

ABBOTT LABORATORIES, PHILS., INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND GEORGE D. JONES, RESPONDENTS.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is a Petition for Certiorari,[1] with an urgent prayer for Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction, under Rule 65 of the Rules of Court assailing, on the ground of grave abuse of discretion amounting to lack or in excess of jurisdiction, the April 10, 2013 Joint Resolution[2] and May 20, 2013 Joint Resolution[3] of the National Labor Relations Commission (NLRC), 7[th] Division, Cebu City in NLRC Case Nos. VER-02-000004-13, VER-03-000008-13 (NLRC Case No. RAB-VI-12-10510-89).

The challenged Resolutions relates to the execution proceedings conducted by Labor Arbiter Jessie G. Sullano (Sullano) which started on January 2013. The main case, however, started way back in December 1989 which involved an illegal dismissal complaint filed by herein private respondent George D. Jones (Jones), who was previously employed with herein petitioner Abbott Laboratories, Phils., Inc. (Abbott), and culminated with the Supreme Court's Decision dated December 6, 1995 declaring Jones as illegally dismissed and ordering his immediate reinstatement to his former position with backwages and without loss of seniority rights.

The first assailed Resolution reversed and set aside the Orders of Labor Arbiter Sullano dated January 23, 2013[4] and March 4, 2013[5] and pursuant to the SC Resolution dated October 24, 2012,[6] ordered Abbott to reinstate Jones to his former position immediately and to pay him the total amount of P 2,704,890.00 as accrued reinstatement wages or backwages computed from March 1996 until April 2013. On the other hand, the second assailed Resolution denied Abbott's motion for reconsideration.

The Antecedents

This case stemmed from a complaint for illegal dismissal filed by Jones against Abbott which has been previously resolved with finality by the SC in *GEORGE D. JONES v. NLRC*, 4th Division, Cebu City; *ABBOTT LABORATORIES (PHILS.), INC., AUBREY BOUT, and ELENITO P. TUAZON*, docketed as G.R. No. 107729, in a Decision dated December 6, 1995 (1995 SC Decision).[7] The SC ruled that Jones had been illegally dismissed and was thus ordered to be reinstated and paid his backwages from the date of his dismissal up to the date of his reinstatement.

The factual background in the 1995 SC Decision is summarized as follows:[8]

“George D. Jones started working with Abbott Laboratories (Phils.), Inc. (ABBOTT) as a medical representative sometime in February 1971. In 1973 he was promoted as District Sales Manager for Western Visayas. At the time he was dismissed on 27 October 1989 he was receiving a monthly salary of P10,000.00 plus mid-year and Christmas bonuses equivalent to one month salary. Starting his eleventh year he was given, aside from the free use of a company car, six and a half (6-1/2) days vacation leave for every year of service. During his employment he was the recipient of various awards and commendations for his loyalty and

exemplary performance.

On 3 August 1989 petitioner applied for and was granted a vacation leave which he availed of on 11 to 28 September 1989. Shortly before his leave expired he applied for sick leave to take effect 29 September 1989. The reason he gave was that he was hypertensive as shown in his medical certificate issued by Dr. Wilfredo Salvador on 29 August 1989 attached to his application. On 10 October 1989 ABBOTT disapproved his application for sick leave and directed him instead to report to its Director of Administration within five (5) days.

When petitioner failed to appear for work ABBOTT again wrote him on 25 October 1989 directing him to report on 27 October 1989, or two (2) days after, otherwise he would be dismissed for abandonment. Receiving no reply from petitioner, ABBOTT finally terminated his services on the day he was required to report. In the meantime, on 20 October 1989 petitioner wrote from Canada informing his employer that he would be reporting in the first week of December 1989 as he had been advised by his physician to rest and to undergo further medical examination.

When he returned to the Philippines he was informed that he was already dismissed. Consequently, he filed a complaint for illegal dismissal with damages. Upon issues being joined, petitioner opted to rely on his position paper instead of adducing testimonial evidence. Private respondents, on the other hand, presented Dr. Mel Bacabac and private respondent Elenito P. Tuazon, Administrator of ABBOTT. After trial the Labor Arbiter decided in favor of private respondents by sustaining the dismissal of petitioner.

On appeal by petitioner, the National Labor Relations Commission (NLRC) reversed the Labor Arbiter. The NLRC found that notwithstanding the scheme of petitioner in extending his stay in Canada through vacation and sick leaves it could not sustain the conclusion that petitioner abandoned his employment.

