



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. **8661**

Introduced by Representative Margarita “Atty. Migs” B. Nograles

EXPLANATORY NOTE

This bill seeks to provide for the remedy of filing a Petition for Certiorari directly to the Supreme Court, without undergoing a similar process to the Court of Appeals, to review the decisions of the National Labor Relations Commission (NLRC), amending Presidential Decree No. 442, as amended, otherwise known as the “*Labor Code of the Philippines*.”

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 a speedy disposition of cases in its entirety, from the filing of a case to the lower court or 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 v. NLRC*, dated 16 September 1998, decisions of the NLRC in the exercise of its appellate jurisdiction were directly reviewable by the Supreme Court by a 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 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), the 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 or levels of appeal or 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 cases decided per year by the Commission Proper, only 5,844 or 1,168 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 the 1,168 cases appealed to the Court of Appeals per year, an average number of 980 cases are also appealed to the Supreme Court. Comparatively, of the 12,600 cases decided by the Commission Proper, 11,432 cases or 91% attained finality in the Commission level. On the other hand, of the 1,168 cases decided by the Court of Appeals, only 188 cases 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 or reviewed decisions of the Commission Proper or 84% appealed or 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 or 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 or review with different procedural requirements and periods. The decision of the Commission Proper is reviewable by a 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 by a Petition for Review on Certiorari to the Supreme Court under Rule 45 of the Rules of Court. It must be noted that Rule 45 of the Rules of Court is a special

civil action governed by 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 or review and simplify the procedural requirements and processes.

In view of the foregoing, the early passage of this bill is hereby earnestly sought.


MARGARITA "ATTY. MIGS" B. NOGRALES



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 8661

Introduced by Representative Margarita “Atty. Migs” 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,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442,
OTHERWISE KNOWN AS THE “LABOR CODE OF THE
PHILIPPINES,” AS AMENDED**

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

SECTION 1. Article 229 of Presidential Decree No. 442, as amended, is
hereby further amended to read as follows:

“Art. 229 Appeal. - 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.

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

3 “(a) If there is *prima facie* evidence of abuse of discretion on
4 the part of the Labor Arbiter;

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

7 “(c) If made purely on question of laws; and

8 “(d) If serious errors in the findings of facts are raised which
9 would cause grave or irreparable damage or injury to the appellant.

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

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

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

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

7 “The Commission shall decide all cases within twenty (20)
8 calendar days from receipt of the answer of the appellee.

9 “The decision **OR RESOLUTION** of the Commission shall be
10 final and executory after ten (10) calendar days from receipt thereof
11 by the parties.

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

15 SEC. 2. A new article denominated as Article 229-A is inserted after
16 Article 229 of Presidential Decree No. 442, as amended, to read as follows:

17 **“ARTICLE 229-A. PETITION FOR CERTIORARI. –**
18 **DECISIONS, RESOLUTIONS, ORDERS, OR AWARDS OF**
19 **THE COMMISSION SHALL BE REVIEWABLE ONLY BY**
20 **THE SUPREME COURT ON PETITION FOR CERTIORARI**
21 **UNDER THE RULES OF COURT SOLELY ON QUESTIONS**
22 **OF LAW OR JURISDICTION.”**

SEC. 3. 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.

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

Approved,