

FAUSTINO M. PACILLOS, REPRESENTING THE HEIRS OF ALFREDO PACILLOS, PETITIONERS, VS. PHILIPPINE RORO TERMINAL CORP., ASIAN MARINE TRANSPORT CORP., PAUL RODRIGUEZ, NATIONAL LABOR R...

Ponente: INGLES, G. T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a66653bc8342/>

INGLES, G. T., J.:

Assailed in this petition for certiorari under Rule 65 of the 1997 Rules of Civil Procedure is the Resolution[1] promulgated on May 29, 2013 in NLRC Case No. VER-02-000002-13, the dispositive portion thereof reads:

“WHEREFORE, premises considered, the instant petition is GRANTED. The Order of Labor Arbiter Maria Ada Aniceto-Veloso, dated 5 February 2013, and all notices of garnishment issued pursuant to said Order, are ANNULLED AND SET ASIDE. It is, hereby, DECREED that the execution of the final and executory decision be made only upon the instance of the true and legal heirs of the deceased Alfredo Pacillos and the monetary award due to the said deceased be released to said heirs, who can present substantial evidence of such fact.

SO ORDERED.”

Likewise assailed is the Resolution[2] promulgated on June 14, 2013 denying petitioners' motion for reconsideration of the May 29, 2013 Resolution.

The antecedent facts and proceedings of the case as culled from the records, are as follows:

This case stemmed from a case for salary differential due to underpayment, non-payment of overtime pay, holiday pay, premium pay for holiday, rest day, 13[th] month pay and attorney's fees filed by the Heirs of Alfredo Pacillos, represented by Faustino M. Pacillos against Phil. Roro Terminal Corp., Asia Marine Transport Corp. and Paul Rodriguez. The case was lodged at the National Labor Relations Commission, Regional Arbitration Branch No. VII, Cebu City and docketed as RAB VII 02-0319-11.

The complaint was filed after the death of Alfredo Pacillos by herein petitioner Faustino Pacillos as representative of the heirs of the former, who alleged that he is the uncle of the decedent who reared and took care of the latter as his own son until the latter's death.

After the filing of the parties' respective position papers, the Labor Arbiter found the following as the sole issue to be resolved: whether respondents are liable to pay complainant's money claims. Thereafter, the Labor Arbiter ruled in favor of Alfredo Pacillos per Decision[3] dated June 13, 2011, the dispositive portion thereof is hereunder quoted, to wit:

“WHEREFORE, the foregoing premises considered, judgment is hereby rendered directing the respondents to jointly and solidarily pay complainant the total amount of PESOS: ONE HUNDRED ELEVEN THOUSAND NINE HUNDRED FIFTEEN & 65/100 (P111,915.65).

SO ORDERED.”

Respondents Phil. Roro Terminal Corp., Asia Marine Transport Corp. and Paul Rodriguez appealed the above said decision to the National Labor Relations Commission - 7[th] Division but the same was dismissed per Resolution[4] promulgated on December 29, 2011. Hence, the decision of the Labor Arbiter dated June 13, 2011 became final and executory.

The respondents elevated the matter to the Court of Appeals by way of a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure, docketed as CA-G.R. SP No. 06713, but the same was likewise dismissed per Resolution[5] promulgated on April 25, 2012. They moved for the reconsideration thereof but the same was likewise denied per Resolution[6] promulgated on October 16, 2012.

Thereafter, the heirs of Alfredo Pacillos, represented by Faustino Pacillos, moved for the issuance of a writ of execution[7] before the NLRC RAB. A series of pre-execution conferences were conducted where respondents manifested that proof of Faustino's heirship is still required and that the receipt of SSS benefits which was presented by Faustino as proof of his heirship will not suffice.

The Labor Arbiter, per Order[8] dated February 5, 2013, ruled in favor of complainants and opined that the issue on the rightful heir of the complainant is too late to be taken up considering that the decision dated July 13, 2011 is already final and executory. The Labor Arbiter likewise opined that Faustino has already tendered substantial proof thereof, in fact, he has already claimed Alfredo's SSS benefits as the latter left no compulsory heirs at the time of his death.