Private respondents moved for reconsideration claiming that petitioner was not sick at the time of his application for sick leave; that at the time he was dismissed he had already been absent without leave for several months showing lack of interest in his work; and, that there was no dispute regarding his refusal to work despite company directives for him to report.

Upon acting on the motion NLRC flip-flopped; it reversed itself. It ruled that petitioner was guilty of abandonment for going on sick leave without justifiable reasons.

Petitioner moved for reconsideration. It was denied; hence, this petition.”

In its 1995 Decision, the SC reversed the ruling of the NLRC and ruled in favor of Jones, more specifically, declaring Jones to have been illegally dismissed and is thus entitled to payment of backwages and reinstatement. The dispositive portion[9] of the 1995 SC Decision reads as follows:

WHEREFORE, the resolutions of the National Labor Relations Commission promulgated 20 August and 12 October 1992 are REVERSED and SET ASIDE. Consequently, private respondents are directed to REINSTATE petitioner GEORGE D. JONES to his former position immediately with back wages and without loss of seniority rights and other benefits to which he is entitled under the law.

On February 21, 1996, the SC, through a Resolution, denied Abbott's motion for reconsideration with finality. On March 11, 1996, the 1995 SC Decision became final and executory and was recorded in the Book of Entries of Judgment.[10]

Thereafter, execution proceedings eventually commenced. On January 24, 1997, a Motion for Execution was filed by Jones praying for the issuance of a writ of execution to enforce the 1995 SC Decision.[11] The said Motion was opposed by Abbott arguing that reinstatement of Jones had become legally impossible and impracticable.[12]

On February 7, 1997, a Motion for Immediate Reinstatement and a Motion for Computation were subsequently

filed by Jones.[13] On February 19, 1997, Abbott filed a Satisfaction of Money Award with Motion submitting its computation of the backwages and separation pay due to Jones in the amount of P 1,259,933.30.[14] On March 31, 1997, Jones filed a Consolidated Comment with Motion for Partial Execution stating that the January 24, 1997 Motion for Execution which he filed refers solely to that portion of the judgment awarding him his undisputed basic fixed monthly wage of P 10,900.00 and that the amount of P 47,341.95 computed as his sick leave credits is substantially accurate as far as he is concerned subject however to further verification from the records. On October 7, 1997, Jones filed a Supplemental Motion for Partial Execution with Reservation reiterating basically the same allegations contained in its March 31, 1997 Motion for Partial Execution.[15]

On October 21, 1997, Labor Arbiter Jesus N. Rodriguez, Jr. (Rodriguez) issued an Order[16] directing the parties to file their comments/objections why a partial writ of execution involving the undisputed benefits due to Jones should not be issued pending final determination of the other benefits accruing to the latter.

On October 14, 1998, Labor Arbiter Rodriguez issued another Order[17] directing the issuance of a Partial Writ of Execution for the satisfaction of the amount of P 1,033,358.90 representing the undisputed benefits due to Jones (P 986,017.04 as backwages plus P 47,341.95 as sick leave credits) computed from the date when Jones was illegally dismissed or on October 27, 1989 until the date of entry of judgment of the 1995 SC Decision or on March 11, 1996. In the same Order, the reinstatement aspect, seniority rights and other privileges, inclusive of allowances, other benefits or their monetary value were set for hearing.

From the aforesaid Order, Abbott filed a Motion for Correction citing error in the mathematical computation as reflected therein. Abbott claimed that the aggregate amount should only be P 1,022,458.90. In addition, Abbott prayed that their payment of P 1,022,458.90 be deemed as full and complete satisfaction of all backwages due to Jones pursuant to the 1995 SC Decision. By way of Manifestation, Jones conceded that P 1,022,458.90 was the right computation but took exception to Abbott's position that the said amount constituted his full and total backwages because, according to Jones, the same should be computed from the time his compensation was withheld up to the time of his actual reinstatement which has not yet been accomplished. Consequently, Jones filed a "Reiteration of Motion for Immediate Reinstatement dated February 7, 1997" dated November 25, 1998 praying for his actual/physical or payroll reinstatement.[18]

On December 8, 1998, Abbott submitted a check amounting to P 1,022,458.90 and on same date, Gaspar D. Jones, armed with a Special Power of Attorney, received the check. The same was acknowledged in Jones' Motion to Resolve and Set for Hearing with Manifestation which nevertheless contained a qualification that the said amount cannot represent the full and complete satisfaction of his backwages because he had not yet been reinstated. Thus, he prayed for the computation and payment of his backwages from March 12, 1996 onwards pending his actual/physical or payroll reinstatement. In its Comment, Abbott reiterated that the parties already agreed, pursuant to the Minutes of the Hearing on November 24, 1998, that the only issue for further negotiations is the reinstatement of Jones or in lieu thereof, the payment of separation pay.[19]

