# AMENDING CERTAIN PROVISIONS OF THE NEW RULES OF PROCEDURE OF THE NATIONAL LABOR RELATIONS COMMISSION

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Pursuant to the provisions of Article 218 of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, the National Labor Relations Commission, sitting en banc, RESOLVED TO ADOPT AND PROMULGATE, as it hereby adopts and promulgate, the following amendments to the NEW RULES OF PROCEDURE OF THE NATIONAL LABOR RELATIONS COMMISSION:

1. Sections 1, 2, and 3 of Rule 1 are hereby amended to read as follows:

SECTION 1. Title of the Rules. — These Rules shall be known as the Rules of Procedure of the National Labor Relations Commission.

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines and OTHER RELEVANT LEGISLATIONS, and to assist the parties in obtaining just, expeditious and inexpensive settlement of labor disputes.

SECTION 3. Suppletory Application of Rules of Court. — In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Labor Code, the pertinent provisions of the Revised Rules of Court of the Philippines may, in the interest of expeditious labor justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

2. The last paragraph of Section 1, Rule II is hereby amended to read as follows:

As used herein, "Regional Arbitration Branch" shall mean any of the regional arbitration branches, OR sub-regional branches of the Commission.

3. The title of Rule III is hereby amended to read as follows:

## RULE III- PLEADINGS, NOTICES AND APPEARANCES

4. Sections 1, 2, 3, 4, 5, 6, 7 and 6 of Rule III are hereby renumbered as Sections 2, 3. 4, 5; 6, 7, 8 and 9 respectively and the new Section 1 shall read as follows:

SECTION 1. Complaint. — a) Complaint is a pleading alleging the cause or causes of action of complainant/petitioner. The names of respondents must be stated in the complaint. It shall be signed under oath by the complainant/petitioner, with a declaration of non-forum shopping.

b) A party having more than one cause of action against the other party; arising out of the same relationship, shall INCLUDE all of them in one complaint or petition.

For this purpose, the complaint form duly approved by the Commission shall preferably be used for expediency.

5. Section 1 of Rule III is hereby amended to read as follows:
SECTION 2. Caption and Title. — In all cases filed WITH the Commission or WITH any of its Regional Arbitration Branches, the party initiating the action shall be called the "Complainant' or 'Petitioner', and the


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opposing party the 'Respondent.

The full names of all the real parties in interest, whether natural or judicial persons or entities authorized by law, shall be stated in the caption of the complaint or petition as well as in the decisions, RESOLUTIONS or ORDERS.

6. Section 2 of Rule III is hereby amended to read as follows:

SECTION 3. Issuance of Summons. — Within Two (2) DAYS FROM receipt of a case, the Labor Arbiter shall issue the required summons, attaching thereto a copy of the complaint/petition and supporting documents; if any. The summons, together with a copy of the complaint, shall specify the date, time and place of the conciliation and mediation conference in two (2) settings.

7. Section 3 of Rule III is hereby amended to read as follows:

SECTION 4. Prohibited Pleadings & Motions. — The following pleadings, motions or petitions shall not be allowed in the cases covered by these Rules:

a) Motion to Dismiss the complaint except on the ground of lack of jurisdiction over the Subject Matter, Improper Venue, Res Adjudicate, Prescription and forum shopping;

b) Motion for a Bill of Particulars; .

c) Motion for New Trial or Motion for Reconsideration of Judgment or Order of the Labor Arbiter;

d) Petition for Relief from Judgment when filed with the labor arbiter;

e) Petition for Certiorari, Mandamus or Prohibition;

f) Motion to Declare Respondent in Default.

8. Paragraph (a) of Section 5, Rule III is hereby amended to read as follows:

SECTION 6. Service of Notices and Resolutions. — a) Notices or summonses and copies of orders, shall be served on the parties to the case personally by the bailiff or duly authorized public officer within three (3) days from receipt thereof or by registered mail; provided that in special circumstances, service of summons may be effected in accordance with the pertinent provisions of the Rules of Court; Provided further, that in cases of decisions and final awards, copies thereof shall be served on both parties and their counsel/representative by registered mail; provided further that in cases where a party to a case or his counsel on record personally seeks service of the decision upon inquiry thereon, service to said party shall be deemed effected upon actual receipt thereof; provided finally, that where parties are so numerous; service shall be made on counsel and upon such number of complainants; as may be practicable, which shall be considered substantial compliance with Article 224 (a) of the Labor Code, as amended.

For purposes of appeal, the period shall be counted from receipt of such decisions, resolutions, or orders by the counsel/representative of record.

9. The first and second paragraphs of Section 7, Rule III are hereby amended to read as follows:

SECTION 8. Appearances. — An attorney appearing for a party is presumed to be properly authorized for that purpose. However, he shall be required to indicate in his pleadings his PTA and IBP numbers for the current year.

