NATIONAL ADMINISTRATIVE REGISTER · NOVEMBER 5, 1986

PURSUANT TO THE PROVISION OF ARTICLE 218 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

REVISED RULES OF THE NLRC, November 05, 1986

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Pursuant to the provision of Article 218 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, the following rules governing arbitration proceedings before the Labor Arbiters and the National Labor Relations Commission are hereby adopted and promulgated:

RULE I
Title and Construction

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

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

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

RULE II
Seal of the Commission

SECTION 1. Seal — The seal of the National Labor Relations Commission shall be of standard size, circular, with the inscription running from left to right on the upper outside edge, with the words "National Labor Relations Commission," and on the lower outside edge, the words "Republic of the Philippines," with a design at the center containing the coat of arms of the Ministry of Labor and Employment.

RULE III
Definition of Terms

SECTION 1. Definitions — The terms and phrases defined in Article 212 of the Labor Code, as amended, shall, as far as practicable, be given the same meanings when used herein, except that the use hereinafter of the word "Commission" shall refer only to either the National Labor Relations Commission en banc or to any of its Divisions.

As used herein, Regional Arbitration Branch shall mean any of regional arbitration branches of the National Labor Relations Commission.

RULE IV
Pleadings and Appearances

SECTION 1. Title, Caption, Parties and Cause of Action — (a) In cases filed in the Commission or in any of its Regional Arbitration Branches, the party initiating the action shall be called the complainant or petitioner and the opposing party the respondent.

(b) The full names of all the real parties in interest, whether natural or juridical persons or entities authorized by law, shall be stated in the captions of the original pleadings, resolutions, orders or decisions, and the necessary, in summons, notices, and other processes to be served upon them.

The caption shall be as follows:

Republic of the Philippines
Ministry of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
Regional Arbitration Branch No. _____
City/Province

_____,
Complainant/Petitioner,

- versus-

_____,
Respondent.

X - x NLRC CASE NO. R.A.B. .....
(Mo. No. Yr.)

FOR:.....
(State nature of action such as Unfair Labor
Practice, Money Claims, Termination Cases, etc.)

COMPLAINT/PETITION/ANSWER/POSITION PAPER/MEMORANDUM

(c) A complainant or petitioner having more than one cause of action against the same respondent, arising out of the same relationship, shall join all of them in one complaint or petition.

SECTION 2. Issuance of Summons and Filing of Pleadings — Immediately after receiving notice that a case has been assigned to him, the Labor Arbiter concerned shall issue the required notification and summons.

After receipt of a notice or summons, any and all pleadings respecting the case shall be filed in the central docketing unit of the Regional Arbitration Branch or District where such notice or summons emanated.

SECTION 3. Service of Copies of Pleadings — The party filing the pleadings shall serve the opposing party or parties with a copy or copies thereof in the manner provided for in these Rules, and proof of such service shall be filed with the pleadings.

SECTION 4. Service of Notices and Resolutions — (a) Notices or summons and copies of orders, resolutions, or decisions shall be served personally by the bailiff or duly authorized public officer or by registered mail on the parties to the case within five (5) days from receipt thereof by the serving officer; Provided that where a party is represented by counsel or authorized representative, service shall be made on the latter.

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(b) The bailiff or officer personally serving the notice, order, resolution, or decision shall submit his return within five (5) days from the date of his service thereof, stating legibly in his return, his name, the mode/s of service, the names of the persons served and the date of receipt. If no service was effected the serving officer shall state the reason therefor. The return shall form part of the records of the case.

SECTION 5. Proof and Completeness of Service — The return is prima facie proof of the facts indicated therein. Service by registered mail is complete upon receipt by the addressee or his agents.

SECTION 6. Appearances — An attorney appearing for a party is presumed to be properly authorized for that purpose.

A non-lawyer may appear before the Commission or any Labor Arbiter only if:

(a) he represents himself as party to the case

(b) he represents an organization or its members; provided that he shall be made to present written proof that he is an authorized representative of the organization or its members; or

(c) he is a duly accredited member of the free legal aid staff of the Ministry of Labor and Employment or of any other legal aid office accredited by the Ministry of Justice or the Integrated Bar of the Philippines in cases referred thereto by the said offices.

Appearances may be made orally or in writing. In both cases, the complete office address shall be made of record and the adverse party or his counsel/representative properly advised.

