

PACIFIC PLANS, INC., PETITIONER, V. NATIONAL LABOR RELATIONS COMMISSION AND AGRIPINO MOLINA, RESPONDENTS.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is the Petition for Certiorari[1] filed by petitioner Pacific Plans, Inc. ("petitioner company" for brevity) under Rule 65 of the Rules of Court. The Petition assails the Resolution[2] dated June 18, 2010 of public respondent National Labor Relations Commission ("public respondent NLRC" for brevity) in NLRC NCR Case No. 30- 07-03393-01.

Subject of the Petition[3] at bench is the computation of the monetary award to be given by petitioner company to private respondent Agripino Molina ("private respondent Molina" or "private respondent" for brevity) who was found to have been illegally dismissed by public respondent NLRC in its earlier Decision[4] dated June 30, 2003. Such finding of Illegal Dismissal was upheld by the Supreme Court in its Decision[5] dated March 10, 2006 in G.R. No. 165476 entitled Agripino V. Molina vs. Pacific Plans, Inc., which had already become final and executory on March 5, 2007.[6]

On August 3, 2007, the Labor Arbiter issued an Order[7] granting private respondent Molina's Motion for Execution[8], and ordering the Computation and Examination Unit ("CEU" for brevity) of the Labor Arbiter to compute private respondent's monetary award. The dispositive portion of the Order read as follows:

"WHEREFORE, premises considered, the complainant's Motion for Execution is hereby granted. The entire records of this case is hereby ordered forwarded to the Office of the Computation and Examination Unit of this Office for the immediate computation of complainant's monetary award inclusive of his other accrued monetary benefits as awarded in the Decision of the NLRC dated June 30, 2003 and reinstated by the Supreme Court. Thereafter, a Writ of Execution will be issued for the enforcement of complainant's judgment award.

SO ORDERED."[9] (Emphasis was made in the original)

Pursuant to the Labor Arbiter's Order[10] dated August 3, 2007, the CEU submitted a Computation[11], indicating a total monetary award of Five Million Four Hundred Ninety Four Thousand Three Hundred Fifty Eight Pesos and Seventy Five Centavos (Php 5,494,358.75)[12]. Such Computation[13] included an award for "Overriding Commissions" in the amount of Two Million Two Hundred Fifty Nine Thousand Four Hundred Ten Pesos and Forty Centavos (Php 2,259,410.40)[14].

The rest of the pertinent facts are those as stated in public respondent NLRC's Resolution[15] dated June 18, 2010, as follows:

"On September 3, 2007, the Executive Labor Arbiter issued a Writ of Execution, commanding the Sheriff to collect from respondents the amount of P5,494,358.75, representing complainant's monetary award.

Respondents (petitioner company here) partially appealed from the Order of the Executive Labor Arbiter dated August 3, 2007 and filed an [U]rgent [M]otion to [Q]uash the Writ of Execution dated September 18, 2007 and lift the Notice of Garnishment dated September 18, 2007. In their partial appeal, respondents (petitioner

company) assailed the inclusion of salary increases under the CBA, 13th month pay, Christmas bonus, overriding commissions, and vacation and sick leaves in the computation of complainant's (private respondent) award for 'other accrued monetary benefits'.

On February 26, 2008, the Commission promulgated a Decision, granting the partial appeal, and remanding the records of this case to the Labor Arbiter of origin to conduct a pre-execution conference and to re-compute the award after taking into account the considerations therein established. The Commission held that its award granting 'other accrued monetary benefits' should not include salary increases based on the CBA because complainant, being an Assistant Vice-President, is ineligible to join the union and therefore not covered by the CBA; and that the inclusion of vacation leave credits and sick leave depends on the policy of respondent company if complainant is entitled to such, and if so, how much and whether it is convertible to cash, if unused xxx." [16] (Emphasis supplied)

On July 8, 2008, the CEU submitted a Re-Computation [17], indicating a total monetary award of Four Million Three Hundred Sixty Six Thousand Nine Hundred Fifty Four Pesos and Eighty Centavos (Php 4,366,954.80) [18], which still included an award for "Overriding Commission" in the amount of Two Million Two Hundred Fifty Nine Thousand Four Hundred Ten Pesos and Forty Centavos (Php 2,259,410.40) [19].

On November 25, 2008, the Labor Arbiter issued an Order [20] approving the CEU's Re-Computation [21] dated July 8, 2008.

