

ALBERTO N. HILONGO, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, SECOND DIVISION, METRO GUARDS SECURITY AGENCY CORP. (FORMERLY KNOWN AS BEEGUARDS CORP.)/MS. MILAGROS T. ...

Ponente: DIAMANTE, J.

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DIAMANTE, J.:

Private respondents, on August 18, 2014, filed an Omnibus Motion (To Dismiss the Instant Petition on the Ground of Forum Shopping, To Declare Petitioner and Counsel in Contempt, and for Reconsideration)[1] assailing Our Decision dated July 22, 2014 which reversed and set aside the Decision dated November 29, 2013 and Resolution dated January 16, 2014 of public respondent National Labor Relations Commission, Second Division, in NLRC LER No. 11-322-13/NLRC LAC No. 07-001-485-10 (NLRC NCR-10-14411-09), against which petitioner filed his Comment On/Opposition[2] thereto as well as his "Very Urgent Motion for Resolution of Private Respondents' Motion for Reconsideration, et al." [3] and Manifestation.[4]

Private respondents, in the Omnibus Motion, seek for the dismissal of the petition and to declare petitioner and counsel in contempt of court for having failed to disclose in the Verification and Certification of Non-Forum Shopping attached in his petition filed on March 21, 2013[5] the ex parte motions[6] filed or about to be filed before the Labor Arbiter and the NLRC involving the same matters raised in the instant petition, particularly the: (1) "Motion for Additional Computation (for accrued backwages, sep. pay, SILP, 13[th] MO, Atty's fees) EX PARTE with Motion to Release" dated March 10, 2014; (2) "Motion to Release EX PARTE" dated April 4, 2014; (3) "Motion for Issuance of a Writ of Execution EX PARTE" dated May 7, 2014; (4) "Urgent Motion for Immediate Issuance of a Writ of Execution EX PARTE" dated May 19, 2014; (5) "THIRD Urgent Motion for Issuance of a Writ of Execution EX PARTE" dated June 3, 2014; and (6) "FOURTH Urgent Motion for Issuance of a Writ of Execution EX PARTE" dated June 30, 2014. It again insisted that Labor Arbiter Macam's original judgment award in his Decision dated April 30, 2010, which was reinstated in the September 7, 2012 Decision of the Ninth Division of this Court, made no provision for additional amounts or a re-computation of the total monetary awards. Hence, there was no basis for the grant of further monetary awards to petitioner and that the ruling of the Supreme Court in the case of *Session Delights*[7] finds no application in the case at bench.

We are not convinced.

We find the contentions of private respondents with respect to the issue of forum-shopping unmeritorious. The records are bereft of proof as to the date when petitioner had filed the Motion for Additional Computation with Motion to Release, as such We cannot determine with certainty whether the aforesaid motion for additional computation was filed ahead of the present petition. Private respondents' counsel was also duly furnished with copies of the Orders[8] issued by the Labor Arbiter Enrique L. Flores, Jr., thus negating their allegations that they were not fully aware of the petitioner's motions. It also puzzles this Court why private respondents had only belatedly raised the issue of forum-shopping in the present Omnibus Motion when they could have earlier made a manifestation or raised the same as an issue when they filed their Comment to the petition for certiorari. It also

appears, in their "Urgent Motion to Suspend Proceedings/Issuance of Writ of Execution" dated June 26, 2014 filed before the Labor Arbiter, that they have acknowledged and submitted to the jurisdiction of this Court the resolution of the issue pertaining the re-computation of monetary awards.[9]

Anent the issue whether We erred in granting the re-computation of the awards made by Labor Arbiter Macam in his April 30, 2010 Decision, We believe that the issue on the necessity of the re-computation of the monetary awards granted to petitioner had already been amply discussed and passed upon in the decision sought to be reconsidered.

No essential change is made by a re-computation of the monetary awards originally awarded as this step is a necessary consequence that flows from the illegality of the dismissal. The reliefs continue to add up until full satisfaction of the Labor Arbiter's April 30, 2010 Decision. The re-computation does not constitute an alteration or amendment of the final decision being implemented and does not violate the principle of immutability of judgment.[10] The re-computation of the amount awarded is done in order to account for the time that had transpired between the Labor Arbiter's decision and the final termination of the case on appeal, during which time the illegally dismissed employee should have been paid his salary and benefit entitlements.[11]

WHEREFORE, there being no new grounds nor bases sufficient to compel modification or reversal of the challenged Decision, private respondents' Omnibus Motion (To Dismiss the Instant Petition on the Ground of Forum Shopping, To Declare Petitioner and Counsel in Contempt, and for Reconsideration) is hereby DENIED for lack of merit.

Petitioner's Very Urgent Motion for Resolution of Private Respondents' Motion for Reconsideration, et al. and Manifestation are NOTED.

The Labor Arbiter is ORDERED to re-compute the total monetary benefits awarded and due to petitioner in accordance with this Court's Decision dated July 22, 2014.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Sadang, JJ., concur.

[1] Rollo, pp. 208

[2] Id. at 237

[3] Id. at 289

[4] Id. at 292 and unnumbered pages

[5] Id. at 3

[6] Id. at 221-222

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

[8] Rollo, pp. 256, 261-263, 265-266

[9] See Page 7 of the Urgent Motion to Suspend Proceedings/Issuance of Writ of Execution, Rollo, p. 273

[10] Nacar vs. Gallery Frames, G.R. No. 189871, August 13, 2013

[11] Gonzales vs. Solid Cement Corp., et. al., G.R. No. 198423, October 23, 2012

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