A non-lawyer may appear before the Commission or any Labor Arbiter only if: a) he represents himself as party to the case;


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b) he represents a Legitimate Labor organization, as defined under Articles 222 and 242 of the Labor Code, as amended or its members, provided, that he shall be made to present a verified certification from said organization that he is properly authorized, or;

c) he is a duly-accredited member of any legal aid office duly recognized by the Department of Justice or Integrated Bar of the Philippines.

10. Paragraphs (a) and (e) of Section 1, Rule Ware hereby amended to read as follows:

SECTION 1. VENUE. — a) All cases which Labor Arbiters have authority, to hear and decide may be filed in the Regional Arbitration Branch having jurisdiction over the workplace of the complainant/petitioner.

For purposes of venue, workplace shall be understood as the place or locality, where the employee is regularly assigned when the cause of action arose. It shall include the place where the employee is supposed to report back after a temporary detail, assignment, or travel. In the case of field employees, as well as ambulant or itinerant workers, their workplace is where they are regularly , assigned, or where they are supposed to regularly receive their salaries/wages or work instructions from, and report the results of their assignment to, their employers.

b) . . .

c) When improper venue is not objected to before the filing of position papers, such ISSUE shall be deemed waived.

d) . . .

11. Section 3 of Rule IV is hereby amended to read as follows:

SECTION 3. Consolidation of Cases/Complaints. — Where there are to more ; cases/complaints pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and common principal causes of action or the same parties with different causes of action, the subsequent cases/complaints shall be consolidated with the first to avoid unnecessary costs or delay. Such consolidated cases/complaints shall be disposed of by the Labor Arbiter to whom the first case was assigned.

In case of objection to the consolidation, the same shall be resolved by the Executive Labor Arbiter. An order resolving the motion shall be in appealable.

12. The second paragraph of Section 4, Rule IV is hereby amended to read as follows.
When the Secretary: of Labor and Employment has assumed jurisdiction over a strike or lockout dispute or certified the same to the Commission, the parties to such dispute shall immediately inform the Secretary or the. Commission; as the case may be, of all cases directly related to the disputes between them pending before any Regional Arbitration Branch, and the Labor Arbiter handling the same of such assumption or certification. The Labor Arbiter concerned shall forward within two (2) days from notice the entire records of the case to the Commission or to the Secretary of Labor, as the case may be, for proper disposition.

13. Section 1 of Rule V is hereby amended to read as follows:

SECTION 1. Jurisdiction of Labor Arbiters. — Labor Arbiters shall have original and exclusive jurisdiction to hear and decide all cases involving all workers, whether agricultural or non-agricultural, as well as claims of overseas Filipino Workers provided for by law.

14. Section 2 of Rule V is hereby amended to read as follows:

SECTION 2. Mandatory Conciliation/Mediation Conference. — Within two (2) days from receipt of an assigned


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case, the Labor Arbiter shall issue the summons to the parties for a conference, for the purpose of amicably settling the case upon a fair compromise, determining the real parties in interest, defining and simplifying the issues in the case, entering into admissions or stipulations of facts and threshing out all other preliminary matters.

Conciliation and mediation efforts shall be exerted by the labor arbiters all throughout the proceedings. Should the parties arrive at any agreement as to the whole or any part of the dispute, the same shall be reduced to writing and signed by the parties and their respective counsel, or authorized representative, if any, before the Labor Arbiter.

The settlement shall be approved by the Labor Arbiter after being satisfied that it was voluntarily entered into by the parties and after having explained to them the terms and consequences thereof. A compromise agreement entered into by the parties not in the presence of the Labor Arbiter before whom the case is pending shall be approved by him, if after, confronting the parties, particularly the complainants, he is satisfied that they understand the terms and conditions of the settlement and that it was entered into freely and voluntarily by them and the agreement is not contrary to law, morals, and public policy.

A compromise agreement duly entered into in accordance with this Section shall be final and binding upon the parties and the Order approving it shall have the effect of a judgment rendered by the Labor Arbiter. Should the parties fail to agree upon an amicable settlement, either in whole or in part, during the conferences, the Labor Arbiter shall issue an order stating therein the matters taken up and agreed upon during the conference/s and directing the parties to simultaneously fits their respective verified position papers.

The mandatory conferences shall, except for justifiable grounds, be terminated within thirty (30) calendar days from the date of the first conference.

No motion for postponement shall be entertained except on meritorious grounds. Non-appearance of the complainant/s during the two (2) scheduled hearings for mediation/conciliation conference shall be a ground for the dismissal of the case without prejudice.

In case of non-appearance of the respondents during the first conference, a second conference shall proceed: Non-appearance of the respondent during the second conference shall immediately terminate the mandatory conciliation/mediation conference. The complainant shall thereupon be allowed to file his position paper as well as submit evidence in support of his cause or causes of action after which, the Labor Arbiter shall render his decision on the basis of the evidence on record.

15. Sections 3, 4, 5, 6, 7; 9, 10, 14, 16, 17, 18 and 19 of Rule V are hereby renumbered as Sections 4 5, 13, 11, 12, 6, 7, 16, 9, 3. 14 and 15 respectively.