Aggrieved, respondents Philippine Roro Terminal Corporation, Asian Marine Transport Corporation and Paul Y. Rodriguez, filed a Petition for Extraordinary Remedy with Prayer for Issuance of a Temporary Restraining Order and Injunctive Relief[9] before the National Labor Relations Commission, 7th Division, assailing the Order dated February 5, 2013. The same was docketed as NLRC Case No. VER-02-000002-13. They prayed that the said Order be annulled on the ground that the Labor Arbiter gravely erred in disregarding the issue of heirship considering that there is no evidence that Faustino is related to the decedent. They also prayed for the issuance of a temporary restraining order/writ of preliminary injunction/writ of permanent injunction.

Faustino opposed[10] the above said petition while respondents Philippine Roro Terminal Corporation, Asian Marine Transport Corporation and Paul Y. Rodriguez filed their comment[11]thereto.

On February 26, 2013, the NLRC, 7[th] Division promulgated a Resolution[12] granting the prayer for Temporary Restraining Order, the dispositive portion thereof reads as follows:

“WHEREFORE, premises considered, an Order is, hereby, issued granting petitioners' prayer for Temporary Restraining Order effective upon petitioners' posting of a bond in the sum of PhP 50,000.00 pursuant to Section 11, Rule XII of the 2011 NLRC Rules and for a non-extendible period of twenty (20) calendar days from service on private respondent. Within the said period, public respondent is enjoined from further executing the assailed order, namely the Order dated 5 February 2013, as well as any Writ of Execution that might have already been issued pursuant to said Order. Further, private respondents are given five (5) calendar days from receipt of this notice to show cause why a preliminary injunction should not be issued and the reliefs prayed for in the petition granted.”

On May 29, 2013, the NLRC, 7[th] Division promulgated another Resolution[13] in favor of Philippine Roro Terminal Corporation, Asian Marine Transport Corporation and Paul Y. Rodriguez, the dispositive portion thereof reads:

“WHEREFORE, premises considered, the instant petition is GRANTED. The Order of Labor Arbiter Maria

Ada Aniceto-Veloso, dated 5 February 2013, and all notices of garnishment issued pursuant to said Order, are ANNULLED AND SET ASIDE. It is, hereby, DECREED that the execution of the final and executory decision be made only upon the instance of the true and legal heirs of the deceased Alfredo Pacillos and the monetary award due to the said deceased be released to said heirs, who can present substantial evidence of such fact.

SO ORDERED.”

The heirs of Alfredo Pacillos/Faustino Pacillos moved for the reconsideration[14] of the above order but the same was denied per Resolution[15] promulgated on June 14, 2013.

Aggrieved, petitioners filed the instant petition for certiorari on the following grounds, to wit:

WITH UTMOST RESPECT, THE NLRC GRAVELY ABUSED ITS DISCRETION IN ISSUING THE RESOLUTION DATED MAY 29, 2013 AND JUNE 14, 2013.

A. NLRC ERRED IN RULING THAT THE ISSUE ON WHO COULD RIGHTFULLY COLLECT AND RECEIVE THE JUDGMENT AWARD IS A LEGITIMATE FACTUAL ISSUE THAT SHOULD BE THRESHED OUT DURING THE EXECUTION PROCEEDINGS.

B. NLRC ERRED IN REQUIRING FAUSTINO PACILLOS TO PRESENT EVIDENCES OTHER THAN THE AFFIDAVIT REQUIRED BY ARTICLE 105 OF THE LABOR CODE.

C. NLRC ERRED IN REQUIRING FAUSTINO PACILLOS TO PRESENT BIRTH CERTIFICATES IN ORDER TO PROVE HIS RELATIONSHIP TO THE DECEASED WORKER.

D. NLRC ERRED IN RULING THAT THE PERSONALITY OF FAUSTINO PACILLOS SHOULD BE ESTABLISHED FIRST IN ORDER TO ENSURE THAT PAYMENT IS GIVEN TO THE CORRECT PAYEE.

The primary issue before us is whether or not the NLRC acted with grave abuse of discretion in decreeing that the execution of the final and executory decision dated June 13, 2011 be made only upon the instance of the true and legal heirs of the deceased Alfredo Pacillos and that the monetary award due to the said deceased be released to said heirs, who can present substantial evidence of such fact.