In his Counter Comment, Jones argued that Abbott misinterpreted the minutes and that his backwages and other benefits from March 12, 1996 onwards and his reinstatement were still matters for negotiation. On March 12, 1998, Jones then filed a Motion for Immediate Execution. For its part, Abbott filed its Memorandum embodying their arguments as to the implication of the said minutes and the legal impossibility of Jones' reinstatement. Jones, on the other hand, filed his Comments on Abbott's Memorandum.[20]

On September 12, 2005, Labor Arbiter Romulo P. Sumalinog (Sumalinog) issued an Order[21] ruling that Jones' receipt of the amount of P 1,022,458.90 constituted as the full and complete settlement of the latter's backwages and that Jones' reinstatement is neither prudent nor feasible in view of his continued and long absence, instead

Jones should be compensated with separation pay equivalent to one month's salary for every year of service. The dispositive portion[22] thereof reads:

WHEREFORE, premises considered, the amount of ONE MILLION TWENTY TWO THOUSAND FOUR HUNDRED FIFTY EIGHT and 90/100 PESOS (P 1,022,458.90) received by complainant GEORGE D. JONES is hereby DECLARED as full and complete satisfaction of the award of backwages.

However, respondent ABBOTT LABORATORIES (PHILS.), INC. is nevertheless DIRECTED to pay complainant GEORGE D. JONES his separation pay, in lieu of reinstatement, equivalent to one month's salary for every year of service, or the sum of TWO HUNDRED SEVENTY TWO THOUSAND FIVE HUNDRED PESOS (Php 272,500.00).

Aggrieved, Jones appealed the aforesaid Order to the NLRC.[23] On October 18, 2006, the NLRC issued its Resolution[24] dismissing the appeal on the ground of non-perfection. Jones' Motion for Reconsideration was likewise denied by the NLRC in its Resolution[25] dated February 26, 2007.

On June 5, 2007, Jones filed a Petition for Certiorari[26] before this Court, docketed as CA-GR SP. No. 02766, assailing the October 18, 2006 and February 26, 2007 Resolutions of the NLRC. However, Jones filed a Motion to Withdraw Petition which was granted by this Court in its Resolution[27] dated December 9, 2008.

On February 8, 2008, Jones filed before the SC a motion for issuance of a writ of execution praying that he be reinstated in accordance with the 1995 SC Decision. Jones argued that Labor Arbiter Sumalinog altered the final judgment of the SC in ordering the payment of separation pay in lieu of reinstatement, and that the doctrine of inviolability and unalterability of final judgments must be upheld. Acting upon the said motion, the SC in its Resolution dated March 24, 2008 referred Jones' motion for issuance of a writ of execution to the NLRC. Thereafter, the SC issued another Resolution dated February 23, 2009 which referred Jones' appointment of a special sheriff to the NLRC.[28]

On December 20, 2010, Jones filed a motion for issuance of an order directing the NLRC to issue a writ of execution and to report to the SC the action taken. Jones alleged that despite the SC's previous referrals of his motions, no action had yet been taken by the NLRC. Thus, in its Resolution dated February 28, 2011, the SC required the NLRC to file its comment on the said motion.[29]

In its Resolution dated November 23, 2011, the SC noted Jones' manifestation with omnibus motion to: 1) to reiterate motion for issuance of an order directing NLRC to issue a writ of execution and to report to the SC the action taken; and 2) to cite in contempt the Labor Arbiter for failing to file a comment. The SC likewise ordered the NLRC and the Labor Arbiter to show cause and comply.[30]

On February 17, 2012, Labor Arbiter Sumalinog filed his comment, where he argued that the principle of unalterability of final judgment admits of exceptions, namely, where facts transpire which would render its execution impossible or unjust, and it becomes necessary in the interest of justice to direct its modification in order to harmonize the disposition with the prevailing circumstances. He also averred that he could not be held in contempt because he never received the February 28, 2011 SC Resolution requiring him to file a comment. In his Reply on March 1, 2012, Jones argued that contrary to Labor Arbiter Sumalinog's findings, the records showed that petitioner had actively sought reinstatement and it has been held that the doctrine of strained relations was only applicable in cases where the employee decided not to be reinstated and demanded for separation pay. Jones, therefore, prayed that the SC issue an order: 1) directing the faithful execution of the 1995 SC Decision reinstating him; 2) directing the Regional Arbitration Branch (RAB) No. VI—Bacolod City to re-affle this case to another Labor Arbiter for proper execution; 3) directing the Labor Arbiter to whom the case is assigned to report to the Court the steps he had taken to implement the 1995 SC Decision within ten (10) days; and, 4) declaring