16. Section 3 of Rule V is hereby amended to read as follows:

SECTION 4. Submission of Position Papers / Memoranda. — Without prejudice to the provisions of the last paragraph, Section 2 of this Rule, the Labor Arbiter shall direct both parties to submit simultaneously their position papers with supporting documents and affidavits within an inextendible period of ten (10) days from notice of termination of the mandatory conference.

These verified position papers to be submitted shall cover only those claims and causes of action raised in the complaint excluding those that may have been amicably settled, and shall be accompanied by all supporting documents including the affidavits of their respective witnesses which shall take the place of the latter's direct testimony. The parties shall thereafter not be allowed to allege facts, or present evidence to prove facts, not referred to and any cause or causes of action not included in the complaint or position papers, affidavits and other documents.

17. Section 4 of Rule V is hereby amended to read as follows.
SECTION 5. Determination of Necessity of Hearing. — Immediately, after the submission by the parties of their position papers/memoranda the Labor Arbiter shall, motu proprio determine whether there is a need for a formal trial or hearing. At this stage, he may, at his discretion and for the purpose of making such determination, ask clarificatory questions to further elicit facts or information, including but not limited to the subpoena of relevant documentary evidence, if any, from any party or witness.

18. Section 5 of Rule V is hereby amended to read as follows:
SECTION 13. Period to Decide Case. — The Labor Arbiter shall render his decision within thirty (30) calendar days, without extension, after the submission of the case by the parties for decision, even in the absence of stenographic notes: Provided however, that cases involving Overseas Filipino Workers shall be decided within ninety (90) calendar days after the filing of the complaint which shall commence to run upon acquisition by the Labor Arbiter of jurisdiction over the respondents.

19. Section 6 of Rule V is hereby amended to read as follows:
SECTION 11. Issuance of an Order Submitting the Case for Decision. — After the parties have submitted their position papers and supporting documents, and upon evaluation of the case the Labor Arbiter finds no necessity of further hearing, he shall issue an order expressly declaring the submission of the case for decision.

20. Section 7 of Rule V is hereby amended to read as follows:

SECTION 12. Inhibition. — A Labor Arbiter may voluntarily inhibit himself from the resolution of a case and shall so state in writing the legal justifications therefor. Upon motion of a party, either on the ground of relationship within the fourth civil degree of consanguinity or affinity with the adverse party or counsel, or on question of impartiality, the Labor Arbiter may inhibit himself from further hearing the case. Such motion shall be resolved within five (5) days from the filing thereof. An order DENYING OR GRANTING A MOTION FOR inhibition is not appealable.

21. Section 8 of Rule V is hereby transposed to Section 2 of the same rule and incorporated as part of its second paragraph.

22. Section 14 of Rule V is hereby amended to read as follows:
SECTION 16. Revival/Re-Opening or Re-Filing of Dismissed Case. — A party may file a motion to revive or re-open a case dismissed without prejudice; within ten (10) calendar days from receipt of notice of the order dismissing the same; otherwise, his only remedy shall be to re-file the case in the Arbitration Branch of origin.

23. Section 16 of Rule V is hereby amended to read as follows:

SECTION 9. Minutes of Proceedings. — The proceedings before a Labor Arbiter need not be recorded. He shall make a written summary of the proceedings, including the substance of the evidence presented, in consultation with the parties. The written summary shall be signed by the parties and shall form part of the records.

24. Section 17 of Rule V is hereby amended to read as follows:

SECTION 3. Motion to Dismiss. — On or before the date set for the conference, the respondent may file a motion to dismiss. Any motion to dismiss on the ground of lack of jurisdiction, improper venue, or that the cause of action is barred by prior judgment; prescription. or forum shopping, shall be immediately resolved by the Labor Arbiter by a written order. An order denying the motion to dismiss or suspending its resolution until the final determination of the case is not appealable.

25. Section 18 of Rule V is hereby amended to read as follows.


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SECTION 14. Contents of Decisions. — The decisions/orders of the Labor Arbiter shall be clear and concise and shall include a brief statement of the a) facts of the case; b) issues involved; c) applicable law or rules; d) conclusions and the reasons therefor, and e) specific remedy or relief granted. In cases involving monetary awards, the decisions or orders of the Labor Arbiter shall contain the amount awarded.

26. Section 19 of Rule V is hereby amended to read as follows.
SECTION 15. Motions for Reconsideration/Petition for Relief from Judgment. — No motions for reconsideration, petition for relief from judgment of any decision, Resolution or order of a Labor Arbiter shall be allowed. However, when one such motion For Reconsideration is filed; it shall be treated as an appeal provided that it complies with the requirements for perfecting an appeal. In the case of a petition for relief from judgment, the labor arbiter shall elevate the case to the commission for disposition.

27. Sections 11 and 12 of Rule V are hereby consolidated renumbered as Section 8 and amended to read as follows:

SECTION 8. Presentation of Evidence and Extent of Cross-Examination. — The Complainant (Petitioner shall be the first to present evidence to support his case.

In the cross-examination of witnesses, only relevant; pertinent and material questions necessary to enlighten the presiding Labor Arbiter shall be allowed.

