

**BATAAN SHIPYARD AND ENGINEERING CORPORATION,
PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION,
NAFLU AND PASTOR ABAQUITA, EDUARDO ABDON, WILFREDO
ABDON, BENIGNO ABOG, DELFIN ...**

G.R. No. 102876. March 04, 1997

Ponente: HERMOSISIMA, JR., J.

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HERMOSISIMA, JR., J.:

This is a petition for certiorari and prohibition with prayer for the issuance of a writ of preliminary injunction seeking to nullify and set aside the Resolution of the National Labor Relations Commission dated July 19, 1991 in Injunction Case No 1429 entitled, "NAFLU and Pascual Dacu, et al. v. Bataan Shipyard and Engineering Corporation," as well as the Resolution dated October 30, 1991.

Petitioner Bataan Shipyard and Engineering Co., Inc. (BASECO for brevity) is a corporation duly organized and existing under and by virtue of the laws of the Philippines with principal office at Engineering Island, Port Area, Manila. Public respondent, National Labor Relations Commission (NLRC), issued the herein assailed resolutions which petitioner perceives to have been rendered with grave abuse of discretion amounting to lack or excess of jurisdiction warranting a resort to the extraordinary remedy provided for in Rule 65 of the Revised Rules of Court. Esmsô

Antecedent facts are undisputed:

Sometime before 1984, petitioner BASECO filed with respondent NLRC an application for the retrenchment of 285 of its employees on the ground that the company had been incurring heavy losses since the end of 1979. The case was docketed as NLRC Case No. RAB-111-2536-82.

After hearing, Executive Labor Arbiter Francisco M. Jose rendered judgment on January 30, 1984, the decretal portion of which reads:

"WHEREFORE, IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered:

1. Declaring the retrenchment undertaken by BASECO to be legal and valid;
2. Ordering BASECO to pay the separation pay of the individual complainants herein equivalent to one (1) month of one-half (1/2) month salary for every year of service, whichever is higher, a fraction of at least 6 months being considered as one (1) whole year;
3. Declaring respondent BASECO guilty of discrimination in the selection of the employees to be retrenched therefore, guilty of unfair labor practice; and
4. Ordering respondent to pay each of the individual complainants herein six (6) months backwages as a penalty for committing said unfair labor practice acts." [1]

BASECO appealed from the aforesaid decision to respondent NLRC. In a Resolution, dated December 27, 1985, the Third Division of the NLRC affirmed the aforequoted Decision of Executive Labor Arbiter Francisco M. Jose. Consequently, a Writ of Execution was issued on January 15, 1987 for the payment of the amount of P4,106,284.00 ostensibly to satisfy the monetary awards. When the petitioner elevated the case to us by way of certiorari, the Court, on May 9, 1988, dismissed the petition,[2] for lack of merit and upheld en toto the decision of the NLRC.

Accordingly, herein private respondents filed a Motion for Alias Writ of Execution with respondent NLRC which was duly granted in a Resolution dated November 29, 1990.[3]

Subsequently, a Motion for Reconsideration dated January 10, 1991 was filed by petitioner.[4]

Meanwhile, in a Resolution dated July 19, 1991,[5] respondent NLRC dramatically modified the monetary awards from the original P4,106,284.00 to P203,563.91 upon the report of Juanita O. Bautista, Labor Arbitration Associate (LAA) of respondent NLRC. Stung by this modification, both BASECO and private respondents NAFLU moved for reconsideration.

October 30, 1991, a Resolution was promulgated by respondent NLRC which denied both motions. The dispositive portion of the aforesaid Resolution states:

"WHEREFORE, the motions under consideration are hereby denied for lack of merit. No further motions for reconsideration shall be entertained."[6]

Hence, petitioner filed the herein Petition for Certiorari and Prohibition with Prayer for a Writ of Preliminary Injunction: (a) to annul and set aside respondent NLRC's Resolution dated July 19, 1991 in Injunction Case No. 1429 insofar as it awarded to private respondents the sum of P2,203,363.91 without deducting therefrom all the payments of separation pay made by petitioner;[7] (b) to annul and set aside respondent NLRC's Resolution dated October 30, 1991[8] which denied petitioner's Motion for Reconsideration dated 15 August 1991; (c) to enjoin and prohibit the NLRC from proceeding with the implementation of the abovestated Resolution; and (d) to temporarily restrain the NLRC from proceeding with the implementation of the aforesaid Resolutions pending determination of the merits of the petition.

Thereafter, on February 14, 1992, petitioner BASECO filed a Motion for Immediate Resolution of [its] Application for Preliminary Injunction or Temporary Restraining Order (TRO).[9] On February 17, 1997, we granted the aforesaid motion and issued a Temporary Restraining Order enjoining the respondents from enforcing in any manner the questioned resolutions of the Third Division of the NLRC promulgated on November 29, 1990 and July 19, 1991 in NLRC Case No. RAB-111-2-536-82.[10]

The overriding issue in the instant case is whether or not respondent NLRC committed any error in promulgating its Resolutions of July 19, 1991 and October 30, 1991 wherein a re-computation was made on the adjudged economic benefits of the employees resulting in a modification thereof from P4,106,284.00 to P2,203,563.91.

The main point of petitioner's argument is that "in the present case, the respondent Commission not only failed but deliberately refused to take into consideration the undisputed fact that the separation pay had already been satisfied by the petitioner except those affecting ten (10) private respondents who were named and identified in the list attached as Annex "A" of the Motion for Reconsideration dated January 30, 1991."[11] However, while stressing its defense of payment, petitioner disclaims any existing argument between the company and private respondents that should, as highlighted by public respondent NLRC, "completely put to naught the defense of payment that petitioner belatedly tried to invoke as the last ditch attempt to frustrate the rights of the private respondent." [12]

We find petitioner's argument to be without merit.