Petitioners aver that the NLRC erred in requiring Faustino to prove his status as heir of the deceased considering that the issue has already been raised during the proceedings before the Labor Arbiter. Moreover, it is only the courts who can make a declaration of heirship hence, when the NLRC required Faustino to submit the pertinent birth certificates, the same is nothing but a mere attempt to circumvent the law.

Respondents, on the other hand, insist that the NLRC did not commit grave abuse of discretion because of Faustino's contradictory claims as to his personality as a sole heir. This underscores the necessity to settle the issue of heirship first. Respondents also argued that heirship must be settled first in the regular courts, or at the very least, through substantial evidence.

Indeed it is true that the determination of who are the legal heirs of the deceased must be made in the proper special proceedings in court, and not in an ordinary suit.

Under Section 3, Rule 1 of the 1997 Revised Rules of Court, a civil action is defined as “one by which a party sues another for the enforcement or protection of a right, or the prevention or redress of a wrong” while a special proceeding is “a remedy by which a party seeks to establish a status, a right, or a particular fact.” It is then decisively clear that the declaration of heirship can be made only in a special proceeding inasmuch as the petitioners here are seeking the establishment of a status or right.[16]

The above rule though, is not absolute. The Supreme Court, in the case of Heirs of Teofilo Gabatan, namely: Lolita Gabatan, Pompeyo Gabatan, Peregrino Gabatan, Reynaldo Gabatan, Nila Gabatan and Jesus Jabinis, Riorita Gabatan Tumala and Freira Gabatan vs. Hon. Court of Appeals and Lourdes Evero Pacana,[17] has ruled that:

“(W)e are not unmindful of our decision in Portugal v. Portugal-Beltran,[18] where the Court relaxed its rule and allowed the trial court in a proceeding for annulment of title to determine the status of the party therein as heirs, to wit:

It appearing, however, that in the present case the only property of the intestate estate of Portugal is the Caloocan parcel of land, to still subject it, under the circumstances of the case, to a special proceeding which could be long, hence, not expeditious, just to establish the status of petitioners as heirs is not only impractical; it is burdensome to the estate with the costs and expenses of an administration proceeding. And it is superfluous in light of the fact that the parties to the civil case – subject of the present case, could and had already in fact presented evidence before the trial court which assumed jurisdiction over the case upon the issues it defined during pre-trial.

In fine, under the circumstances of the present case, there being no compelling reason to still subject Portugal’s estate to administration proceedings since a determination of petitioners’ status as heirs could be achieved in the civil case filed by petitioners (Vide Pereira v. Court of Appeals, 174 SCRA 154 [1989]; Intestate Estate of Mercado v. Magtibay, 96 Phil. 383 [1955]), the trial court should proceed to evaluate the evidence presented by the parties during the trial and render a decision thereon upon the issues it defined during pre-trial, x x x.[19]

Similarly, in the present case, there appears to be only one parcel of land being claimed by the contending parties as their inheritance from Juan Gabatan. It would be more practical to dispense with a separate special proceeding for the determination of the status of respondent as the sole heir of Juan Gabatan, specially in light of the fact that the parties to Civil Case No. 89-092, had voluntarily submitted the issue to the RTC and already presented their evidence regarding the issue of heirship in these proceeding. Also the RTC assumed jurisdiction over the same and consequently rendered judgment thereon.”

In the more recent case of HEIRS OF MAGDALENO YPON, ALVARO YPON, ERUDITA Y. BARON, CICERO YPON, WILSON YPON, VICTOR YPON, AND HINIDINO Y. PEÑALOSA vs. GAUDIOSO PONTERAS RICAFORTE a.k.a. "GAUDIOSO E. YPON," and THE REGISTER OF DEEDS of TOLEDO CITY,[20] the Supreme Court also ruled that:

“By way of exception, the need to institute a separate special proceeding for the determination of heirship may be dispensed with for the sake of practicality, as when the parties in the civil case had voluntarily submitted the issue to the trial court and already presented their evidence regarding the issue of heirship, and the RTC had consequently rendered judgment thereon, or when a special proceeding had been instituted but had been finally closed and terminated, and hence, cannot be re-opened.”