28. Sections 13 and 14 of Rule V are hereby consolidated renumbered as Section 10 and amended to read as follows:

SECTION 10. Non-Appearance of Parties, and Postponement of Hearings. — a) Non-appearance at a hearing by the complainant or petitioner, who was duly notified thereof, may be sufficient cause to dismiss the case without prejudice. Where proper justification, however, is shown by proper motion to warrant the re-opening of the case, the Labor Arbiter shall call a second hearing and continue the proceedings until the case is finally decided. Dismissal of the case for the second time due to the unjustified non-appearance of the complainant or petitioner who was duly notified hereof shall be with prejudice.

b) In case of two (2) successive non-appearance by the respondent despite due notice during the complainants presentation of evidence, the complainant shall be allowed to present evidence exparte, WITHOUT PREJUDICE to cross-examination by the respondent at the next hearing. Upon completion of such presentation of evidence for the complainant, another notice of hearing for the reception of the respondents evidence shall be issued, with a warning that failure of the respondent to appear shall be construed as a waiver on his part to present evidence. In case of such non-appearance by the respondent, despite due notice, the case shall be considered submitted for decision on the basis of the evidence so far presented.

c) The parties and their counsel or representative appearing before a Labor Arbiter shall be prepared for continuous hearing. No postponements or continuances of hearings shall be allowed by the Labor Arbiter except upon meritorious grounds and subject always to the requirement of expeditious disposition of cases and the termination of hearings within ninety (90) calendar days from the date of initial hearing.

d) The provisions of paragraph (c) hereof notwithstanding, in cases involving Overseas Filipino Workers, the aggregate period for conducting the mandatory conciliation mediation conference and a hearing on the merits shall not exceed sixty (60) days; which shall be reckoned from the date of acquisition by the Labor Arbiter of jurisdiction over the person of the respondents.

29. Section 1 of Rule VI is hereby amended to read as follows:


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SECTION 1. PERIODS OF APPEAL. — Decisions, Resolutions or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties: within ten (10) calendar days from receipt of such decisions, Resolutions or orders of the Labor Arbiter and in case of a decision of the Regional Director within five (5) calendar days from receipt of such decisions, Resolutions, or orders. If the 10th or 5th day, as the case may be, falls on a Saturday, Sunday or a holiday, the last day to perfect the appeal shall be the next working day.

30. Paragraph (a) of Section 2, Rule VI is hereby, amended to read as follows:

SECTION 2. Grounds. — The appeal 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 or Regional Director; .

31. Section 3 of Rule VI is hereby amended to read as follows:

SECTION 3. Where Filed. — The appeal shall be filed with the respective Regional Arbitration Branch or the Regional Office, where the case was heard and decided.

32. Section 4 of Rule VI is hereby amended to read as follows:

SECTION 4. Requisites for Perfection of Appeal. — A) The Appeal shall be filed within the reglementary period as provided in Section 1 of this Rule; shall be verified by appellant himself in accordance with Section 4, Rule 7 of the Rules of Court, with proof of payment of the required appeal fee and the posting of a cash or surety bond as provided in Section 6 of this Rule; shall be accompanied by memorandum of appeal in three (3) legibly typewritten copies which shall state the grounds relied upon and the arguments in support thereof; the relief prayed for, and a statement of the date when the appellant received the appealed decision, resolution or order and a certificate of non-forum shopping with proof of service on the other party of such appeal. A mere notice of appeal without complying with the other requisites aforestated shall not stop the running of the period for perfecting an appeal.

b) The appellee may file with the Regional Arbitration Branch or Regional Office where the appeal was filed, his answer or reply to appellant's memorandum of appeal, not later than ten (10) calendar days from receipt thereof. Failure on the part of the appellee who was property furnished with a copy of the appeal to file his answer or reply within the said period may be construed as a waiver on his part to file the same.

c) Subject to the provisions of Article 218, once the appeal is perfected in accordance with these Rules, the Commission shall limit itself to reviewing and deciding specific issues that were elevated on appeal.

33. Section 5 of Rule VI is hereby amended to read as follows:

SECTION 5. Appeal Fee. — The appellant shall pay an appeal fee of one hundred fifty pesos (P150.00) to the Regional Arbitration Branch or Regional Office, and the official receipt of such payment shall be attached to the records of the case.

34. Section 6 of Rule VI is hereby amended to read as follows:

SECTION 6. Bond. — In case the decision of the Labor Arbiter or the Regional Director involves a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond. The appeal bond shall either be in cash or surety in an amount equivalent to the monetary award, exclusive of damages and attorney's fees.

In case of surety bond, the same shall be issued by a reputable bonding company duly accredited by the Commission or the Supreme Court, and shall be accompanied by:

A) A Joint Declaration under oath by the Employer, his Counsel, and the Bonding Company, attesting that the bond posted is genuine, and shall be in effect until final disposition of The case.

B) A copy of the Indemnity Agreement between the employer-appellant and Bonding Company; and

C) A copy of Security Deposit or Collateral Securing the Bond.

