



HOUSE OF REPRESENTATIVES

H. No. 372

BY REPRESENTATIVES BARINAGA AND CHUNGALAO

AN ACT PROVIDING FOR RELIEFS FROM AND EXECUTION OF FINAL DECISIONS AND AWARDS OF THE NATIONAL LABOR RELATIONS COMMISSION AND THE LABOR ARBITERS, 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 amended to
3 read as follows:

4 “ART. 223. *Appeal.* – Decisions, awards, or orders of the
5 Labor Arbiter are final and executory unless appealed to the
6 Commission by any or both parties within ten (10) calendar days
7 from receipt of such decisions, awards, or orders. Such appeal may
8 be entertained only on any of the following grounds:

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

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

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

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

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

14 “**In any event, the decision of the Labor Arbiter reinstating a**
15 **dismissed or separated employee, insofar as the reinstatement**
16 **aspect is concerned, shall immediately be executory, even pending**
17 **appeal. The employee shall either be admitted back to work under**
18 **the same terms and conditions prevailing prior to his dismissal or**
19 **separation or, at the option of the employer, merely reinstated in**
20 **the payroll. IN CASE THE EMPLOYER SHALL OPT FOR PAYROLL**
21 **REINSTATEMENT, THE DISMISSED EMPLOYEE SHALL BE PAID HIS**

1 **SALARIES/WAGES AND OTHER BENEFITS DURING THE PENDENCY**
2 **OF THE APPEAL IN THE COMMISSION.** The posting of a bond by
3 the employer shall not stay the execution for reinstatement
4 provided herein.

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

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

11 “The Commission shall decide all cases within [twenty (20)]
12 **THIRTY (30)** calendar days from receipt of the answer of the
13 appellee. The decision of the Commission shall be final and
14 executory after ten (10) calendar days from receipt thereof by the
15 parties. **IN CASE A MOTION FOR RECONSIDERATION IS FILED,**
16 **THE DECISION SHALL BE EXECUTORY AFTER TEN (10) CALENDAR**
17 **DAYS FROM RECEIPT OF THE RESOLUTION OF SUCH MOTION.**

18 “Any law enforcement agency may be deputized by the
19 Secretary of Labor and Employment or the Commission in the
20 enforcement of decisions, awards, or orders.”

1 SEC. 2. Article 224 of Presidential Decree No. 442, as amended, is
2 hereby amended to read as follows:

3 “ART. 224. *Execution of Decisions, Orders, or Awards.* –

4 “(A) DECISIONS, RESOLUTIONS OR AWARDS OF THE
5 COMMISSION, EXCEPT THOSE ON CERTIFIED CASES, SHALL BE
6 APPEALABLE ONLY TO THE SUPREME COURT ON *CERTIORARI*
7 UNDER RULE 65 OF THE RULES OF COURT SOLELY ON
8 QUESTIONS OF LAW OR JURISDICTION.

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

1 the duty prescribed herein shall subject such responsible officer to
2 appropriate administrative sanctions.

3 “[(b)] (c) The Secretary of Labor and Employment, and the
4 Chairman of the Commission may designate special sheriffs and
5 take any measure under existing laws to ensure compliance with
6 their decisions, orders or awards and those of Labor Arbiters and
7 Voluntary Arbitrators or panel of Voluntary Arbitrators, including
8 the imposition of administrative fines which shall not be less than
9 Five hundred pesos (P500.00) nor more than Ten thousand pesos
10 (P10,000.00).”

11 SEC. 3. If any provision of this Act is declared unconstitutional, the
12 same shall not affect the validity and effectivity of the other provisions hereof.

13 SEC. 4. All laws, executive orders, presidential decrees, presidential
14 proclamations, rules and regulations or any part thereof inconsistent with the
15 provisions of this Act are hereby repealed or modified accordingly.

16 SEC. 5. This Act shall take effect fifteen (15) days after its complete
17 publication in the *Official Gazette* or in at least two newspapers of national
18 circulation.

Approved,