Any change in the address of counsel/representative should be filed with the record of the case and furnished the adverse party or counsel.

SECTION 7. Authority to Bind Party — Attorneys and other representatives of parties shall have authority to bind their clients in all matters of procedure; but they cannot, without a special power of attorney or express consent, enter into a compromise agreement with the opposing party in full or partial discharge of a client's claim.

RULE V
Venue, Assignment, and Disposition of Cases

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.

(b) Where two or more Regional Arbitration Branches have jurisdiction over the workplace of the complainant or petitioner, the Branch that shall first acquire jurisdiction over the case shall exclude the others.

(c) When improper venue is not objected to before or at the time of the filing of position papers, such question shall be deemed waived.

(d) The venue of an action may be changed or transferred to a different Regional Arbitration Branch other than where the complaint was filed by written agreement of the parties or when the Commission so orders upon motion by the proper party in meritorious cases.

SECTION 2. Preparation of Complaint — A complainant who is not assisted by counsel or representative or who has no prepared written complaint shall be assisted by a complaint officer of the Regional Arbitration Branch in the preparation thereof.

SECTION 3. Transmittal of Cases/Pleadings — (a) All complaints and petitions received by the docket section of the Regional Arbitration Branch shall be transmitted to the Executive Labor Arbiter thereof within twenty-four (24) hours from receipt thereof.

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(b) All pleadings subsequent to the filing of the case shall be transmitted within twenty-four (24) hours from receipt to the Labor Arbiter to whom the case is assigned.

SECTION 4. Consolidation of Cases — Where there are two or more cases pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and issues or the same parties with different issues, the case which was filed last shall be consolidated with the first to avoid unnecessary costs or delay. Such cases shall be disposed of by the Labor Arbiter to whom the first case was assigned.

SECTION 5. Assignment of Cases — Within forty-eight (48) hours from receipt of the cases transmitted to him by the docket officer, the Executive Labor Arbiter shall assign the same to the different Labor Arbiters by means of raffle. In exceptional cases, however, as when there is an impending or actual strike or lockout, or when a labor dispute is reportedly attended by violence, or is causing or likely to cause public disorder or inconvenience, or in places where holding a raffle is not practicable, the Executive Labor Arbiter may assume jurisdiction over such cases or assign the same to Labor Arbiters who, in his opinion, can effect immediate settlement or adjudication of the cases.

SECTION 6. Disposition of Cases — Subject to the provisions of Art. 255 of the Labor Code, when a case is assigned to a Labor Arbiter, the entire case and any or all incidents thereto shall be considered assigned to him; and the same shall be disposed of in the same proceeding to avoid multiplicity of suits or proceedings.

Provided, that when the Minister 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 Minister or the Commission as the case may be, of all cases between them pending before any Regional Arbitration Branch, and the Labor Arbiter handling the same of such assumption or certification, whereupon all proceedings before the Labor Arbiter concerning such cases shall cease and the Labor Arbiter shall await instructions from the Minister or the Commission.

RULE VI
Jurisdiction of Labor Arbiters

SECTION 1. Jurisdiction — Subject to the provisions of Articles 128(b), 248 and 264(g) of the Labor code, as amended, and Executive Order Nos. 591 and 797, the Labor Arbiter shall have original and exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

(a) Unfair labor practice cases;

(b) Those that workers may file involving wages, hours of work, and other terms and conditions of employment;

(c) All money claims of workers, including those based on non-payment or underpayment of wages, overtime compensation, separation pay, and other benefits provided for by law, or appropriate agreement, except claims for employees' compensation, social security, medicare, and maternity benefits;

(d) Cases involving household services;

(e) Cases arising from any violation of Article 265 of the Code, including questions involving the legality of strikes and lockouts;

(f) Termination cases;

(g) Claims for moral or similar forms of damages arising from employer-employee relationship; and

(h) Cases involving violation of compromise agreements or where there is prima facie evidence that the

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settlement was obtained through fraud, misrepresentation, or coercion as provided in Article 227 of the Code.

RULE VII
Proceedings Before Labor Arbiters

SECTION 1. Initial Conference/Hearing — Within two (2) days from receipt of an assigned case, the Labor Arbiter shall summon the parties to an initial conference/hearing for the purpose of amicably settling the case upon a fair compromise or determining the real parties in interest, defining and simplifying the issues in the case, and threshing out other preliminary matters. The notice or summons shall specify the date, time, and place of the hearing and shall be accompanied by a copy of the complaint.