A certified true copy of the bond shall be furnished by the appellant to the appellee who shall verify the regularity and genuineness thereof and immediately report to the Commission any irregularity.

Upon verification by the commission that the bond is irregular or not genuine, the Commission shall cause the immediate dismissal of the appeal no motion to reduce bond shall be entertained except on meritorious grounds and upon the posting of a bond in a reasonable amount in relation to the monetary award.

The filing of the motion to reduce bond without compliance with the requisites in the preceding paragraph shall not the running of the period to perfect AN appeal.

35. Section 8 and 9 of Rule VI are hereby renumbered as Sections 9 and 8, respectively.36. Section 8 of Rule VI is hereby amended to read as follows:

SECTION 9. Transmittal of Records of Cases on Appeal. — Within forty eight (48) hours after the filing of the appeal, the records of the case, with a corresponding index of contents thereof, together with the memorandum of appeal and the reply or answer thereto, if any, proofs of service, if available, proof of payment of the appeal fee, and the appeal bond posted, shall be officially transmitted by the office of origin to the Commission.

37. Section 9 of Rule VI is hereby amended to read as follows:

SECTION 8. Records of Cases on Appeal. — The records of case shall contain, among others, the original copy of the complaint; pleadings; minutes of the proceedings; notices, transcripts of stenographic notes, if any, decisions/orders/resolutions; proof of service of the decision, if available; order or computation of the award; and evidence submitted, which shall be chronologically arranged and paged prominently.

38. Section 10 of Rule VI is hereby amended to read as follows:

SECTION 10. Perfection of Appeal; Effect. — Without prejudice to the provisions of Section 3, Rule VIII of these Rules, once an appeal is fliled, the Labor Arbiter loses jurisdiction over the case. All motions/pleadings pertaining thereto shall thereafter be addressed to and filed with the Commission.

39. Section 11 of Rule VI is hereby amended to read as follows:

SECTION 11. Frivolous or Dilatory Appeals. — To discourage frivolous or dilatory appeals, the Commission may impose APPROPRIATE SANCTION upon the erring parties.

40. Section 2 of Rule VII is hereby amended to read as follows:

SECTION 2. Composition/Internal Functions of the Commission En Banc and its Divisions. — a) Composition: unless otherwise provided by law, the Commission shall be composed of the Chairman and of fourteen (14) Commissioners.

b) Commission en banc. — The Commission shall sit en banc only for purposes of promulgating rules and regulations governing the hearing add disposition of cases before its Divisions and Regional Arbitration Branches, and for the formulation of policies affecting its administration and operations: It may, on temporary or emergency basis, allow cases within the jurisdiction of any division to be heard by any other division whose docket allows the additional workload and such transfer will not, expose litigants to unnecessary additional expense.


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c) Divisions. — Unless otherwise provided by law, the Commission shall exercise its adjudicatory and all other powers; functions and duties through its five (5) Divisions. Each Division shall consist of one member from the public sector who shall act as the Presiding Commissioner and one member each from the workers and employers sectors, respectively.

Of the five (5) Divisions, the First, Second and Third Divisions shall have exclusive territorial jurisdiction over appeals of cases coming from Luzon; Fourth Division, appealed cases from Visayas Region; and the Fifth Division, appealed cases from Mindanao including those from the Autonomous Region for Muslim Mindanao.

d). Headquarters, Branches and Provincial Extension Units. — As provided by law, the Commission and its First, Second and Third Divisions shall have their main office in the National Capital Region, and the Fourth and Fifth Divisions in the cities of Cebu and Cagayan de Oro respectively.

41. Section 4 of Rule VII is hereby amended to read as follows:
SECTION 4. Session En Banc/Quorum and Vote. — a) Commission en banc. The Chairman shall call the Commission to a session en banc at least twice a year, preferably first week of June and first week of December to deliberate on and decide any matter before it. However, A majority of All the members of the Commission may call a special en banc session to discuss and decide on urgent and vital matters which need immediate action.

b) Quorum. — The presence of a majority; of all the members of the Commission shall be necessary to constitute a quorum. The vote or concurrence of the majority of the members constituting a quorum shall be the decision or resolution of the Commission on en banc.

c). Division. — The presence of at least two (2) Commissioners of a Division shall constitute a quorum. The concurrence of two (2) Commissioners of a Division shall be necessary for the pronouncement of a judgment or resolution.

Whenever the required membership in a Division is not complete and the concurrence of two (2) Commissioners to arrive at a judgment or resolution cannot be obtained, the Chairman shall designate such number of additional Commissioners from the other Divisions as may be necessary from the same sector.

d). Role of Chairman in the Division. — The Chairman of the Commission may convene and preside over the session of any Division to consider any case pending before it and participate in its deliberations, if in his judgment, his presence therein will best serve the interests of labor justice. He shall not however; participate in the voting by the Division, except when he is acting as Presiding Commissioner of the Division in the absence of the regular Presiding Commissioner.