Labor Arbiter Sumalinog in Contempt of Court and meted the appropriate disciplinary penalty.[31]

In its October 24, 2012 Resolution,[32] the SC agreed with Jones and ruled that the present case does not qualify under any of the exceptions to the final and unalterable nature of a final judgment. Contrary to Labor Arbiter Sumalinog's findings that reinstatement was no longer feasible due to the continued and long absence of Jones, the strained relations of the parties and the lapse of several years since Jones' dismissal, these findings however were not a result of a change in the situation of the parties. Neither did they transpire after the judgment became final. As such, they could not be invoked in order to modify the judgment of the SC. The SC ruled further that the fallo of the 1995 SC Decision is clear that Abbott was directed to reinstate Jones and was not given an alternative to pay separation pay in the event that reinstatement would no longer be feasible. The October 24, 2012 SC Resolution decretal portion[33] reads:

WHEREFORE, the Court resolves to:

1. DIRECT the execution of the December 6, 1995 Decision strictly in accordance with its fallo ordering the reinstatement of petitioner;
2. DIRECT the Regional Arbitration Branch No. VI - Bacolod City to re-affle this case to another Labor Arbiter for proper execution; and
3. DIRECT the Labor Arbiter to whom the case is assigned to report to the Court his compliance within 10 days. xxx.

On January 17, 2013, the SC in its Resolution[34] denied with finality the motion for reconsideration filed by Abbott. On January 23, 2013, Labor Arbiter Sullano issued an Order[35] directing the reinstatement of Jones and accordingly, the issuance of a writ of execution to enforce immediately the reinstatement aspect of this case. On January 24, 2013, a Writ of Execution[36] was issued in reference to the January 23, 2013 Order.

As per Manifestation filed by Abbott on January 29, 2013 with the RAB, it signified having reinstated Jones effective that day. However, the Sheriff's Report submitted on even date by Mr. Enrico Y. Paredes, Sheriff II of the RAB, spoke otherwise. Until at present, the RAB did not receive any written proof or the like showing the actual reinstatement of Jones.[37]

On February 22, 2013, Jones filed a Second Urgent Motion To Resolve (Computation of Money Claim/Backwages/Accrued Salaries and Benefits).[38] Subsequently, on March 4, 2013, Labor Arbiter Sullano issued an Order[39] assessing Abbott of Jones' accrued salaries and other benefits, as if, actual reinstatement was effected, sustaining and adopting the computation submitted by Jones for his accrued salaries or backwages totaling to P 69,956,187.95, ordering Abbott to reinstate Jones immediately on payroll without further delay and to pay Jones the said amount. A writ of execution shall likewise immediately issue in case of non-compliance of Abbott of the foregoing directives.

Apparently aggrieved, Abbott filed with the NLRC two (2) verified Petitions with Prayer for the Issuance of TRO relative to the January 23, 2013 Order, docketed as VER-02-000004-13, and the March 4, 2013 Order, docketed as VER-03-000008-13. On March 20, 2013, the NLRC issued its Joint Resolution[40] granting the issuance of a TRO effective for twenty (20) days enjoining the execution of the questioned orders.

The Resolutions of the NLRC

On April 10, 2013, the NLRC rendered its first assailed Joint Resolution[41] resolving jointly the two (2) petitions lodged by Abbott centering its discussion on the reinstatement aspect and the computation of backwages due to Jones pursuant to the fallo of the 1995 SC Decision. In this Joint Resolution, the NLRC ruled that the Labor

Arbiter was justified in ordering the reinstatement of Jones as the Labor Arbiter was only carrying out the fallo of the 1995 SC Decision. It likewise ruled that there is no question on the amount of backwages due Jones computed from October 27, 1989 (date of dismissal) until March 11, 1996 (dated of entry of judgment) amounting to P 1,022,458.90, which amount Jones' had acknowledged receipt.