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 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.

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 in the final disposition of the case.

SECTION 2. Submission of Position Papers — During the initial conference/hearing, or immediately thereafter, the Labor Arbiter shall require the parties to simultaneously submit to him their respective verified position papers, which shall cover only the issues raised in the complaint, accompanied by all supporting documents then available to them and the affidavits of their witnesses which shall take the place of their direct testimony. The parties shall thereafter not be allowed to allege, or present evidence to prove, facts not referred to and any cause or causes of action not included in their complaint or position papers, affidavits, and other documents. The parties shall furnish each other with copies of the position papers, together with the supporting affidavits and documents submitted by them.

SECTION 3. Determination of Necessity of Hearing — Immediately after the submission by the parties of their position papers and supporting proofs, the Labor Arbiter shall determine whether there is a need for a formal hearing or investigation. At this stage, he may, in his discretion, and for the purpose of making such determination, elicit pertinent facts or information, including documentary evidence, if any, from any party or witness to complete, as far as possible, the facts of the case. Facts or information so elicited may serve as basis for his clarification or simplification and limitation of the issues in the case, encouraging for this purpose the submission by the parties of admissions and stipulations of fact to abbreviate the proceedings. He shall participate actively in the preparation of such stipulations, making suggestions on what facts the parties need not prove.

SECTION 4. Period to Decide Case — (a) If the Labor Arbiter finds no necessity of further hearing after the parties have submitted their position papers and supporting documents, he shall so inform the parties, stating the reasons therefor, and shall ask them to acknowledge the fact that they were so informed by signing the minutes of the hearing. He shall render his decision in the case within fifteen (15) working days thereafter.

(b) Should the Labor Arbiter find it necessary to conduct a hearing, he shall set the date or dates for the same. He shall render his decision in the case within thirty (30) working days from the date the case is submitted for decision.

SECTION 5. Conciliation of Disputes — In all cases, and at any stage of the proceedings, the Labor Arbiter shall

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exert all efforts and take positive steps toward resolving the dispute through conciliation.

SECTION 6. Nature of Proceedings — The proceeding before a Labor Arbiter shall be non-litigious in nature. Subject to the requirements of due process, the technicalities of law and procedure and the rules governing admissibility and sufficiency of evidence obtaining in the courts of law shall not strictly apply thereto. The Labor Arbiter may avail himself of all reasonable means to ascertain the facts of the controversy speedily, including ocular inspection and examination of well-informed persons.

SECTION 7. Role of Arbiter in Proceedings — The Labor Arbiter shall personally conduct the hearing. Except as provided by law, the Labor Arbiter shall determine the order of presentation of evidence by the parties, subject to the requirements of due process. He shall take full control of the proceedings, examine the parties and their witnesses to satisfy himself with respect to the matters at issue, and may allow the parties or their counsel to ask questions only for the purpose of clarifying points of law or fact involved in the case. He shall limit the presentation of evidence to matters relevant to the issue before him and necessary for a just and speedy disposition of the case.

SECTION 8. Presentation of Evidence — As a general rule, the party initiating the case shall be the first to present his evidence to support his case.

SECTION 9. Extent of Cross-Examination — In the cross-examination of witnesses, only relevant, pertinent and material questions necessary to enlighten the presiding Labor Arbiter shall be allowed.

SECTION 10. Non-Appearance of Parties — (a) Two absences 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 thereof shall be with prejudice.

> (b) In case of non-appearance by the respondent, despite due notice, during the complainant's presentation of evidence, the complainant shall be allowed to present evidence ex parte, subject to cross-examination by the respondent, where proper, at the next hearing. Upon completion of such presentation of evidence for the complainant, another notice of hearing for the reception of the respondent's evidence shall be issued, with a warning that failure of the respondent to appear shall be construed as submission by him of the case for resolution without presenting his evidence.
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> (c) In case of unjustified non-appearance by the respondent during his turn to present evidence, despite due notice, the case shall be considered submitted for decision on the basis of the evidence so far presented.

SECTION 11. Revival/Re-opening of Dismissed Case — A party may file with the Labor Arbiter or Branch or District of origin a petition to revive or re-open a case dismissed without prejudice within ten (10) working days from receipt of notice of the order dismissing the same, otherwise, his only remedy shall be to refile the case.

