

NATIONAL MINES AND ALLIED WORKERS' UNION AND INDIVIDUALS LISTED IN ANNEX A, PETITIONERS, VS. HON. RONALDO B. ZAMORA, IN HIS CAPACITY AS PRESIDENTIAL ASSISTANT FOR LEGAL AFFAIRS;...

G.R. No. L-44579. May 24, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

What is being assailed in these special civil actions of certiorari, prohibition and mandamus is the actuation of Presidential Assistant Ronaldo B. Zamora in entertaining a motion for the reconsideration of the decision of Presidential Executive Assistant Jacobo C. Clave in an appealed labor case and staying the execution thereof. The antecedents are as follows:

On June 18, 1974 the National Mines and Allied Workers' Union and one hundred eighty-three employees filed with the old National Labor Relations Commission (NLRC) a complaint against C. Q. Johnson Enterprises, Inc. They charged that company with unfair labor practice and illegal dismissal of the 183 complainants without prior clearance from the Secretary of Labor as required in Presidential Decree No. 21.

It was alleged in that complaint that on June 14, 1974, or after the 183 employees had affiliated with the union and the union in its letter of June 10, 1974 had proposed a collective bargaining agreement, C. Q. Johnson Enterprises, a company manufacturing embroidery garments, laid them off on the pretext of retrenchment but the real reason was to harass them because of their union activities.

After hearing, Diego P. Atienza and Ricardo C. Castro, as acting chairman and member, respectively, of the old NLRC, issued on September 4, 1974 a brief order for reinstatement with backwages, which reads:

“Due to a violation of Presidential Decree No. 21 and its implementing Rules and Regulations committed by the respondent when it laid off the complainants within ten (10) days after the filing of the application to dismiss, respondent is hereby ordered to reinstate the complainants with full backwages from the date of their respective dismissals to the date of their actual reinstatement.”

The company appealed to the Secretary of Labor. On motion of the union and the 183 complainants and over the company's opposition, the Secretary of Labor dismissed the appeal for being pro forma. He affirmed the NLRC's order for reinstatement with backwages.

The company filed a motion for reconsideration. The Secretary of Labor denied it in his resolution of February 14, 1975.

The company appealed to the President of the Philippines. The union and the 183 complainants filed motions to dismiss the appeal and for execution. The company opposed the motion for execution.

On January 12, 1976 Presidential Executive Assistant Jacobo C. Clave, by authority of the President, rendered a

decision affirming the resolution of the Secretary of Labor which dismissed the company's appeal for being pro forma. The appeal was pro forma because the company merely stated in its appeal that the NLRC's order was contrary to law and the evidence and did not specify what conclusions in the order were not supported by the evidence or were contrary to law.

The Presidential Executive Assistant added that he examined the substantive aspects of the case and he was satisfied that the order of reinstatement was "morally just".

The company received a copy of that decision on January 20, 1976. Ten days later, or on January 30, 1976, it filed a motion for reconsideration. In that motion, C. Q. Johnson Enterprises stressed that it was a distressed company as shown by the fact that on January 6, 1976 the Secretary of Labor approved its application for exemption from the obligation to grant emergency allowances to its workers. The Union and the 183 complainants filed a motion to strike out the motion for reconsideration.

In the meantime, the record of the case was remanded to the new NLRC. An examiner found that the 183 complainants were entitled to backwages in the aggregate sum of P538,060.50 for the period from December 23, 1974 to February 29, 1976. The labor arbiter on March 24, 1976 ordered the company to deposit that amount with the NLRC within ten days from notice. The company appealed that order of the NLRC.

The NLRC in its resolution of May 10, 1976 directed the labor arbiter to afford the company a chance to prove the amounts deductible from the backwages.

The labor arbiter in his order of July 26, 1976 approved the revised examiner's report, granting backwages only to 121 claimants and reducing the total amount thereof to P359,128. The claimants asked the NLRC to issue a writ of execution for that amount.