On the subsequent backwages or reinstatement wages aspect (from March 12, 1996 until the date of actual or payroll reinstatement), the NLRC took note of the parties' opposing views and ruled that the failure of Abbott to reinstate Jones had indispensable effects that continue to accrue by virtue of the order of reinstatement in the 1995 SC Decision, even if the same was not expressly stated therein. In computing the subsequent backwages or reinstatement wages accruing to Jones, the NLRC declared the Labor Arbiter as having abused his discretion in adopting a computation of backwages that included salary increases and commissions which are in the nature of contingent benefits, hence, speculative. It rejected the computation of Jones' reinstatement wages and came up with its own computation thereof.[42]

The dispositive portion of the April 10, 2013 NLRC Joint Resolution reads:

“WHEREFORE, the Verified Petitions are partly GRANTED, only insofar as the computation of respondents' backwages are concerned. Accordingly, the Orders issued by the Labor Arbiter, dated 23 January 2013 and 4 March 2013, respectively, are, hereby, SET ASIDE and in pursuance to the Supreme Court Resolution, on October 24, 2012, a NEW ONE issued directing the petitioner to:

1. REINSTATE petitioner GEORGE D. JONES to his former position immediately, without loss of seniority rights and other benefits to which he is entitled under the law. The petitioner is directed to submit a report of compliance with unequivocal proof thereof, to the Regional Arbitration Branch within ten (10) calendar days from receipt of this Resolution;

2. PAY the respondent GEORGE D. JONES the total amount of P 2,704,890.00, representing his accrued reinstatement wages from March 1996 up to April, 2013, computed as follows:

1. Basic Salary (at the time of dismissal):

P 10,900 x 12 months =

130,800.00

2. Christmas Bonus =

10,900.00

3. Vacation Leave (20 days) =

8,385.00

P 10,900/26 days x 20 days

4. Sick Leave =

8,385.00

P 10,900.00/26 days x 20 days

TOTAL PER YEAR: P 158,470.00

March 1996-2013 (17 yrs.)

P 2,693,990.00

Add: April 2013 Salary

10,900.00

TOTAL REINSTATEMENT WAGES

P 2,704,890.00

Thereafter, reinstatement wages shall continue to accrue until the respondent GEORGE D. JONES is actually reinstated.

It is understood that, to the extent of the amount beyond the award, herein, decreed, which amount is contained in the Labor Arbiter's Orders partly set aside, the enforcement thereof, is hereby enjoined.”[43]

Both parties moved for a reconsideration of the aforesaid ruling. Abbott filed its Motion for Reconsideration dated April 12, 2013, while Jones filed his Motion for Reconsideration dated April 23, 2013, both questioning the April 10, 2013 Joint Resolution. But both motions were however denied by the NLRC through its May 20, 2013 Joint Resolution.[44]

Hence, this present petition imputing serious errors and grave abuse of discretion on the part of the NLRC committed as follows:

I.

the nlrc ruled that the company failed to reinstate jones and effectively ordered his payroll reinstatement in wanton disregard of the facts and circumstances as well as evidence of jones's (sic) actual reinstatement effective 28 january 2013; it is jones himself who is actually refusing reinstatement by continuously not reporting at the company's premises for work.

II.

The nlrc awarded backwages to jones notwithstanding the latter's clear intention at the outset not to report for work and just claim reinstatement in order to amass backwages.[45]

This Court's Ruling

The petition is bereft of merit.

At the onset, it is pertinent to note that the issues raised in the instant petition inquires into the factual findings of the NLRC. The petitioner Abbott would have us sift through the evidence on record and pass upon whether the

private respondent Jones was already actually reinstated effective January 28, 2013 and thus, no longer entitled to accrued backwages. This clearly involves a factual inquiry, the determination of which is the statutory function of the NLRC.[46]

In the consideration of the extraordinary writ of certiorari, questions of fact nor of law are not entertained, but only questions of lack or excess of jurisdiction or grave abuse of discretion.[47] The sole object of the writ is to correct errors of jurisdiction or grave abuse of discretion.[48] It does not encompass an error of law.[49] Nor does it include a mistake in the appreciation of the contending parties' respective evidence or the evaluation of their relative weight.[50]

The Court cannot be tasked to go over the proofs presented by the parties and analyze, assess and weigh them all over again to ascertain if the trial court or quasi-judicial agency and the appellate court were correct in according superior credit to this or that piece of evidence of one party or the other.[51] The sole office of a writ of certiorari is the correction of errors of jurisdiction including the commission of grave abuse of discretion amounting to lack of jurisdiction, and does not include the review of public respondent's evaluation of the evidence and the factual findings based thereon.[52]

Thus, a party assailing the findings of the trial court, quasi-judicial agency or the appellate court bears the burden of showing that these courts acted capriciously and whimsically or in total disregard of evidence material to the controversy in order that the extraordinary writ of certiorari will lie.[53]

After a careful examination of the pleadings and the annexes at hand, this Court believes that nowhere in the records is there any acceptable demonstration that the public respondent acted either with grave abuse of discretion or without or in excess of its jurisdiction. This Court is convinced that there is no showing that the conclusions made by the public respondent are manifestly mistaken. Even assuming that there is an error of judgment in the resolution of the factual issues by public respondent, there is to Our mind, no capricious exercise of judgment that would warrant the issuance of the extraordinary writ of certiorari. Moreover, the issues for resolution in this petition involve an inquiry into factual matters, hence, are not proper subjects of a petition for certiorari.

