

AN ACT TO PROVIDE A UNIFORM PROCEDURE FOR APPEALS FROM THE COURT OF AGRARIAN RELATIONS, THE SECRETARY OF LABOR UNDER SECTION 7 OF REPUBLIC ACT NUMBERED SIX HUNDRED TWO, ALSO KNO...

REPUBLIC ACT NO. 5434, September 09, 1968

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Appeals from specified agencies.—Any provision of existing law or Rule of Court to the contrary notwithstanding, parties aggrieved by a final ruling, award, order, decision, or judgment of the Court of Agrarian Relations; the Secretary of Labor under Section 7 of Republic Act Numbered Six hundred and two, also known as the "Minimum Wage Law"; the Department of Labor under Section 23 of Republic Act Numbered Eight, hundred seventy-five, also known as the "Industrial Peace ; the Land Registration Commission; the Securities and Exchange Commission; the Social Security Commission; the Civil Aeronautics Board; the Patent Office and the Agricultural Inventions Board, may appeal therefrom to the Court of Appeals, within the period and in manner herein provided, whether the appeal involves a questions of fact, mixed questions of fact and law, or questions of law, or all three kinds of questions. From final judgments or decisions of the Court of Appeals, the aggrieved party may appeal by certiorari to the Supreme Court as provided in Rule 45 of the Rules of Court.

SEC. 2. Appeals to Court of Appeals.—Appeals to the Court of Appeals shall be filed within fifteen (15) days from notice of the ruling, award, order, decision or judgment or from the date of its last publication, if publication is required by law for its effectivity; or in case a motion for reconsideration is filed within that period of fifteen (15) days, then within ten (10) days from notice or publication, when required by law, of the resolution denying the motion for reconsideration. No more than one motion for reconsideration shall be allowed any party. If no appeal is filed within the periods here fixed, the ruling, award, order, decision or judgment shall become final and may be executed as provided by existing law.

SEC. 3. How appeals taken.—Appeals shall be taken by filing a notice of appeal with the Court of Appeals and with the court, officer, board, commission or agency that made or rendered the ruling, award, order, decision or judgment appealed from, serving a copy thereof on all other interested parties. The notice of appeal shall state, under oath, the material dates to show that it was filed within the period fixed in this Act.

SEC. 4. Docketing fee and deposits for costs.—Upon filing of the notice of appeal, the appellant shall pay the Clerk of the Court of Appeals the docketing fee fixed in Rule 141, Section 2 (a) of the Rules of Court and deposit the sum of fifty pesos (P50.00) for costs, or case the appellant be a laborer, employee, agricultural lessee, or tenant, a motion setting forth said fact under oath, and praying that he be exempted from payment of docketing fee and the deposit for costs. Copy of motion shall be served on all interested parties. Should the court find said motion to be well founded it shall grant the same; but if the Court denies the motion, the appellant shall pay the docketing fee and make the deposit for costs within fifteen (15) days from notice of the denial. Failure to pay the docketing fee and make the deposit for costs within the period here fixed shall be a ground to dismiss the appeal.

SEC. 5. Effect of appeal.—Appeal shall not stay the award, order, ruling, decision or judgment unless the officer or body rendering the same or the court, on motion, after hearing, and on such terms as it may deem just, should provide otherwise. The propriety of a stay granted by the officer or body rendering the award, order, ruling decision or judgment may be raised only by motion in the main case.

SEC. 6. Elevation of Record.—Within five (5) days from the payment of the docket fee and deposit for costs, the Clerk of the Court of Appeals shall notify the clerk of court, commission, board, or office concerned to forward the record of the case. Within five (5) days from receipt of such notice, the latter shall comply by forwarding the whole original record of the case or a certified true copy of the whole record to the Court of Appeals. Failure to elevate the record within the period here fixed shall be dealt with as for contempt of Court.

SEC. 7. Appellate procedure; Briefs.—Until the Supreme Court shall provide otherwise by Rule of Court, appeals all proceed as provided by Rules 46 to 55 of the Rules Court, insofar as applicable, with the following modifications:

(a) The appellant's brief shall be served and filed within (30) days from the date that he is notified that the record has been received by the Court of Appeals, within the period above fixed, and shall contain, as an appendix, the ruling, order, award, decision or judgment appealed from; the appellee's brief shall be served and filed within thirty (30) days from receipt of the appellant's brief; and the appellant's reply brief, within fifteen (15) days from receipt of the appellee's brief.

(b) The Court of Appeals may extend the periods above, fixed only for good cause; and the total extension granted any party shall not, except in meritorious cases, be greater than the original period above fixed.

(c) Where the appellant has been exempted from paying the docket fee or making the deposit for costs, or when the appellee is an employee, laborer or tenant, he shall be allowed to file his briefs in typewritten or mimeographed form.

SEC. 8. Repealing clause.—Section twelve of Republic Act Numbered One thousand two hundred and sixty-seven, as amended; Section seven of Republic Act Numbered Six hundred two, as amended; Section twenty-three of Republic Act Numbered Eight hundred and seventy-five; Section thirty-six of Commonwealth Act Numbered Eighty-three, as amended; Section five of Republic Act Numbered One thousand one hundred and sixty-one, as amended, Section four of Republic Act Numbered One thousand one hundred fifty-one; Sections forty-eight and forty-nine of Republic Act Numbered Seven hundred and seventy-six; Sections sixty-three, sixty-four and sixty-five of Republic Act Numbered One hundred and sixty-five, as amended; Section two of Republic Act Numbered One thousand two hundred and eighty-seven, Section thirty-three of Republic Act Numbered One hundred sixty-six, and all other portions of said Acts, and all other laws, rules and regulations, or Rules of Court, or parts thereof, that are inconsistent with the provisions of this Act, are hereby amended, repealed or modified to conform herewith.

SEC. 9. Effectivity.—This Act shall take effect upon its approval.

Approved, Sept. 9, 1968.

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