



HOUSE OF REPRESENTATIVES

H. No. 5602

BY REPRESENTATIVES NOGRALES, SEÑERES AND PRIMICIAS-AGABAS, PER
COMMITTEE REPORT NO. 629

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 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:

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

4 "Art. 223. *Appeal; PETITION FOR CERTIORARI* -
5 Decisions, **RESOLUTIONS**, awards, or orders of the Labor Arbiter
6 are final and executory unless appealed to the Commission by any
7 or both parties within ten (10) calendar days from receipt of such
8 decisions, **RESOLUTIONS**, awards, or orders. **NO APPEAL OR**
9 **PETITION FROM THE DECISIONS, RESOLUTIONS, AWARDS, OR**
10 **ORDERS OF THE LABOR ARBITER SHALL BE ENTERTAINED BY**
11 **ANY COURT OR AGENCY, EXCEPT BY THE COMMISSION.** Such

1 appeal **OR PETITION** may be entertained only on any of the
2 following grounds:

3 “(a) If there is *prima facie* evidence of abuse of discretion
4 on 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 questions of law; and

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

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

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

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

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

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

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

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

12 **“DECISIONS, RESOLUTIONS, ORDERS, OR AWARDS OF THE**
13 **COMMISSION SHALL BE REVIEWABLE ONLY BY THE SUPREME**
14 **COURT ON PETITION FOR CERTIORARI UNDER THE RULES OF**
15 **COURT SOLELY ON QUESTIONS OF LAW OR JURISDICTION IN**
16 **THE EXERCISE OF ITS POWERS UNDER PARAGRAPH (1) SECTION**
17 **5, ARTICLE VIII OF THE 1987 CONSTITUTION OF THE**
18 **REPUBLIC OF THE PHILIPPINES.”**

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

21 “Art. 224, *Execution of decisions, RESOLUTIONS, orders, or*
22 *awards.* –

23 “(a) The Secretary of Labor and Employment or any
24 Regional Director, the Commission or any Labor Arbiter or
25 Med-Arbiter, or the voluntary arbitrator or panel of voluntary
26 arbitrators may, *motu proprio* or on motion of any interested
27 party, issue a writ of execution on a judgment within five (5) years
28 from the date it becomes final and executory, requiring a sheriff or

1 a duly deputized officer to execute or enforce final decisions,
2 **RESOLUTIONS**, orders or awards of the Secretary of Labor and
3 Employment or Regional Director, the Commission, or the Labor
4 Arbiter or Med-Arbiter, or voluntary arbitrator or panel of
5 voluntary arbitrators. In any case, it shall be the duty of the
6 responsible officer to separately furnish immediately the counsels
7 of record and the parties with copies of said decisions,
8 **RESOLUTIONS**, orders or awards. Failure to comply with the duty
9 prescribed herein shall subject such responsible officer to
10 appropriate administrative sanctions.

11 “(b) The Secretary of Labor and Employment, and the
12 Chairman of the Commission may designate special sheriffs and
13 take any measure under existing laws to ensure compliance with
14 their decisions, **RESOLUTIONS**, orders or awards and those of
15 Labor Arbiters and voluntary arbitrators or panel of voluntary
16 arbitrators, including the imposition of administrative fines which
17 shall not be less than Five hundred pesos (P500.00) nor more than
18 Ten thousand pesos (P10,000.00).”

19 SEC. 3. Presidential Decree No. 442, as amended, otherwise known as
20 the “Labor Code of the Philippines”, and all other laws, decrees, orders, rules
21 and regulations and other issuances or parts thereof which are inconsistent
22 with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,

O