Nevertheless, We shall look into the factual issues raised by petitioner not so much to address the merit of this petition, for there is none, but only to the extent of considering the submission that the NLRC went beyond its jurisdiction or gravely abused its discretion.[54]

First Point: On the Reinstatement Aspect

Before We proceed to address petitioner Abbott's contentions, there is a need for Us to restate the 1995 SC Decision sought to be enforced in this case. For that purpose, We quote hereunder the fallo or dispositive portion of the said Decision:

WHEREFORE, the resolutions of the National Labor Relations Commission promulgated 20 August and 12 October 1992 are REVERSED and SET ASIDE. Consequently, private respondents are directed to REINSTATE petitioner GEORGE D. JONES to his former position immediately with back wages and without loss of seniority rights and other benefits to which he is entitled under the law.

The fallo or dispositive portion of the 1995 SC Decision as worded is clear and needs no further interpretation. As aptly pointed out by the NLRC, the fallo of the aforesaid Decision consists of two aspects. Firstly, that private respondent Jones is entitled to reinstatement to his former position without loss of seniority rights. Secondly, the payment of backwages corresponding to the period from his illegal dismissal up to actual reinstatement.

Here, the facts and records of the case would reveal that petitioner Abbott failed to reinstate private respondent

Jones. Contrary to the manifestations of petitioner Abbott that it has reinstated private respondent Jones but the latter failed to report for work, the records disclose that on January 28, 2013, private respondent Jones, together with the Sheriff, went to petitioner Abbott's premises in order that private respondent Jones be reinstated to his former position. The Sheriff verbally requested for a certification of reinstatement from petitioner Abbott as proof of the latter's compliance with the reinstatement order and writ of execution but the latter denied the request and simply said that it will just file a manifestation before the Labor Arbiter stating that they are complying with the writ of execution. Private respondent Jones, together with the Sheriff, returned the following day and this time, the Sheriff served a written demand to submit a certificate of reinstatement but petitioner Abbott refused to receive the same. All these were reflected in the Sheriff's Report dated January 29, 2013. For their part, petitioner Abbott merely manifested having reinstated private respondent Jones without offering any proof of the alleged reinstatement.

To repeat, the Labor Arbiter and the NLRC are in agreement, on the basis of documentary evidence adduced, that petitioner Abbott did not only fail to faithfully observe and comply with the directives contained in the 1995 SC Decision, it likewise failed to establish by substantial evidence that the alleged reinstatement of private respondent Jones did materialize.

In its January 23, 2013 and March 4, 2013 Orders, the Labor Arbiter emphasized that there was no showing that petitioner Abbott complied with the order of reinstatement as detailed in the 1995 SC Decision, which had long attained its finality. In arriving at a similar conclusion with that of the Labor Arbiter, the NLRC gave a brief discussion on this score:

“xxx. Nonetheless, to Our mind, the Labor Arbiter did not abuse his discretion in ordering the reinstatement of respondent Jones in either petitions, because he was just granting a relief that was ordered by the Supreme Court, in its decision 'Jones v. NLRC, G.R. No. 107729, December 6, 1995,'.

Said the Supreme Court:

'xxx The resolution of the court in a given issue – embodied in the fallo or dispositive part of a decision or order – is the controlling factor in resolving the issues in a case. The fallo embodies the court's decisive action on the issue/s posed, and is thus the part of the decision that must be enforced during execution. xxx'

Undeniably, in ordering the reinstatement of the respondent Jones, the Labor Arbiter was carrying out the fallo of the judgment of the Supreme Court. Therefore, the Labor Arbiter was, at the end of the day, justified in ordering the respondent JONES' reinstatement.”

xxx.”[55]

Given the foregoing rationale, this Court is loathed to interfere with this factual determination. We find no error sufficiently weighty and substantive to call for the reversal of such factual findings.