42. Section 7 of Rule VII is hereby amended to read as follows:

SECTION 7. Inhibition. — No motion to inhibit the entire division of the Commission shall be entertained. However, any Commissioner may, inhibit himself from the consideration and resolution of any case/matter before the Division and shall so state in writing the legal or justifiable grounds therefor. In the event that a member inhibits himself, the case shall be raffled by the Executive Clerk or Deputy Executive Clerk to either of the two (2) remaining Commissioners. In case two (2) Commissioners in a division inhibit themselves in a case or matter before it, the Chairman shall, as far as practicable, appoint two Commissioners from other divisions representing the sector of the Commissioners who inhibited themselves.

43. Section 11 of Rule VII is hereby amended to read as follows:

SECTION 11. Duty to conciliate and mediate. — In the exercise of its exclusive, original and appellate jurisdiction, the Commission shall exert all efforts towards the amicable settlement of a labor dispute.

The settlement of cases on appeal, to be valid and binding between the parties, shall be made before the commissioner or his authorized representative.

44. Section 12 of Rule VII is hereby amended to read as follows:
SECTION 12. Role of the Labor Arbiter Assigned to the Commission. — In the resolution of cases on appeal, and those mentioned in Rules IX and XI, the Commission shall be assisted by the Labor Arbiter who may be directed to study, review, hear and receive evidence and submit reports hereto.

45. Section 13 of Rule VII is hereby amended to read as follows;
SECTION 13. Form of Decision/Resolution/Order. — The decision/resolution/ORDER shall state clearly and distinctly the findings of facts, issues and conclusions of law on which it is based and relief granted, it any. If the decision or resolution/ORDER involves monetary awards, the same shall contain the specific amount awarded as of the date the decision is rendered.

46. Section 14 of Rule VI is hereby renumbered as Section 15 and the new Section 14 shall read as follows:
SECTION 14. Finality of Decision of the Commission and Entry of Judgment. — a) Finality of the Decisions, Resolutions or Orders of the Commission.. Except as provided in Rule XI, section 9, the decisions, resolutions or orders of the Commission/Division shall become executory after ten (10) calendar days from receipt of the same,

b). Entry of Judgment. — Upon the expiration of the ten (10) calendar day period provided in paragraph (A) of this Section, the decision/resolution order shall, as far as practicable, be entered in a book of entries of judgment.

c) Allowance for delay of mail in the issuance of entries of judgment. — In issuing entries of judgment, the executive Clerk of Court or the Deputy Executive Clerk, in the absence of a return card or certification from the post office concerned shall determine the finality of the decision by making allowance for delay of mail, computed sixty (60) calendar days from the date of mailing of the decision, resolution or order.

47. Section 14 of Rule VII is hereby amended to read as follows:

SECTION 15. Motions for Reconsideration. — Motion for reconsideration of any decision resolution/order of the Commission shall not be entertained except when based on palpable or patent, errors, provided that the motion is under oath and filed within ten (10) calendar days from receipt of decision/resolution/order, with proof of service that a copy of the same has been furnished, within the reglementary period, the adverse party, and provided further, that only one such motion from the same party shall be entertained.

Should a motion for reconsideration be entertained pursuant to This section, the Resolution shall be executory after ten (10) calendar days from receipt thereof.

48. Section 15 of Rule VII is hereby deleted..49. The title of Rule VIII is hereby amended to read as follows:

RULE VIIIExecution Proceedings

50. Section 1 of Rule VIII is hereby renumbered as Section 2 and the new Section 1 shall read as follows:

SECTION 1. Pre-Execution Conference. — Within two (2) working days from receipt of the motion for the issuance of a writ of execution and subject to section 2, paragraph b, the Labor Arbiter shall schedule a pre-execution conference/hearing to thresh out matters relevant to execution.

51. Section 1 of Rule VIII is hereby amended to read as follows:
SECTION 2. Issuance of A Writ. — a) Execution shall issue upon a decision, resolution or order that finally disposes of the actions or proceedings after the counsel of record and the parties shall have been furnished with copies of the decision in accordance with these Rules but only after the expiration of the period of appeal if no

appeal has been duly filed.

b) No motion for execution shall be entertained nor a writ be issued unless the Labor Arbiter/Commission is in possession of the records of the case which shall include an Entry of Judgment in case of appeal except that, as provided for in Section 10 of Rule VI; and in those cases where partial execution is allowed by law, the Labor Arbiter shall retain duplicate original copies of the decision to be implemented and proof of service thereof for the purpose of its immediate enforcement.

52. Section 2, Rule VIII is hereby transposed to Rule VII, with paragraphs (a) and (d) of the former being incorporated as paragraphs (a) and (d), respectively, of Section 14 of the latter and paragraph (c) of the former incorporated as the second paragraph of Section 15 of the latter.53. Sections 3, 4 and 5 of Rule VIII are hereby renumbered as Sections 5, 7 and 10, respectively, and the new Sections 3 and 4 shall read as follows:

SECTION 3. Issuance of Partial Writ Pending Appeal. — In case the decision includes an order of reinstatement, the Labor Arbiter shall immediately issue a partial writ of execution EVEN pending appeal directing the employer to immediately reinstate the dismissed employee either physically or through payroll and to pay the corresponding salaries as a consequence of the reinstatement.