SECTION 12. Postponement of Hearing — The parties and their counsel or representative appearing before a Labor Arbiter shall be prepared for continuous hearing. Postponement or continuances of hearing shall be allowed by the Labor Arbiter only upon meritorious grounds and subject always to the requirement of expeditious of cases. In the event of such postponements or continuances, the Labor Arbiter shall set two or more dates of hearing in advance.

SECTION 13. Records of Proceedings — The proceedings before a Labor Arbiter need not be recorded by stenographers. He shall, however, make a written summary of the proceedings including the substance of the

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evidence presented, which shall form part of the records of the case. The written summary shall be signed by the parties.

SECTION 14. Motion to Dismiss — Any motion to dismiss a complaint or petition on the grounds that the Labor Arbiter has no jurisdiction, or that the cause of action is barred by prior judgment or by prescription, shall be immediately acted upon by the Labor Arbiter if the facts strongly indicate dismissal. Any motion to dismiss with no such indication shall be disposed of only in the final determination of the case and shall not be allowed to interrupt or delay the proceedings.

SECTION 15. Contents of Decisions — The decisions of Labor Arbiters shall be clear and concise and shall include a brief statement of the (a) facts of the case; (b) issue/s 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 also contain the amount awarded which shall be computed before the decision is rendered, including accrued back wages, if any.

SECTION 16. Motions for Reconsideration — No motions for reconsideration of any order or decision of a Labor Arbiter shall be given due course.

RULE VIII
Appeals

SECTION 1. (a) Appeal — Decisions or orders of a Labor Arbiter shall be final and executory unless appealed to the Commission by any or both of the parties within ten (10) calendar days from receipt of notice thereof.

(b) Grounds and Period for Appeal — The aggrieved party may appeal to the Commission from a decision or order of a Labor Arbiter within ten (10) calendar days from receipt by him of a copy of the same on any of the following grounds:

1. That there is prima facie evidence of abuse of discretion on the part of the Labor Arbiter;

2. That the decision or order was secured through fraud or coercion, or graft and corruption;

3. That the appeal is made purely on question of law; or

4. That serious errors in the findings of fact were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.

SECTION 2. Where Filed — The appeal shall be filed in five (5) legibly typewritten copies with the Regional Arbitration Branch of origin.

SECTION 3. Caption — In all cases appealed to the Commission, the party appealing the case shall be called the appellant and the adverse party the appellee, but the title and number of the case shall remain as below.

SECTION 4. Appeal Fee — The appellant shall pay an appeal fee of seventy pesos (P70.00) to the Regional Arbitration Branch of origin.

SECTION 5. Requisites of Appeal; When Perfected — (a) The appeal shall be filed within the reglementary period as provided in Section 1 of this Rule; shall be under oath with proof of payment of the required appeal fee; and shall be accompanied by a memorandum of appeal which shall state the grounds relied upon and the arguments in support thereof, and a statement of the date when the appellant received the decision or order, together with proof of service on the other party of such appeal.

(b) The appellee may file in the proper Regional Arbitration Branch his reply or opposition to the appeal within

ten (1) calendar days from receipt thereof. Failure on the part of the appellee who was properly furnished with a copy of the appeal to file his reply or opposition within the said period shall be construed as a waiver on his part to file the same.

(c) Once the appeal is perfected in accordance with these Rules, issues not raised on appeal shall become final and executory, and the Commission shall limit itself to reviewing and deciding specific issues that were elevated on appeal.

SECTION 6. No Extension of Period — No motion or request for extension of the period within which to perfect an appeal shall be entertained.

SECTION 7. Immediate Transmittal of Records and Appeal — Within forty-eight (48) hours after the filing of the reply or opposition of the appellee, or after the expiration of the period to file the same, the entire record of the case, together with the memorandum of appeal, proof of service, and proof of payment of the appeal fee, shall be transmitted by the Regional Arbitration Branch of origin to the Executive Director of the Commission.

SECTION 8. Records of Cases — The records of cases shall contain, among others, a complete narration of what transpired in the arbitration stage in the form of minutes, including all original pleadings, notices, proof of service of the decision, order or award, and other papers, which shall all be consecutively numbered. Only records of cases on appeal, properly numbered with complete minutes, shall be accepted by the Executive Director of the Commission.

