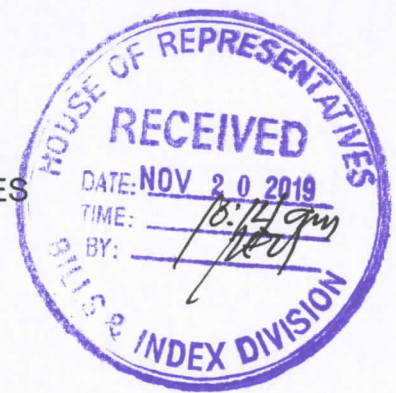


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 5556



Introduced by: Hon. Jericho Jonas 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 body." 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 dockets. However, this is a clear case of "judicial legislation" since the Court itself acknowledged in the same afforested case that: "*In fine, Congress did intend to provide for judicial review of the adjudication 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.*"

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

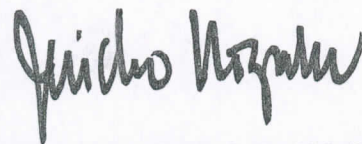
Significantly, with the reforms implemented by the Department of Labor and Employment (DOLE), on Single-Entry Approach (SEnA) and Project Speedy and Efficient Delivery of Labor Justice (SpedED), majority of labor cases are now finally settled and decided at the level of the Regional Arbitration Branches 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 decision 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/review decisions of the Commission Proper or 84% appealed/review 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 45 is a special civil actions governed by different procedural rules and requirements. The procedural requirements and process 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 requirement and processes.

Hence, early passage of this bill hereby earnestly sought.



JERICHO JONAS B. NOGRALES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 5556

Introduced By: Hon. Jericho Jonas B. Nograles

AN ACT PROVIDING FOR THE REMEDY OF FILING A PETITION FOR CERTIORARI TO THE SUPREME COURT TO REVIEW THE DECISIONS OF THE NATIONAL LABOR RELATIONS COMMISSION (NLRC), AMENDING FOR THE 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 the House of Representatives of the Philippines in Congress assembled:

Section 1. Article 223 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines" is hereby further amended to as follows:

"Art. 223 *Appeal*; **PETITION FOR CERTIORARI.** – Decisions, **RESOLUTIONS**, awards or order 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 order. **NO APPEAL OR PETITION FROM THE DECISIONS, RESOLUTIONS, 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, **RESOLUTION**, order or award was secured through fraud or coercion, including graft and corruption;

"(c.) If made purely on question of laws; 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 judgement 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 judgement 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 employers 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.

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

"DECISIONS, RESOLUTIONS, ORDERS, 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 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES."

Section 2. Article 224 of the same Code, as amended, is hereby further amended to read as follows:

“Art. 224. Execution of decision, **RESOLUTION**, orders, or awards. –

“(a.) The Secretary of Labor and Employment or any Regional Director, the Commission or any Labor Arbiter or Med-Arbiter, or the voluntary arbiter or panel of voluntary may, *motu proprio* or in motion of any interested party, issue a writ of execution on a judgement within five (5) years from the date it becomes final and executory, requiring a sheriff or a duly deputized officer to execute or enforce final decisions, **RESOLUTION**, orders, or awards of the Secretary of Labor and Employment or Regional Director, the Commission, or 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, **RESOLUTIONS**, orders or awards. Failure to comply with the duty prescribed herein shall subject such responsible officer to appropriate administrative sanctions.

“(b.) The Secretary of Labor and Employment, and the Chairman of the Commission may designate special sheriffs and take any measures under existing law to ensure compliance with their decisions, **RESOLUTIONS**, orders or awards and those of Labor Arbiter and voluntary arbitrator or panel of voluntary arbitrators, including the imposition of administrative fines which shall not less than Five Hundred Pesos (P500.00) nor more than Ten Thousand Pesos (P10,000.00).”

Section 3. Presidential Decree No. 442, as amended, otherwise known as the “Labor Code of the Philippines”, and all other laws, decrees, orders, rules and regulations, and other issuances or part thereof which are consistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 4. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved.