



HOUSE OF REPRESENTATIVES

H. No. 7973

BY REPRESENTATIVES NOGRALES (K.A.), NOGRALES (J.J.), TING,
GO (M.), MENDOZA, UNABIA, VILLARIN, TAMBUNTING,
BELMONTE (R.) AND NIETO, PER COMMITTEE REPORT NO. 802

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 229 AND 230 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 229 of the "Labor Code of the Philippines"
2 is hereby further amended to read as follows:

3 "ART. 229. *Appeal; PETITION FOR CERTIORARI.* -
4 Decisions, RESOLUTIONS, awards[,] or orders of the
5 Labor Arbiter are final and executory unless appealed to
6 the Commission by any or both parties within ten (10)
7 calendar days from receipt of such decisions,
8 RESOLUTIONS, awards[,] or orders. NO APPEAL OR
9 PETITION FROM THE DECISIONS, RESOLUTIONS, AWARDS

1 OR ORDERS OF THE LABOR ARBITER SHALL BE
2 ENTERTAINED BY ANY COURT OR AGENCY EXCEPT BY THE
3 COMMISSION. Such appeal OR PETITION may be
4 entertained only on any of the following grounds:

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

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

10 “(c) If made purely on questions of law; and

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

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

20 “In any event, the decision OR RESOLUTION of the
21 Labor Arbiter reinstating a dismissed or separated
22 employee, insofar as the reinstatement aspect is
23 concerned, shall immediately be executory, even pending
24 appeal. The employee shall either be admitted back to
25 work under the same terms and conditions prevailing
26 prior to his dismissal or separation or, at the option of
27 the employer, merely reinstated in the payroll. The

1 posting of a bond by the employer shall not stay the
2 execution for reinstatement provided herein.

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

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

11 "The Commission shall decide all cases within
12 twenty (20) calendar days from receipt of the answer of
13 the appellee.

14 "The decision OR RESOLUTION of the Commission
15 shall be final and executory after ten (10) calendar days
16 from receipt thereof by the parties.

17 "Any law enforcement agency may be deputized by
18 the Secretary of Labor and Employment or the
19 Commission in the enforcement of decisions,
20 RESOLUTIONS, awards[,] or orders.

21 "DECISIONS, RESOLUTIONS, ORDERS OR AWARDS
22 OF THE COMMISSION SHALL BE REVIEWABLE ONLY BY
23 THE SUPREME COURT ON PETITION FOR *CERTIORARI*
24 UNDER THE RULES OF COURT SOLELY ON QUESTIONS OF
25 LAW OR JURISDICTION IN THE EXERCISE OF ITS POWERS
26 UNDER PARAGRAPH (1), SECTION 5, ARTICLE VIII OF
27 THE 1987 CONSTITUTION OF THE REPUBLIC OF THE
28 PHILIPPINES."

1 SEC. 2. Article 230 of the same Code is hereby further
2 amended to read as follows:

3 "ART. 230. *Execution of decisions, RESOLUTIONS,*
4 *orders[.] or awards. -*

5 "(a) The Secretary of Labor and Employment or
6 any Regional Director, the Commission or any Labor
7 Arbiter or Med-Arbiter[.] or the voluntary arbitrator or
8 panel of voluntary arbitrators may, *motu proprio* or on
9 motion of any interested party, issue a writ of execution
10 on a judgment within five (5) years from the date it
11 becomes final and executory, requiring a sheriff or a duly
12 deputized officer to execute or enforce final decisions,
13 RESOLUTIONS, orders or awards of the Secretary of
14 Labor and Employment or Regional Director, the
15 Commission[.] or the Labor Arbiter or Med-Arbiter, or
16 voluntary arbitrator or panel of voluntary arbitrators. In
17 any case, it shall be the duty of the responsible officer to
18 separately furnish immediately the counsels of record
19 and the parties with copies of said decisions,
20 RESOLUTIONS, orders or awards. Failure to comply with
21 the duty prescribed herein shall subject such responsible
22 officer to appropriate administrative sanctions.

23 "(b) The Secretary of Labor and Employment, and
24 the Chairman of the Commission may designate special
25 sheriffs and take any measure under existing laws to
26 ensure compliance with their decisions, RESOLUTIONS,
27 orders or awards and those of Labor Arbiters and

1 voluntary arbitrators or panel of voluntary arbitrators,
2 including the imposition of administrative fines which
3 shall not be less than five hundred pesos (P500.00) nor
4 more than ten thousand pesos (P10,000.00).”

5 SEC. 3. If any part or provision of this Act is declared
6 unconstitutional or invalid, the remainder of this Act or the
7 provisions not otherwise affected shall remain valid and subsisting.

8 SEC. 4. All laws, presidential decrees, proclamations,
9 executive orders, issuances, rules and regulations or parts thereof
10 inconsistent with the provisions of this Act are hereby repealed,
11 amended or modified accordingly.

12 SEC. 5. This Act shall take effect fifteen (15) days after its
13 complete publication in the *Official Gazette* or in a newspaper of
14 national circulation.

 Approved,

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