MANILA MINING CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND MANILA MINING CORPORATION-SPFL., RESPONDENTS.

Ponente: CARANDANG, J.

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CARANDANG, J.:

Assailed and sought to be set-aside via this Petition for Certiorari under Rule 65 of the Rules of Court is the October 31, 2012 Decision[1] of public respondent NLRC in NCMB-CARAGA NS-02-001-01. Also being assailed is the Order[2] dated February 12, 2013, denying petitioner's Motion for Reconsideration of the October 31, 2012 Order of the NLRC.

The petition arose from the following facts:

Petitioner Manila Mining Corporation (MMC) is a domestic corporation engaged in mining business and operation while private respondent Manila Mining Labor Union-SPFL (MMLU-SPFL) (NAMAWU) is the exclusive bargaining agent of the rank and file employees of MMC.

On January 30, 2001, MMLU-SPFL filed before the NLRC-Regional Arbitration Branch No. XIII, Butuan City, a Complaint[3] for Unfair Labor Practice, Labor Only Contracting and Damages, against MMC. The Complaint was instituted by MMLU-SPFL as a result of MMC's labor-only contracting activities and the laying-off of the majority of MMC's workers by MMC on December 20, 2000. The said Complaint, however, was later on withdrawn after the union, by a majority vote of all its 464 members, decided to undertake concerted activity by filing a notice of strike with the National Conciliation and Mediation Board. MMC then filed a petition for assumption of jurisdiction with the Secretary of the Department of Labor and Employment (DOLE), who subsequently issued an order certifying the labor dispute to the NLRC for compulsory arbitration. The DOLE Secretary also directed the parties to cease and desist from committing any act that might exacerbate the situation. Despite the directive of the Secretary of DOLE, however, MMC initiated a retrenchment program and terminated the services of sixty eight (68) employees on April 6, 2001.

On October 30, 2002, the Fifth Division of the NLRC based Cagayan De Oro City rendered a Decision resolving the labor dispute between MMC and MMLU-SPFL. The NLRC disposed the case in this wise:

> “WHEREFORE, premises considered, judgment is hereby rendered:
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> 1. declaring the lay-off on December 20, 2000 and the dismissal of employees on April 6, 2001, respectively, illegal and directing MMC to immediately REINSTATE the affected employees to their respective jobs, without loss of seniority rights and to the other privileges appurtenant thereto;
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> 2. declaring MMC to have committed unfair labor practice; and
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> 3. ordering MMC to immediately PAY the affected workers their:
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> a) full backwages from the time they were terminated until their actual reinstatement;

> b) moral damages and exemplary damages in the amount of Ten Thousand Pesos and Five Thousand Pesos, respectively, for each of the affected workers; and
>
> c) attorney"s fees which is 10% of the total amount awarded to the affected workers.
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> SO ORDERED.”

Aggrieved, MMC appealed to this Court. However, in a Decision[4] dated February 13, 2006, this Court affirmed the Decision of the NLRC. MMC then went to the Supreme Court and filed a Petition for Review on Certiorari but its petition was denied. Consequently, the said Decision of the NLRC became final and executory on November 12, 2010.[5]

On October 18, 2011, MMLU-SPFL filed an Omnibus Motion for Computation of Award and Issuance of Writ of Execution.[6]After several pre-execution conferences, the NLRC issued an Order partially granting the Motion. The dispositive Order of the Order reads:

> “WHEREFORE, foregoing premises considered, the above motion is hereby partially GRANTED and let a partial Writ of Execution be issued directing petitioner Manila Mining Corporation to pay the above-named 68 employees the total amount of P2,170,911.06 representing backwages, separation pay, moral and exemplary damages, and attorney's fees.
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> Further, petitioner Manila Mining Corporation and Manila Mining Labor Union-SPFL should submit to the Commission within ten (10) days from receipt of this order, the following documents: 1) list of the complete names of the 464 employees laid-off on 20 December 2000; 2) list of among these employees who were actually reinstated; and 3) payrolls/vouchers or any other record showing these worker's rates of pay, copies of which shall be furnished to the other party.
>
> SO ORDERED.”

From the said Order, petitioner filed a Motion for Reconsideration. Perhaps realizing its mistake in pegging the numbers of workers laid-off on December 20, 2000 at 464, the NLRC modified its Decision. It decreed thus:

> “WHEREFORE, premises considered, the instant motion for reconsideration is PARTLY GRANTED and the assailed Order dated 31 October 2012 is MODIFIED by just deleting the figure 464 as appearing therein to be the number of employees laid-off on 20 December 2000.
>
> SO ORDERED.”