On December 8, 2008, petitioner company filed before public respondent NLRC a "Partial Appeal" [22] of the Labor Arbiter's Order [23] dated November 25, 2008. In such Partial Appeal, petitioner company questioned the inclusion of "Overriding Commission", among others, in the computation of private respondent Molina's monetary award.

Public respondent NLRC granted petitioner company's "Partial Appeal" [24] in its Decision [25] dated August 28, 2009 by deleting the award of "Overriding Commission" in the CEU's Re-Computation [26] dated July 8, 2008. The dispositive portion of public respondent NLRC's Decision stated:

"WHEREFORE, premises considered, the partial appeal filed by respondent (petitioner) is GRANTED IN PART. The computation of Computation and Examination Unit dated July 8, 2008 is MODIFIED, in that, the award of overriding commission is DELETED, and respondents are additionally ordered to pay 12% interest per annum beginning March 5, 2007 on the monetary award of P2,107,544.40 (excluding vacation and sick leaves), which as of September 5, 2009 amounts to P632,263.32 ($P2,107,544.40 \times 12\% \times 2 \text{ years and } 6 \text{ months}$). Thus, complainant's total monetary award is provisionally computed in the amount of P2,739,807.72.

Let the records of this case be remanded immediately to the Regional Arbitration Branch of origin for execution proceedings.

SO ORDERED." [27] (Emphasis was made in the original)

Petitioner company and private respondent Molina then filed their separate Motions for Reconsideration [28] of public respondent NLRC's Decision [29] dated August 28, 2009. On June 18, 2010, public respondent NLRC issued its assailed Resolution [30] reinstating the CEU's Re-Computation [31] dated July 8, 2008. The dispositive portion of the Resolution read:

"WHEREFORE, premises considered, the Motions for Reconsideration filed by both parties are partly GRANTED. The assailed Decision of the Commission dated August 28, 2009 is SET ASIDE.

A new one is entered REINSTATING the Computation of Monetary Awards submitted by the Computation and Examination Unit on July 8, 2008, as approved by Labor Arbiter Quitevis-Alconcel in her Order dated November 25, 2008.

In compliance with the resolution of the Supreme Court dated January 14, 2009, the entire records of this case is remanded to the Labor Arbiter a quo for the immediate issuance of a writ of execution of complainant's monetary award totaling P4,366,954.80.

SO ORDERED."[32] (Emphasis Supplied)

Petitioner company then filed the Petition for Certiorari[33] at bench, praying as follows:

"WHEREFORE, it is respectfully prayed that this Honorable Court:

- 1) GIVE DUE COURSE to the instant Petition;
- 2) SET ASIDE the assailed Resolution of the public respondent for having been issued with grave abuse of discretion amounting to lack and/or excess of jurisdiction and, instead reinstate the 28 August 2009 Decision with respect to the issue of overriding commissions;

xxx

Other relief[s] just and equitable under the premises, are likewise prayed for."[34]

Petitioner raised the following grounds:

"I.

THE NLRC COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT INCLUDED OVERRIDING COMMISSIONS IN COMPUTING THE ALLEGED MONETARY AWARD IN FAVOR OF PRIVATE RESPONDENT CONSIDERING THAT:

- 1) THE ALLEGED FINALITY OF THE 26 FEBRUARY 2008 DECISION OF THE NLRC IS IRRELEVANT AS THE SAME IS SILENT ON PRIVATE RESPONDENT'S ENTITLEMENT TO OVERRIDING COMMISSIONS. IF AT ALL, AS IT GRANTED THE COMPANY'S APPEAL QUESTIONING, AMONG OTHERS, OVERRIDING COMMISSION IT IS IN ITSELF AN ORDER TO EXCLUDE THE SAME.
- 2) AT ANY RATE, THE NLRC ALREADY RULED, AMONG OTHERS, THAT PRIVATE RESPONDENT IS NOT ENTITLED TO OVERRIDING COMMISSIONS.
- 3) EVEN ASSUMING THAT THE DISPOSITIVE PORTION OF THE 26 FEBRUARY 2008 DECISION IS NOT SUFFICIENT TO SUPPORT THE CONCLUSION THAT OVERRIDING COMMISSIONS ARE EXCLUDED FROM THE COMPUTATION OF PRIVATE RESPONDENT'S MONETARY AWARD, THAT NO CATEGORICAL STATEMENT IN THE SAID DECISION EXCLUDING OVERRIDING COMMISSIONS IS EQUALLY INSUFFICIENT BASIS TO CONCLUDE THAT OVERRIDING COMMISSIONS SHOULD BE INCLUDED IN THE SAID COMPUTATION OF BACKWAGES.

II.

IN ANY CASE, THE NLRC'S RECENT INCLUSION OF OVERRIDING COMMISSIONS HAS NO BASIS IN LAW OR IN FACT, AND AS SUCH IT IS GRAVE ABUSE OF DISCRETION TO INCLUDE THE SAME IN THE COMPUTATION."[35] (Emphasis was made in the original)

However, the grounds raised by petitioner company in the Petition[36] at bench, which pertained to the propriety of the CEU's Re- Computation[37] dated July 8, 2008, which Re-Computation[38] in turn was reinstated by public respondent NLRC in its assailed Resolution[39] of June 18, 2010, had been rendered moot and academic by the rendering by the Supreme Court of its Resolution dated August 15, 2011 in G.R. No. 165476 entitled *Agripino V. Molina vs. Pacific Plans, Inc.* The Supreme Court, in such Resolution[40], had already determined

the total amount of the monetary award to be given by petitioner company to private respondent Molina, in the following manner:

"WHEREFORE, the instant Motion is PARTLY GRANTED. The June 18, 2010 Resolution of the National Labor Relations Commission is MODIFIED by including in the award, aside from the principal amount of P4,366,954.80, interest at the legal rate of 12% per annum from March 5, 2007, the date the Decision in the present case became final and executory, until the principal amount is fully paid." [41] (Emphasis supplied)

Consequently, the issues in the Petition [42] at bench no longer existed for the reason that the propriety of public respondent NLRC's assailed Resolution [43] of June 18, 2010 had already been resolved by the Supreme Court in G.R. No. 165476. Thus, there was no longer any controversy, such that any ruling on the issues raised in the Petition [44] at bench would have no operational effect or consequence, especially among the parties.

These circumstances indicate that the case has indeed become moot and academic, as had been similarly pronounced by the Supreme Court in *Galicto v. H.E. Benigno Aquino III*, in his capacity as President of Republic of the Philippines, et al., G.R. No. 193978, February 28, 2012, to wit:

"A moot case is 'one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value.' '[A]n action is considered 'moot' when it no longer presents a justiciable controversy because the issues involved have become academic or dead[,] or when the matter in dispute has already been resolved and hence, one is not entitled to judicial intervention unless the issue is likely to be raised again between the parties x x x.' Simply stated, there is nothing for the x x x court to resolve as [its] determination x x x has been overtaken by subsequent events." (Emphasis supplied)

IN VIEW OF ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-40

[2] Rollo, pp. 42-52

[3] Rollo, pp. 3-40

[4] Rollo, pp. 92-99

[5] Rollo, pp. 116-142

[6] "Entry of Judgment", Rollo, p. 153

[7] Rollo, pp. 165-171

[8] Rollo, pp. 146-151

[9] Rollo, pp. 170-171

[10] Rollo, pp. 165-171

[11] Rollo, pp. 172-174

[12] Rollo, p. 174

[13] Rollo, pp. 172-174

- [14] Rollo, p. 173
- [15] Rollo, pp. 42-52
- [16] Rollo, p. 45
- [17] Rollo, p. 343
- [18] Rollo, p. 343
- [19] Rollo, p. 343
- [20] Rollo, pp. 308- 311
- [21] Rollo, p. 343
- [22] Rollo, pp. 312-332
- [23] Rollo, pp. 308-311
- [24] Rollo, pp. 312-332
- [25] Rollo, pp. 54-64
- [26] Rollo, p. 343
- [27] Rollo, p. 63
- [28] Rollo, pp. 42, 65-77
- [29] Rollo, pp. 54-64
- [30] Rollo, pp. 42-52
- [31] Rollo, p. 343
- [32] Rollo, pp. 51-52
- [33] Rollo, pp. 3-40
- [34] Rollo, p. 35
- [35] Rollo, p.16
- [36] Rollo, pp.3-40
- [37] Rollo, p. 343
- [38] Rollo, p. 343
- [39] Rollo, pp. 42-52
- [40] Agripino V. Molina vs. Pacific Plans, Inc., G.R. No. 165476, August 15, 2011
- [41] Agripino V. Molina vs. Pacific Plans, Inc., G.R. No. 165476, August 15, 2011
- [42] Rollo, pp.3-40
- [43] Rollo, pp. 42-52
- [44] Rollo, pp.3-40

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