SECTION 9. Appeals from Decisions of Other Agencies — The rules provided herein governing appeals from the decisions or orders of Labor Arbiters shall apply to appeals to the Commission from decisions or orders of other offices or agencies appealable to the Commission according to law.

SECTION 10. Frivolous/Dilatory Appeals — To discourage frivolous or dilatory appeals, the Commission may impose a reasonable penalty, including fine or censure, upon the erring parties.

RULE IX
Jurisdiction of the Commission

SECTION 1. Original and Exclusive Jurisdiction of the Commission En Banc — (a) The following shall be decided by the Commission en banc in the exercise of its original and exclusive jurisdiction:

1. Injunction cases;

2. Cases of contempt committed against the Commission or any of its members; and

3. Cases certified to the Commission by the Minister of Labor and Employment

(b) The hearing and reception of the evidence in these cases may be assigned by the Commission to any Commissioner or Labor Arbiter.

SECTION 2. Appellate Jurisdiction of the Commission — The Commission shall exercise exclusive appellate jurisdiction over all cases decided by Labor Arbiters and over all cases declared by law to be appealable thereto.

SECTION 3. Appealed Cases Cognizable by the Commission En Banc and by the Divisions — (a) The following cases shall be cognizable by the Commission en banc in the exercise of its appellate jurisdiction:

1. Cases where the national security or social and economic stability is threatened;

2. Contempt cases on appeal;

3. Appealed cases assigned to any Divisions of such complicated nature or involving such intricate questions

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of law that, upon the vote of a majority of the same, are referred to the Commission en banc for action or resolution; and

4. Any appealed case if in the judgment of the Chairman or the Vice-Chairman of the Commission the disposition of the same by the Commission en banc is imperative because of its policy implications or other justifiable grounds.

(b) Appealed cases not included in the above enumeration shall be divided and distributed more or less equally, by raffle, assignment or otherwise, as directed by the Vice-Chairman of the Commission, among the Divisions for resolution.

RULE X
Proceedings Before the Commission

SECTION 1. Internal Functioning of the Commission En Banc and the Divisions — The Commission shall sit en banc in the performance of its policy of rule-making power. In the exercise of its adjudicatory functions, it may sit en banc or in three (3) divisions.

SECTION 2. The Chairman and the Vice-Chairman — (a) The Minister of Labor and Employment or his duly authorized representative shall act as the Chairman of the Commission and shall preside over its deliberations when sitting en banc.

(b) The Vice-Chairman shall act as Presiding Commissioner of the First Division and shall be the Administrator of the Commission. He shall preside over the deliberations of the Commission when sitting en banc in the absence of the Chairman or when so delegated by him for such purpose.

SECTION 3. En Ban Quorum and Vote — The presence of majority of all the members of the Commission shall constitute a quorum to decide any matter before it. The vote or concurrence of a majority of the members constituting a quorum shall be necessary to promulgate a decision or resolution of the Commission en banc. In the event of a tie, when no decision or resolution in a case has been reached upon the expiration of the period during which the Commission is required to resolve the case, after the absent member or members shall have been given the chance to participate and vote, the side on which the Chairman casts his vote shall be deemed to be the decision of the Commission.

SECTION 4. Division Quorum and Vote — The presence of at least two (2) members of a Division shall constitute a quorum to decide any case before it. The concurring votes of at least two (2) members thereof shall have the same force and effect as a resolution or decision of the Commission. If no majority vote is arrived at in the Division, the case shall be elevated to the Commission en banc for resolution.

SECTION 5. 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.

SECTION 6. Absence of a Division Member — Whenever a Division is not fully constituted, the members present may request a member of another Division to participate in its deliberations and to vote therein.

SECTION 7. Promulgation of Decision — Within five (5) days after the Commission or Division has reached a decision with respect to the disposition of a case, the same shall be promulgated.

SECTION 8. Dissenting Opinion — Should any member indicate his intention to write a dissenting opinion, he

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may file the same within the period prescribed for deciding or resolving the appeal; otherwise, such written dissenting opinion shall not be considered part of the records of the case.

SECTION 9. Motions for Reconsideration — Motions for reconsideration of any order, resolution, or decision 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 the order, resolution, or decision, with proof of service that a copy of the same has been furnished, within the aforesaid reglementary period, the adverse party and provided further, that only one such motion shall be entertained.

