTHER**  
**PURPOSES**

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

**SECTION 1.** Article 223 of P.D. No. 442, as amended,  
otherwise known as the Labor Code of the Philippines, is hereby  
further amended to read as follows:

“Art. 223. Appeal AND PETITION FOR CERTIORARI. –  
Decisions, RESOLUTIONS, 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, RESOLUTIONS, awards,

or orders. Such appeal 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 Arbiters;

(b) If the decision, RESOLUTION, order or award was secured through fraud or coercion, including graft and corruption;

(c) If made purely on question 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 a judgment involving a 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 OR RESOLUTION 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 for reinstatement provided herein.

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

The Commission shall decide all cases within twenty (20) calendar days from receipt of the answer of the appellee. The decision OR RESOLUTION of the Commission shall be final and executory after ten (10) calendar days from receipt thereof by the parties, UNLESS A TIMELY PETITION FOR CERTIORARI SHALL HAVE BEEN FILED BY THE AGGRIEVED PARTY BEFORE THE SUPREME COURT UNDER RULE 65 OF THE RULES OF COURT ON QUESTION OF LAW OR JURISDICTION PURSUANT TO ITS MANDATED POWERS UNDER PARAGRAPH (1), SECTION 5, ARTICLE VIII, OF THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

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

**SEC. 2. Repealing Clause.** – Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, and all other acts, laws, executive orders, presidential issuances,

rules and regulations or any part thereof which are inconsistent herewith are hereby deemed repealed or modified accordingly.

**SEC. 3.** *Separability Clause.* - If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

**SEC. 4.** *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes first.

Approved,