In the instant case, it appears that the decedent, who is a lowly carpenter, has nothing more to his estate except the judgment award. It would be more practical to dispense with a separate special proceeding for the determination of the status of Faustino as the sole heir of Alfredo. Moreover, the issue as to his heirship has already been determined by the Labor Arbiter. As noted earlier, the Labor Arbiter, in its order dated February 5, 2013, in ruling that the issue on the rightful heir of Alfredo is too late to be taken up in the pre-execution stage considering that the decision dated July 13, 2011 is already final and executory, has opined that Faustino has already tendered substantial proof of his heirship, in fact, he has already claimed Alfredo's SSS benefits as the latter left no compulsory heirs at the time of his death.

We also note that the arguments advanced by the respondents in their comment to the petition center on Faustino's failure to offer further substantial proof of his heirship and on the Labor Arbiter's alleged mis-appreciation of the evidences that Faustino had presented. These matters have already been raised in private respondents' appeal to the NLRC which appeal was dismissed thus making the appealed decision final and executory. To allow respondents to raise them in a petition for extraordinary remedy and/or in this petition for certiorari via their opposition thereto is tantamount to modifying a final and executory decision.

The Supreme Court, in the case of *SESSION DELIGHTS ICE CREAM AND FAST FOODS vs. THE HON. COURT OF APPEALS (Sixth Division), HON. NATIONAL LABOR RELATIONS COMMISSION (Second Division) and ADONIS ARMENIO M. FLORA*,^[21] has ruled that:

“We state at the outset that, as a rule, we frown upon any delay in the execution of final and executory decisions, as the immediate enforcement of the parties’ rights, confirmed by a final decision, is a major component of the ideal administration of justice. We admit, however, that circumstances may transpire rendering delay unavoidable. One such occasion is when the execution of the final judgment is not in accord with what the final judgment decrees in its dispositive portion. Just as the execution of a final judgment is a matter of right for the winning litigant who should not be denied the fruits of his or her victory, the right of the losing party to give, perform, pay, and deliver only what has been decreed in the final judgment should also be respected.

XXX

A companion to the above rule on the execution of a final judgment is the principle of its immutability. Save for recognized exceptions, a final judgment may no longer be altered, amended or modified, even if the alteration, amendment or modification is meant to correct what is perceived to be an erroneous conclusion of fact or law and regardless of what court, be it the highest Court of the land, renders it.”

In sum, this Court believes that the NLRC gravely abused its discretion amounting to excess or lack of jurisdiction in annulling the Order of Labor Arbiter Maria Ada Aniceto-Veloso dated February 5, 2013 and in decreeing that the execution of the final and executory decision be made only after another determination of who are the legal heirs of the deceased Alfredo Pacillos.

WHEREFORE, in view of the foregoing, the instant petition is GRANTED. Accordingly, the assailed Resolutions of the NLRC promulgated on May 29, 2013 and June 14, 2013 in NLRC Case No. VER-02-000002-13, are hereby ANNULLED and SET ASIDE. The Order of Labor Arbiter Maria Ada Aniceto-Veloso, dated February 5, 2013, and all notices of garnishment issued pursuant to said Order, are hereby REINSTATED.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

[1] Rollo at pp. 157-161.

[2] Rollo at pp. 178-179..

[3] Rollo at pp. 29-39.

[4] Rollo at pp. 43-45.

[5] Rollo at pp. 47-51.

[6] Rollo at pp. 54-55.

[7] Rollo at pp. 57-58.

[8] Rollo at pp. 59-60.

[9] Rollo at pp. 61-74.

[10] Rollo at pp. 133-138

[11] Rollo at pp. 142-150.

[12] Rollo at pp. 151-155.

[13] Rollo at pp. 157-161.

[14] Rollo at pp. 163-169.

[15] Rollo at pp. 178-179.

[16] HEIRS OF GUIDO YAPTINCHAY AND ISABEL YAPTINCHAY vs. HON. ROY S. DEL ROSARIO ET AL.; G.R. No. 124320, March 2, 1999.

[17] G.R. No. 150206, March 13, 2009.

[18] G.R. No. 155555, 467 SCRA 184, 199 (2005).

[19] Emphasis original.

[20] G.R. No. 198680, July 8, 2013.

[21] G.R. No. 172149, February 8, 2010.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.