SECTION 4. Effect of Perfection of Appeal on Execution. — The perfection of appeal shall stay the execution of the decision of a labor arbiter on appeal except partial execution for reinstatement pending appeal.

54. Section 3 of Rule VIII is hereby amended to read as follows:
SECTION 5. Computation During Execution. — Where further computation of the Decision, Resolution or Order is necessary, no execution shall issue until after computation shall have been approved by the Labor Arbiter in an order after the parties shall have been duly notified and heard thereon.

55. Section 4 of Rule VIII is hereby amended to read as follows:

SECTION 7. Enforcement of Writ. — In executing an order, resolution or decision, the sheriff or other authorized officer acting as such, shall be guided strictly by the Sheriffs Manual (NLRC Manual on Execution of Judgment) which shall form part of these Rules, and in the absence of applicable rules, the revised Rules of Court, as amended.

56. Section 5 of Rule VIII is hereby amended to read as follows.
SECTION 10. Designation of Special Sheriffs and Imposition of Fines. — The Chairman of the Commission may designate special Sheriffs and take any measure, under existing laws to ensure compliance with the decisions, resolutions or orders of the commission and those of Labor Arbiters, including the imposition of administrative fines which shall not be less than 1,500.00 nor more than P10,000.00.

57. Section 6 of Rule VIII is hereby amended to read as follows:
SECTION 6. Effect of Filing of Petition for Certiorari on Execution. — A petition for Certiorari with the Court of Appeals or the Supreme Court shall not stay the execution of the assailed decision unless a temporary restraining order is issued by the Court of Appeals or the Supreme Court.

58. Sections 8 and 9, providing as follows, are hereby added to Rule VIII:

SECTION 8. Resolution of Motion to Quash. — A motion to quash shall be resolved by the Labor Arbiter within ten (10) days from submission of said motion for resolution.

SECTION 9. Resolution of Third Party Claim. — Should a third party claim be filed during execution of the judgment award, the third party claimant shall execute an affidavit stating his title to property or possession thereof with "supporting evidence and shall file the same with the sheriff and copies thereof served upon the


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Labor Arbiter or proper officer issuing the writ upon receipt of the third party claim, all proceedings, with respect to the execution of the property, subject of the third party claim, shall automatically be suspended. The Labor Arbiter who issued the writ may require the third party claimant to adduce additional evidence in support of his third party claim and to post cash or surety bond as provided in Section 6, Rule VI, without prejudice to the posting by the prevailing party of a supersede as bond in an amount equivalent to that posted by the third party claimant, and resolve the propriety of such claim within ten (10) working days from submission of the claim for resolution.

59. Sections 3 and 4 of Rule IX are hereby deleted.60. Section 5 of Rule IX is hereby renumbered as Section 3 and the new Section 5 shall read as follows:

SECTION 5. Execution of Certified Case. — The commission shall issue an order of execution upon motion of the parties and upon receipt of entry of judgment.

61. Section 5 of Rule IX is hereby amended to read as follows:
SECTION 3. Effects of Certification. — a) Upon certification, the intended or impending strike or lockout is automatically enjoined, notwithstanding the filing of any motion for reconsideration of the certification order nor the non-resolution of any such motion which may have been duly submitted to the Office of the Secretary of Labor and Employment. If a work stoppage has already taken place at the time of the certification, all striking or locked out employees shall immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout.

b) All cases between the same parties, except where the certification order specifies otherwise the issues submitted for arbitration which are already filed or may be filed, and are relevant to or are proper incidents of the certified case; shall be considered subsumed or absorbed by the certified case, and shall be decided by the appropriate Division of the Commission.

The parties to a certified case, under pain of contempt, shall inform their counsels and the division concerned of all cases pending with the regional arbitration branches and voluntary arbitrators relative or incident to the certified case before it.

Whenever a certified labor dispute involves a business entity with several workplaces located in different regions, the Division having territorial jurisdiction over the principal office of the company shall acquire jurisdiction to decide such labor dispute; unless the certification order provides otherwise.

62. Section 6 of Rule IX is hereby renumbered as Section 4 and the first paragraph thereof amended to read as follows:

SECTION 4. Effects of Defiance. — Non-compliance with certification order of the Secretary of Labor and Employment or a return to work order of the Commission shall be considered an illegal act committed in the course of the strike or lockout and shall authorize the Commission to enforce the same under pain offices of employment status or entitlement to full employment benefits from the locking out employer or backwages, damages and/or other positive and/or affirmative reliefs, even to criminal prosecution against the liable party/ies.