As a rule, judicial review of labor cases does not go beyond the evaluation of the sufficiency of the evidence upon which its labor officials' findings rest.[56] As such, the findings of facts and conclusion of the NLRC are generally accorded not only great weight and respect but even clothed with finality and deemed binding on this Court as long as they are supported by substantial evidence or that amount of relevant evidence which a reasonable man might accept as adequate to justify a conclusion.[57]

We find no basis for deviating from the afore-stated doctrine without any clear showing that the findings of the labor arbiter, as affirmed by public respondent NLRC, are bereft of sufficient substantiation. What is more, factual findings of the NLRC affirming those of the Labor Arbiter, both bodies being deemed to have acquired expertise in matters within their jurisdictions, are accorded respect if not finality, and are considered binding on this

Court.[58] As long as their decisions are devoid of any unfairness or arbitrariness in the process of their deduction from the evidence proffered by the parties, like in the case at bench, all that is left is for the Court to stamp its affirmation and declare its finality.[59]

Second Point: On the Award of Accrued Backwages

In its assailed Joint Resolution dated April 10, 2013, the NLRC awarded private respondent Jones accrued backwages or reinstatement wages primarily because petitioner Abbott has not reinstated private respondent Jones even after the finality of the 1995 SC Decision. The NLRC ruled thus:

“Verily, while it may have been true that the backwages of the respondent Jones, covering the period October 27, 1989 (date of dismissal) up to March 11, 1996 (date of entry of judgment), was already paid, and the only issue back then was his reinstatement, We cannot close Our eyes to the fact that respondent Jones was not reinstated up to the time of the filing of these petitions.

Hence, the failure of the petitioner to reinstate the respondent has indispensable effects that continue to accrue by virtue of the order of reinstatement of the Supreme Court, even if such are not expressly stated therein.

As explained by the Supreme Court:

'xxx. By the nature of an illegal dismissal case, the reliefs continue to add on until full satisfaction, as expressed under Article 279 of the Labor Code. The re-computation of the consequences of illegal dismissal upon execution of the decision does not constitute an alteration or amendment of the final decision being implemented. The illegal dismissal ruling stands; only the computation of monetary consequences of this dismissal is affected and this is not a violation of the principle of immutability of final judgments.'"

Besides, nothing in the records support the proposition that respondent's acceptance of the P 1,022,458.90 was in full satisfaction of respondent's claims against the petitioner. One indicator that the same was not intended to be in satisfaction of all backwages is that the period of coverage was specifically indicated and limited to the aforementioned period. Therefore, We concur with the Labor Arbiter on the entitlement of accrued reinstatement wages.

We agree with the NLRC.

Backwages are to be computed from the time of illegal dismissal until reinstatement or upon petitioner's payment of separation pay to respondent if reinstatement is no longer possible.[60] Article 279 of the Labor Code, as amended, states:

Art. 279. Security of Tenure. – x x x

In cases of regular employment the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement. (Emphasis Ours)

Thus, an illegally dismissed employee is entitled to two reliefs: backwages and reinstatement. The two reliefs provided are separate and distinct. The normal consequences of respondents' illegal dismissal, then, are reinstatement without loss of seniority rights, and payment of backwages computed from the time compensation was withheld up to the date of actual reinstatement.[61]

Concomitantly, it is evident that private respondent Jones' backwages should not be limited to the period from October 27, 1989 up to March 11, 1996. The backwages due private respondent Jones must be computed from the time he was unjustly dismissed until actual reinstatement to his former position. Thus, until petitioner Abbott

actually implements the reinstatement aspect of the 1995 SC Decision, its obligation to private respondent Jones, insofar as accrued backwages and other benefits are concerned, continues to accumulate.

This Court takes this occasion to reiterate that execution is the final stage of litigation, the end of the suit. It cannot and should not be frustrated except for serious reasons demanded by justice and equity.[62] Litigation must end sometime and somewhere. An effective and efficient administration of justice requires that, once a judgment has become final, the winning party be not, through a mere subterfuge, be deprived of the fruits of the verdicts. Courts must, therefore, guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.[63]

Based on the foregoing disquisitions, We find and so hold that the public respondent NLRC acted accordingly and without grave abuse of discretion in rendering the assailed resolutions.

WHEREFORE, the instant Petition is DISMISSED. The Joint Resolutions of the NLRC dated April 10, 2013 and May 20, 2013, respectively, in NLRC Case Nos. VER-02-000004-13, VER-03-000008-13 (NLRC Case No. RAB-VI-12-10510-89) are hereby AFFIRMED IN TOTO.

SO ORDERED.

Ingles,[*] and Azcarraga-Jacob, JJ., concur.

[*] Acting Chairperson in lieu of J. Ramon Paul L. Hernando, per Office Order No. 19-14-GTI dated July 7, 2014.