Subject to the provisions of Section 3, Rules IX of these Rules, motions for reconsideration of an order, resolution, or decision of a Division shall be resolved by the Division of origin.

RULE XI
Execution

SECTION 1. Issuance of Writ — (a) Execution shall issue upon an order, resolution or decision that finally disposes of the action or proceedings after the parties have been furnished with copies of the decision in accordance with these Rules and after the expiration of the period of appeal if no appeal has been duly perfected. The Labor Arbiter of origin, shall, motu proprio or upon motion of any interested party, issue a writ of execution requiring the sheriff or proper officer to execute the same.

(b) During the period of appeal and before an appeal is perfected, execution may, upon proper motion, also issue where it is shown by the records of the proceedings that the judgment cannot be secured unless this is done. The writ may be stayed at the instance of the losing party by the filing and approval of a supersedes bond in an amount which is adequate to protect the interests of the prevailing party.

(c) Execution shall, upon proper motion, also issue during the period of appeal and even during the pendency of an appeal in cases of decisions ordering the reinstatement of the workers unlawfully dismissed by reason of an unfair labor practice act of the employer. Execution of the monetary award in such cases shall not issue during the period of appeal but if one is issued, by reason of a showing in the records of the case that judgment cannot be secured unless this is done, the same may be stayed pending appeal upon filing by the aggrieved party of a supersedes bond in an adequate amount and the approval thereof by the issuing authority.

(d) Pending appeal, no execution shall issue for the implementation of an order as decision of a Labor Arbiter except (1) in decisions ordering the reinstatement of workers unlawfully dismissed by reason of an unfair labor practice act of the employer, and (2) in the situation described in paragraph (b) of this Section, but only upon verified petition and after proper hearing before the Commission or a hearing officer designated by it for the purpose.

SECTION 2. Finality of Decisions of the Commission — (a) The decisions, resolutions, or orders of the Commission shall become executory after ten (10) calendar days from receipt of the same.

(b) Should there be a motion for reconsideration in accordance with Section 9, Rule X of these Rules, the decision shall be executory after ten (10) calendar days from receipt of the resolution on such motion.

(c) The filing of any petition before the Supreme Court seeking a review of the decision of the Commission shall not stay the execution of the same unless otherwise ordered by the said court.

SECTION 3. Computation — In situations not covered by Section 15, Rule VII of these Rules, where further computation of the judgment amount is necessary, no execution shall issue until after the computation shall have been approved by the Labor Arbiter after the parties shall have been duly notified and heard thereon.

SECTION 4. Enforcement of Writ — In executing an order, resolution, or decision, the sheriff or other officer

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acting as such, shall be guided strictly by the Sheriff's Manual which shall form part of these Rules.

RULE XII
Certified Cases

SECTION 1. Policy and Purpose — It is the declared policy and purpose of certification of labor disputes for compulsory arbitration to ensure and maintain industrial peace based on social justice and national interest by having a full and complete settlement or adjudication of all the labor disputes between the parties, as well as issues that are relevant to or incidents of the certified issues.

SECTION 2. Certified Cases Defined — Certified cases are cases certified to the Commission, for compulsory arbitration under Article 264 (g) of the Labor Code.

SECTION 3. Procedure — Upon receipt by the Commission of the certification order, the Vice-Chairman shall either personally handle the case or immediately assign the same to one of the Commissioners for conciliation and/or reception of evidence. For this purpose, the Vice-Chairman or the assigned Commissioner may, by himself, conciliate the parties and/or receive the evidence, or designate a Labor Arbiter to do the same for and in his behalf.

After the termination of the proceedings, the Vice-Chairman or the assigned Commissioner, as the case may be, shall submit a report and recommendation to the Commission en banc for discussion and appropriate action.

SECTION 4. Period to Resolve — The Commission en banc shall decide or resolve the certified dispute within thirty (30) days from the date of the submission of the dispute for resolution.

SECTION 5. Effects of Certification — (a) Upon certification, the intended or impending strike or lockout is automatically enjoined. If one 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 in this Ministry that are already filed or may be filed that are relevant to or proper incidents of the certified cases shall be considered subsumed or absorbed by the certified case and shall be decided by the Commission en banc.

SECTION 6. Nature of Decision — The Decision of the Commission en banc on the certified case shall be final and immediately executory unless restrained by proper authorities.