63. Section 2 of Rule X is hereby amended to read as follows:

SECTION 2. Indirect Contempt. — The Commission or any Labor Arbiter may also cite any person for indirect contempt upon the following grounds:

A) Misbehavior of an employee or any officer in the performance of his official duties or in his official transaction;


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B) Disobedience or resistance of a lawful writ, order or decision;

C) Any abuse of or any unlawful interference with the process or proceedings not constituting direct contempt;

D) Any improper conduct, direct or indirect, to impede, obstruct or degrade the administration of justice;

E) Assuming to be an attorney or a representative of party without authority;

F) Failure to obey a subpoena duly served;

G) Other grounds analogous to the foregoing,

Any person adjudged guilty of indirect contempt shall observe the same procedure as provided for in second paragraph of section 1 hereof.

64. Section 1 of Rule XI is hereby amended to read as follows:
SECTION 1. Injunction in Ordinary Labor Disputes. — A preliminary injunction or restraining order may be granted by the Commission through its Divisions pursuant to the provisions of paragraph (e) of Article 218 of the Labor Code, as amended, when it is established on the basis of the sworn allegations in the petition that the acts complained of involving or arising from any labor dispute before the Commission, which, if not restrained or performed forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party.

A certification of non-forum shopping shall accompany the petition for injunction.

The writ of preliminary injunction or temporary restraining order shall become effective only upon posting of the required cash bond In the amount to be determined by the Commission to answer for any damage that may be suffered by the party enjoined, if it is finally determined that the petitioner is not entitled thereto. .

65. Paragraph (c) of Section 2, Rule XI is hereby amended to read as follows:
c) That as to each item of relief to be granted, greater injury will be inflicted upon the complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

66. Sections 3 4, 5 6 7, 8, 9 and 10 of Rule XI are hereby renumbered as Sections 4, 3, 8, 9, 6: 5, 10 and 7 respectively.67. Section 5 of Rule XI is hereby amended to read as follows:

SECTION 8. Effectivity of the Temporary Restraining Order. — A temporary restraining order shall be effective for no longer than twenty (20) days and shall become void at the expiration of said twenty (20) days. During the said period, the parties shall be required to present evidence to substantiate their respective positions in the main petition.

68. Section 6 of Rule XI is hereby amended to read as follows:

SECTION 7. Cash Bond. — No temporary restraining order or temporary injunction shall be issued except on condition that petitioner shall first file an undertaking to answer for the damages and post a cash bond in the amount not less than thirty thousand pesos (P30,000.00) or as may be determined by this Commission, to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs, together with a reasonable attorney's fee, and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the Commission.

69. Section 7 of Rule XI is hereby amended to read as follows:
SECTION 10. Ordinary Remedy in Law or in Equity. — Nothing in this Rule shall deprive any party having a

claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

70. Section 8 of Rule XI is hereby amended to read as follows:

SECTION 5. Reception of Evidence; Delegation. — The reception of evidence for the application of a writ of injunction may be delegated by the Commission to any of its Labor Arbiters who shall conduct such hearings in such places as he may determine to be accessible to the parties and their witnesses, and shall thereafter submit his report recommendation to the Commission within fifteen (15)days from such delegation.

71. Section 10 of Rule XI is hereby amended to read as follows:
SECTION 9. Effects of Defiance. — The order or resolution enjoining the performance of illegal acts shall be immediately executory in accordance with the terms thereof. In. case of noncompliance with such order or resolution, the Commission shall impose such sanctions and shall issue such orders as may be necessary to implement the said Order or Resolution, including the enlistment of law enforcement agencies having jurisdiction over the area for the purpose of enforcing the same.

72. Section 4 (b) of Rule XII is hereby amended to read as follows:
b) Filing of Pleadings. — He shall receive and file all cases/pleadings and documents indicating thereon the date and time filed. All pleadings shall be filed in three (3) legibly typewritten copies in legal size;

73. Section 4 (h) of Rule XII is hereby amended to read as follows:

h) Entry of Judgment. — He shall keep a Book of entries of judgment, Decisions, Resolutions, Orders containing in chronological order the entries of all final Orders, Decisions, Resolutions of the Commission.

74. Section 4 (i) of Rule XII is hereby amended to read as follows.
i) Disposition/Remand of Records. — Upon entry of judgment; he shall immediately remand the records of the case to the arbitration branch of origin, Regional Director or his duly authorized officer, as the case may be. The Records Section shall immediately post said records without delay within two (2) working days;

75. Section 7 of Rule XII is hereby amended to read as follows.
SECTION 7. Access to Commission Records. — All official records of the Commission shall be open to the public during regular office hours, except those kept by it in the nature of confidential reports, records or communications which cannot be divulged without violating private rights or prejudicing the public interest. Minutes of hearings/sessions may not be divulged until after promulgation of the Decision/Resolution.

76. Section 1 of Rule XIII is hereby amended to read as follows:
SECTION 1. Effectivity. — These Rules shall take effect fifteen (15) days after their publication in two (2) newspapers of general circulation.

This Resolution shall take effect fifteen (15) days following its publication, in at least two (2) newspapers of general circulation.

Adopted: 12 Feb. 2002

(SGD.) ROY V. SEÑERES
Chairman


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**ATTESTED BY:**

(SGD.) PERLITA B. VELASCO
Acting Executive Clerk

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