[1] Rollo, pages 8-56.

[2] Penned by Commissioner by Julie C. Rendoque, rollo, pages 451-465.

[3] Penned by Commissioner by Julie C. Rendoque, rollo, pages 503-507.

[4] Rollo, pages 262-264.

[5] Rollo, pages 365-372.

[6] Rollo, pages 514-524.

[7] Rollo, page 97.

[8] See G.R. No. 107729, rollo, pages 514-517.

[9] Rollo, page 523.

[10] See page 1 of SC Resolution dated October 24, 2012, rollo, page 525.

[11] See page 1 of Labor Arbiter Rodriguez's Order dated October 21, 1997, rollo, page 62.

[12] See page 1 of SC Resolution dated October 24, 2012, rollo, page 525.

[13] See page 2 of Labor Arbiter Sumalinog's Order dated September 12, 2005, rollo, page 105.

[14] See page 2 of Labor Arbiter Rodriguez's Order dated October 21, 1997, rollo, page 63.

[15] See page 3 of Labor Arbiter Rodriguez's Order dated October 21, 1997, rollo, page 64.

[16] Rollo, pages 62-65.

[17] Rollo, pages 66-70.

- [18] See page 3-4 of Labor Arbiter Sumalinog's Order dated September 12, 2005, rollo, page 106-107.
- [19] See page 4 of Labor Arbiter Sumalinog's Order dated September 12, 2005, rollo, page 107.
- [20] See page 5 of Labor Arbiter Sumalinog's Order dated September 12, 2005, rollo, page 108.
- [21] Rollo, pages 104-111.
- [22] Rollo, page 111.
- [23] Rollo, pages 112-133.
- [24] Penned by Commissioner Oscar S. Uy, rollo, pages 134-137.
- [25] Penned by Commissioner Oscar S. Uy, rollo, pages 138-140.
- [26] Rollo, pages 141-153.
- [27] Rollo, pages 155-156.
- [28] See page 3 of SC Resolution dated October 24, 2012, rollo, page 527.
- [29] See page 3 of SC Resolution dated October 24, 2012, rollo, page 527.
- [30] See page 4 of SC Resolution dated October 24, 2012, rollo, page 528.
- [31] See page 4 of SC Resolution dated October 24, 2012, rollo, page 528.
- [32] Rollo, pages 525-531.
- [33] Rollo, pages 530-531.
- [34] Rollo, pages 532-533.
- [35] Rollo, pages 262-264.
- [36] Rollo, pages 265-266.
- [37] See page 2 of RAB Order dated March 4, 2013, rollo, page 366.
- [38] See page 2 of RAB Order dated March 4, 2013, rollo, page 366.
- [39] Rollo, pages 365-372.
- [40] Rollo, pages 413-415.
- [41] Supra, at note 2.
- [42] Supra, at note 2.
- [43] Pages 13-14 of the NLRC Joint Resolution, rollo, pages 464-465.
- [44] Supra, at note 2.
- [45] Page 29 of the Petition, rollo, page 37.
- [46] CBL Transit, Inc. v. NLRC, G.R. No. 128425, March 11, 2004.
- [47] Samson v. Office of the Ombudsman, G.R. No. 117741, September 29, 2004.
- [48] Lim v. Executive Secretary, 430 Phil. 55 (2002).

- [49] Land Bank of the Philippines v. Court of Appeals, G.R. No. 129368, August 25, 2003.
- [50] Cf. Cruz v. People of the Philippines, 363 Phil. 156 (1999).
- [51] Yuchengco v. Court of Appeals, 427 Phil. 11 (2002).
- [52] Yuchengco v. Court of Appeals, 427 Phil. 11 (2002).
- [53] Odango v. NLRC, G.R. No. 147420, June 10, 2004.
- [54] Odango v. NLRC, G.R. No. 147420, June 10, 2004.
- [55] Pages 8-9 of NLRC Joint Resolution, rollo, pages 459-460.
- [56] CBL Transit, Inc. v. NLRC, G.R. No. 128425, March 11, 2004.
- [57] Progressive Development Corp. v. NLRC, G.R. No. 138826, October 30, 2000.
- [58] Ignacio v. Coca-Cola Bottlers Phils. Inc., G.R. No. 144400, September 19, 2001.
- [59] Supra.
- [60] Mt. Carmel College v. Resuena, G.R. No. 173076, October 10, 2007.
- [61] Supra.
- [62] Torres v. National Labor Relations Commission, 386 Phil. 513, 520 (2000).
- [63] Dizon v. Court of Appeals, 444 Phil. 161, 168 (2003).

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