SECTION 7. Effects of Defiance — Non-Compliance with an assumption or certification order of the Minister of Labor and Employment of 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 Minister of Labor and Employment or the Commission, as the case may be, to impose such sanctions as provided by law, including but not limited to authorizing the hiring of replacements for the non-complying workers. In the case of non-compliance on the part of the employers, the workers reporting for work shall be entitled to all the benefits under the law, which may include backwages from the time that the offer to return to work was made in compliance with the Order.

RULE XIII
Contempt

SECTION 1. Direct Contempt — (a) The Commission or any Labor Arbiter may summarily adjudge guilty of direct contempt any person committing, in the presence of or so near the Chairman or any member of the Commission or any Labor Arbiter as to obstruct or interrupt the proceedings before the same, any misbehavior, including disrespect toward others or refusal to be sworn or to answer as a witness or to subscribe to an affidavit or deposition when lawfully required to do so. If the offense is committed against the Commission or

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any member thereof, the same shall be punished by a fine not exceeding two hundred (P200.00) pesos or imprisonment not exceeding five (5) days, or both; and, if the offense is committed against any Labor Arbiter, the same shall be punished by a fine not exceeding one hundred (P100.00) pesos or imprisonment not exceeding one (1) day, or both such fine and imprisonment.

(b) Any person adjudged guilty of direct contempt by a Labor Arbiter may, within a period of five (5) days from notice of the judgment, appeal the same to the Commission, and the execution of said judgment shall be suspended pending resolution of the appeal upon the filing by said person of a bond on condition that he will abide by and perform the judgment should the appeal be decided against him. A judgment of the Commission on direct contempt shall be immediately executory and inappealable.

SECTION 2. Indirect Contempt — The Arbiter may also cite any person for indirect contempt upon grounds and in the manner prescribed under Rule 71 of the Revised Rules of Court.

SECTION 1. Injunction in Ordinary Cases — A preliminary injunction or a restraining order may be granted by the Commission 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 case pending before the Commission, may, if not enjoined forthwith, cause grave or irreparable damage to any of the parties to the case or render ineffectual any decision in favor of such party. Should the Commission believe that it is necessary to post a bond, the writ of preliminary injunction or restraining order shall become effective only upon fixing and approval of the bond by the Commission, executed by the applicant or the petitioner to the party enjoined to answer for the damages that he may suffer from the issuance of the same if it is finally determined that the petitioner is not entitled thereto.

The foregoing ancillary power may also be exercised by the Labor Arbiters in cases pending before them in order to preserve the rights of the parties during the pendency of the case.

SECTION 2. Injunction in Strikes or Lockout — No permanent injunction may be granted by the Commission in cases of strikes and lockouts against the commission of acts prohibited under Article 265 of the Labor Code, as amended, except after due notice and hearing to the parties. During said hearing, the petitioner shall present evidence to substantiate its allegations and the respondents, to support its opposition.

A preliminary injunction or a restraining order may be granted by the Commission, in cases of strikes and lockouts, pursuant to the provisions of paragraph (e) of Article 218 of the Labor Code, as amended by Batas Pambansa Blg. 227, only when:

(a) The petition is properly verified and shows facts entitling the petitioner to the relief demanded;

(b) There is a finding of facts that the respondent or its agents in the said petition have threatened to commit or have committed and are continuing to commit any of the prohibited acts enumerated in Article 265 of the Labor Code, as amended; and

(c) There is a hearing which shall be held after due and personal notice to the respondent. During said hearing, the petitioner shall present evidence substantiating its sworn allegations and the relief prayed for, and the respondent shall also be given an opportunity in a summary manner to present its own evidence by means of counter-affidavit; Provided, however, that if a petitioner shall also allege under oath that, unless a temporary restraining order shall be issued without notice, substantial and irreparable injury to persons or property will be unavoidable, and the Commission finds that there is an urgent necessity, such an ex parte restraining order may be issued.

Any such ex parte restraining order shall be valid for a period not exceeding twenty (20) days from its effectivity. During the said period, the parties shall be required to present evidence to substantiate their

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respective positions in the main petition.

The Commission, through its Chairman or Vice-Chairman, may delegate the reception of evidence for the application of a writ of injunction to any of its Labor Arbiters who shall, conduct such hearings in such places as may be accessible to the parties and their witnesses and shall thereafter submit his recommendations to the Commission for further disposition.