However, on that same date, July 26, 1976, Presidential Assistant Zamora, by authority of the President, acted on the company's motion for reconsideration of January 30, 1976. Zamora found that the company was not entirely to blame for the laying-off of its employees, since it was severely distressed. He observed that if the execution was pushed through, the company's assets might be totally wiped out. He ordered a stay of execution and required the NLRC to elevate the record so that the case could be restudied (OP Decision No. 1951). In view of that order, the labor arbiter denied the motion for execution.

Presidential Assistant Zamora's order is the bone of contention in this case. The issues are whether the company could ask for the reconsideration of Clave's decision, which was authorized by the President, and whether respondent Zamora could stay the execution of the decision and review the merits of the company's appeal, notwithstanding that the original question raised in the Office of the President was whether the company's appeal from the NLRC's order of reinstatement was pro forma or not.

As correctly pointed out by the Solicitor General, the reconsideration of Clave's decision is governed by the rules regulating appeals to the Office of the President and providing for the finality of the decisions on such appeals (Executive Order No. 19, Series of 1966, 62 O. G. 2940-2).

Under section 4 of Executive Order No. 19 a petition for reconsideration of the decision of the Office of the President may be filed within fifteen days from receipt of a copy thereof by the parties involved based on grounds similar to those found in Rule 37 of the Rules of Court. Among those grounds is that the decision is not in conformity with the applicable law or evidence presented.

Under section 5 of the same Executive Order, a petition for reconsideration in exceptionally meritorious cases may be entertained even if filed beyond the fifteen-day period.

The unavoidable conclusion is that the Office of the President has jurisdiction to entertain the company's motion for reconsideration which was filed on the tenth day following its receipt of Presidential Executive Assistant Clave's decision.

As to respondent Zamora's directive, by authority of the President, staying the execution of Presidential Executive Assistant Clave's decision and requiring the Secretary of Labor to elevate the record, that power, as noted by the Solicitor General, may be implied from the provision of article 222 of the Labor Code that "the decision of the Secretary of Labor shall be immediately executory, even pending appeal, unless stayed by an order of the President".

During the pendency of this case, or on March 4, 1977, Zamora resolved the oft-mentioned motion for reconsideration. In that resolution he noted that the motion was filed within the reglementary fifteen-day period fixed in Executive Order No. 19. He ruled that technicalities should be disregarded and that the merits of the company's appeal should be passed upon.

After finding that the company is financially distressed and that it violated section 11 of Presidential Decree No. 21 by laying off employees without prior clearance from the Secretary of Labor, Zamora, by authority of the President, modified the NLRC's decision by ordering the company to reinstate all dismissed regular employees, with at least one year of service, without loss of seniority, and to pay them backwages equivalent to six months' salary.

In view of that resolution, a supervening fact, this Court required the parties to manifest whether the instant case has become moot and academic. Respondent public officials manifested that the instant case has become moot because in this Court the union wanted to stop Zamora from reviewing the NLRC decision but he modified it as above indicated (we did not issue any restraining order).

The company manifested that it was in conformity with the said resolution and that the instant case has become moot.

We agree with the respondents that the issue of whether the Office of the President should resolve the company's motion for reconsideration is no longer justiciable in this case.

We cannot accede to petitioners' prayer in their manifestation and motion of April 6, 1977 that we should modify the said resolution by ordering the reinstatement of all the dismissed employees with full backwages (an affirmance in toto of the NLRC decision) because, under the pleadings, that resolution is not before this Court for review.

WHEREFORE, this case is dismissed for having become moot. No costs.

SO ORDERED.

Barredo, Antonio, and Martin, JJ., concur.

Fernando, J., concurs in the opinion of Justice Aquino and in addition expresses the view that the Presidential authority to reconsider its order has a constitutional sanction and that the modified order of Presidential Assistant Zamora does not suffer from any taint of arbitrariness.

Concepcion, Jr., J., on leave.

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