Unsatisfied, MMC filed the extant Petition for Certiorari under Rule 65 of the Rules of Court on the ground that –

> PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DIRECTING PETITIONER TO SUBMIT DURING THE PRE-EXECUTION CONFERENCE COMPLETE DOCUMENTS SUCH AS: (1) LIST OF THE COMPLETE NAMES OF ALL OWKERS LAID-OFF ON 20 DECEMBER 2000; (2) LIST OF NAMES OF THOSE EMPLOYEES REINSTATED ON CERTAIN DATES; AND (3) PAYROLLS/VOUCHERS OR ANY OTHER DOCUMENTS SHOWING WAGE RATES OF THESE LAID-OFF EMPLOYEES.

Expounding its arguments, petitioner contends that directive of the NLRC for the submission of: [1] the complete names of all the workers laid-off on December 20, 2000; [2] the list of those workers who were reinstated on certain dates; and [3] the payrolls/vouchers or any other documents showing wage rates of the laid-off workers is tantamount to reopening the case. Petitioner insists that the case is already at its execution stage and the parties had long been given the opportunity to present their evidence and there is nothing more left to be done except to thresh out matters relevant to the execution such as the final computation of the monetary award based on the evidence already presented by the parties. Since private respondent failed to adduce evidence as to who among

workers were laid-off on December 20, 2000 and considering that not one individual came out in the open to claim that he was prejudiced by the lay-off, petitioner asserts that it is now too late in a day to order the introduction of evidence on the matter and the NLRC cannot now arrogate upon himself, for and in behalf of respondent, the burden of producing the names of the employees laid-off on December 20, 2000.

We find the arguments of petitioner to be without merit.

It must be emphasized the the Decision of the NLRC pertaining to the labor dispute between petitioner and private respondent had long become final and executory. Being final and executory in nature, it is just a ministerial and mandatory duty of the court to implement and enforce it.[7] Concededly, it is a fundamental legal axiom that an order of execution must substantially conform to the dispositive portion of the decision sought to be executed. The order of execution may not vary, or go beyond, the terms of the judgment it seeks to enforce.[8]

Applying the aforestated legal axiom as Our yardstick, We do not find the following directive of the NLRC to the parties to submit to the Commission: [1] the list of complete names of the laid-off employees on December 20, 2000, [2] the list of who among the laid-off employees were actually reinstated; and [3] the payrolls/vouchers or any other record showing the said employees' rates of pay, to had been tainted with grave abuse of discretion amounting to lack or excess of jurisdiction. Precisely, the Order of the NLRC did not vary, or go beyond, the terms of the judgment it seeks to enforce. As We see it, the directive of the NLRC is just but a measure to give effect to its judgment. It must be noted that there are two (2) sets of employees who were ordered by the Decision of the NLRC to be reinstated. Those who were laid-off on December 20, 2000 and the sixty eight (68) employees who were retrenched on April 6, 2001. There is no dispute as to the execution of the judgment with regard to the 68 retrenched employees since the NLRC in its Order had already computed the award due them. The bone now of contention is the execution pertaining to the employees who were laid-off on December 20, 2000. Since they were not specifically identified, there is now need to identify them so that the judgment in their favor would be fully implemented and this can only be done thru the submission of the list of the names of the employees who were laid-off on December 20, 2000. As the NLRC noted, petitioner is the proper custodian of the employees records and, therefore, it is not relieved from the burden of submitting the same. In this connection, We do not find the argument of petitioner that it is now too late in a day to allow the presentation of evidence to effect the full implementation of the judgment of the NLRC. That is so because there is jurisprudence to the effect that even after judgment has become final, the court may allow the presentation of evidence of events or circumstances affecting the rights of parties and accordingly suspend the execution of the judgment and grant relief as the new facts and circumstances warrant.[9]

WHEREFORE, in view of the foregoing considerations, the assailed Orders of the NLRC are AFFIRMED. The petition is DISMISSED for lack of merit.

SO ORDERED.

Barza, and Reyes-Carpio, JJ., concur.

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[1] Rollo, pp. 41-47.

[2] Rollo, pp. 70-73.

[3] Rollo, pp. 116-118.

[4] Rollo, pp. 305-321.

[5] Entry of Judgment, Rollo, p. 331.

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[6] Rollo, pp. 334-339.

[7] Dadap-Malinao vs. Judge Mijares, 372 SCRA 128.

[8] G.R. No. 160358, August 31, 2006.

[9] Candelario vs. Canizares, 4 SCRA 738.

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