No ex parte restraining order shall be issued under this Section, except on condition that the petitioner shall post a bond in an amount to be fixed by the Commission sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction.

SECTION 3. Effects of Defiance — In case of non-compliance with an order or resolution of the Commission enjoining the commission of illegal acts as provided in Section 2 of this Rule, the Commission shall impose such legal sanctions as may be necessary under the circumstances and issue such orders as may be necessary to implement the said order or resolution, including the deputization of the police authorities having jurisdiction over the area for the purpose of enforcing the same.

RULE XV
Commission Records and Powers and Duties of Commission Officials

SECTION 1. The Executive Director — Subject to the direct supervision of the Vice-Chairman, the Executive Director of the Commission shall serve as Secretary to the Commission. His office shall be open regularly during business hours on all working days.

All pleadings and papers required or authorized to be filed in the Commission shall be filed in the office of the Executive Director, except in cases where the matter, question, or controversy before the Commission is being heard elsewhere, in which case such pleadings or papers may be filed in the office of the Labor Arbiter commissioned to hear the same.

SECTION 2. 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.

SECTION 3. Custody of Seal and Books of the Commission — The Executive Director shall have and keep in his care the Seal of Commission, together with all the books necessary for the recording of the proceedings of the Commission, including the records, files, and exhibits.

SECTION 4. Commission Calendar, etc. — The Executive Director shall prepare the calendar of hearings and sessions of the Commission and of its Divisions, attend by himself or his deputies or assistants the sessions thereof and enter the proceedings in a Minutes Book.

He shall receive and file all pleadings and other papers or documents presented, indicating thereon the date and time they were filed.

He shall also take charge of the service of the orders, decisions, resolutions, subpoenas and other processes issued by the Commission. He shall certify the date and hour of promulgation of any order, decision, or resolution, as well as the manner in which the parties were notified thereof.

SECTION 5. General Docket — The Executive Director shall keep a General Docket for the Commission, each page of which shall be numbered and prepared for receiving all the entries in a single page, and shall enter therein all original and appealed cases before it, numbered consecutively in the order in which they were received and, under the heading of each case, the date and hour of each pleading filed, of each order, decision, or resolution entered, and of each other step or action taken in the case; so that, by reference to any single page, the history of the case may be known.

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SECTION 6. Decision, Resolution, and Order Book — The Executive Director shall keep a Book compiling copies of each order, resolution, and decision issued by the Commission in the order of their dates of promulgation, and a Book of Entries of Orders, Resolutions, and Decisions containing in chronological order the entries of all final orders, resolutions, and decisions of the Commission.

SECTION 7. Issuance of Certified Copies — Unless otherwise restricted by Section 2 hereof, the Executive Director shall prepare, for any person asking for the same, a certified copy, under the Seal of the Commission, of any paper, record, decision, resolution, order, or entry by and in his office proper, to be certified, after payment of the standard fees to the Commission duly receipted for; Provided, that a pauper litigant, as defined by law, shall be exempted from paying any fee for certified copies of any document, including transcripts of stenographic notes.

SECTION 8. Other Functions — The Executive Director shall keep such other books and perform such other duties as the Commission, the Chairman, or the Vice-Chairman may direct.

SECTION 9. Power to Administer Oath — The Chairman, Vice-Chairman, and Members of the Commission, the Executive Director, the Assistant Executive Director, the Executive Labor Arbiter, the Labor Arbiter, the Secretaries to the Divisions, and other persons designated or commissioned by the Chairman or Vice-Chairman of the Commission to hear or investigate cases or disputes shall have the power to administer oath on all matters or proceedings related to the performance of their duties.

RULE XVI
Effectivity

SECTION 1. Effectivity — These Rules shall take effect fifteen (15) days after the announcement of their adoption and promulgation in newspapers of general circulation.

Adopted: 5 Nov. 1986

(Sgd .) AUGUSTO S. SANCHEZ
Chairman

(Sgd.) DIEGO P. ATIENZA
Vice-Chairman

(Sgd .) EDNA BONTO-PEREZ
Commissioner

(Sgd.) CONRADO B. MAGLAYA
Commissioner

(Sgd .) DANIEL M. LUCAS
Commissioner

(Sgd.) ROSARIO GARCIA-ENCARNACION
Commissioner

(Sgd.) MIRASOL VINEGRA-CORLETO
Commissioner

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