

HOLCIM PHILIPPINES, INC., PETITIONER, VS. DAVAO HOLCIM EMPLOYEES WORKERS UNION – APL, RESPONDENT.

Ponente: PEREZ, J.

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PEREZ, J.:

In a Resolution dated 18 December 2014,[1] this Court denied the issuance of a Temporary Restraining Order/Writ of Preliminary Injunction as the injunctive relief would not be preservative of the status quo ante or the last, actual, peaceful, and uncontested situation of the parties preceding the present controversy and for lack of evidence proving irreparable damage on the part of petitioners.

Meanwhile, on 14 January 2015, the Voluntary Arbitrator issued a Writ of Execution[2] to enforce its 25 July 2014 Decision. The Writ pertinently reads –

THEREFORE, WE COMMAND YOU that you satisfy the said decision TO:

1. CLOSE or SHUTDOWN or Padlock any office, department, or unit or units within the premises of said the entire plant or respondent only in so far as enjoining, restraining, or stopping the use, utilization or the availment of services of Intellicare Inc.
2. SEIZE, CONFISCATE and RETRIEVE and GATHER all papers, documents, gadgets of all kinds, equipments being used by respondent in implementing, using, or utilizing the services of Intellicare HMO Service provider.

All personal properties Seized or Confiscated or Taken by virtue of this Writ shall be deposited with NCMB Regional Office, Davao City.

On 20 February 2015, petitioner filed a Second Urgent Application for Issuance of Injunctive Relief[3] seeking to enjoin the Voluntary Arbitrator, respondent or any other person, from implementing the Writ of Execution of the Voluntary Arbitrator's Decision dated 25 July 2014. Essentially, petitioner argued that the said Writ was void as it varied the terms of the dispositive portion of the 25 July 2014 Decision by "exceeding its effects". Petitioner, thus, claimed that unless this Court enjoins the implementation of said Writ, grave and irreparable injury would result to it before merits of the present case can be resolve by the Court.

Petitioner's application for the issuance of an injunctive relief is impressed with merit.

It is a settled legal principle that a writ of execution should strictly conform to the dispositive portion of the decision to be executed. It may not vary the terms of the judgment it seeks to enforce.[4] In the event that the writ is not in harmony with and exceeds the judgment which gives it life, the writ has pro tanto no validity.[5] Simply put, the writ is considered void. To rule otherwise would be to ignore the constitutional prohibition against depriving a person of his property without due process of law.[6]

A perusal of the Writ of Execution reveals that it varies the tenor of the dispositive portion of the 25 July 2014 Decision.

To point, the said Writ ordered, among others, the closure of offices and seizure of documents found to be

implementing or availing the services of the HMO provider, Intellicare, Inc. These confiscated materials shall then be deposited at the National Conciliation and Mediation Board, Regional Office, Davao City.[7]

However, the 25 July 2014 Decision[8] merely declared that the engagement of Intellicare, Inc. by petitioner “is not only an erroneous application but also a violation of Art. XII, Section 1 (sic) the current CBA of the parties”. As such, there is nothing in the dispositive portion directing the doing of any specific act such as those ordered by the Voluntary Arbitrator.

Thus, the Writ of Execution is a patent nullity for failure to conform to the language of the dispositive portion of the 25 July 2014 Decision.

In light of the foregoing and so as not to frustrate the ends of justice, the Court hereby issues a temporary restraining order, ordering the Voluntary Arbitrator, his agents and persons acting in his behalf, to CEASE and DESIST from implementing the 14 January 2015 Writ of Execution effective for sixty (60) days from issuance and the filing of bond in the amount of P150,000.00 conditioned that petitioner will pay all the costs which may be adjudged to the adverse party and all damages which he may sustain by reason of this order, if the court shall finally adjudge that the applicant was not entitled thereto.[9]

SO ORDERED.

Camello, J., Ch., and Inting, JJ., concur.

[1] Rollo, pp. 442-445.

[2] Rollo, pp. 562-563.

[3] Rollo, pp. 554-561.

[4] Pascual v. Daquioag, GR No. 162063, 31 March 2014.

[5] Green Acres Holdings, Inc. v. Cabral, GR No. 175542, 5 June 2013.

[6] Development Bank of the Philippines v. Union Bank of the Philippines, GR No. 155838, 13 January 2004.

[7] Supra note 2.

[8] Annex “A”, Rollo, pp. 33-38.

[9] Section 4, Rule 57 of the Rules of Court.

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