As correctly held by respondent NLRC, the issue with regard to petitioner's alleged payment of separation pay warranting a further reduction of the adjudged economic benefits of private respondents, can no longer be advanced by petitioner because it would in effect re-open the Decision of January 30, 1984 that had long become final and executory. In fact, the issue had been laid to rest with the dismissal on May 9, 1988 by the Supreme Court of G.R. No. 78604 brought about by petitioner's own petition for certiorari where it questioned the said January 30, 1984 decision of the Labor Arbiter.[13]

It is a well-settled rule that an award or judgment becomes final and executory upon the expiration of the period to appeal. No appeal was made within the reglementary period. The basic rule of finality of judgment is applicable indiscriminately to one and all since the rule is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional error, the judgment of courts of awards of quasi-judicial agencies must become final at some definite date fixed by law.[14]

Furthermore, there is no question that once a decision becomes final and executory, execution of the judgment follows as a matter of course.

It is in this premise that, on January 19, 1987, a Writ of Execution was issued by Executive Labor Arbiter Vladimir Sampong in the amount of P4,106,284.00.

However, in its Resolution dated July 19, 1991,[15] public respondent NLRC deemed it necessary to re-compute the monetary awards in order to conform to the decretal portion of the Decision dated January 30, 1984. Hence, the case was formally referred to Labor Arbiter Associate Juanita Bautista on February 20, 1991.

The NLRC in this regard held:

"It is readily apparent that the writ varied the tenor and term and terms thereof. The decision granted complainants separation pay of only one month salary or one half month salary for every year of service whichever is higher in addition to six (6) months backwages by way of penalty for the ULP committed by respondent BASECO. Thus:

'Wherefore, in view of all the foregoing, judgment is hereby rendered:

1. Declaring the retrenchment undertaken by respondent BASECO to be legal and valid;
2. Ordering respondent BASECO to pay the separation pay of the individual complainants herein equivalent to one (1) month or one half (1/2) month for every year of service, whichever is higher, a fraction of at least six (6) months being considered as one (1) whole year,
3. Declaring respondent BASECO quietly [sic] of discrimination in the selection of the employees to be retrenched and therefore, guilty of unfair labor practice; and
4. Ordering respondent to pay each of the individual complainants herein six (6) months backwages as a penalty for committing said unfair labor practice acts.

SO ORDERED.'

Yet, in enforcing said decision on the strength of the writ of execution, the Labor Arbiter a quo computed the adjudged economic benefits to individual complainants at the rate of one month salary for every year of service. Worst, he granted each individual complainants with 13th month pay of P936.00 thereby increasing the award by leaps and bounds. These are reflected in the oppositors' (petitioners') Motion for Writ of Execution (Vol. 2, Rollo, pp. 522-526) in relation to Motion for Computation and Execution (Vol. 2, Rollo, pp.

5608-517) adopted en toto by the Labor Arbiter below. Moreover, he did not consider the actual length of service of individual complainants and instead made a straight computation on the basis of eight (8) years of service. It is settled that the function of the Court in executing a decision is purely ministerial and it is not at liberty to vary or alter the tenor and terms thereof. Thus, recomputed on the basis of the decision and the records of the case, the individual complainants would only be entitled to P2,203,563.71 as shown in the computation of Labor Arbitration Associate (LAA) Juanita D Bautista this Commission, dated June 25S, 1991."[16]

In so modifying the monetary award, respondent NLRC had only intended to perform its duty by inquiring into the correctness of the Writ of Execution. This does not mean that a re-opening of the case was held.[17] In reality, the modified monetary award merely conformed to the tenor of the decretal portion of the Labor Arbiter's Decision dated January 30, 1984, which had long become final and executory.

Finally, petitioner asseverates that furthermore, it has made payments of separation pay to private respondents and that these payments should be deducted from the recomputed award of P2,203,563.91. However, respondent NLRC has repeatedly found that:

"As late as August 1, 1988, BASECO had admitted its liability to complainants (the herein private respondents) under the decision, vis-a-vis the latter's separation pay when it agreed, to wit:

'In principle the parties agree as follows:

1) The award will be computed: 313 x daily rate

_____ =

12

monthly basic pay + integrated COLA under PD 525 and 1123 — PD 1751.

2) 13th month pay for 1980 — was not given to employees.

3) Petitioner will give the names of employees who voluntarily allowed themselves to be retrenched or resigned.

4) Award will be computed at 1/2 month/year of service.

5) Length of service will be supplied by respondent. x x x."

Suffice it to say, the foregoing agreement of the parties completely put to naught the defense of payment [which petitioner] belatedly tried to invoke as a last ditch attempt to frustrate the rights of [private respondents] obtained in the final decision of the instant case."[18]

And, since it is the finding of the NLRC that no partial payment has been made to the private respondents, this Court will not rule otherwise. Basic is the rule that factual findings of agencies exercising quasi-judicial functions [like public respondent NLRC] are accorded not only respect but even finality, aside from the consideration that this Court is essentially not a trier of facts.[19]

Besides, assuming arguendo that questions as to the monetary awards decreed by the respondent NLRC can still be entertained, petitioner's allegation that payment of separation has already been given to private respondents, remains utterly unsubstantiated until now. Petitioner has significantly failed to submit proof of such payment by the standard forms of Affidavit of Satisfaction of Judgment as Waiver or Quitclaim and Release ordinarily executed by employees upon receipt of their respective monetary awards. Petitioner, therefore, cannot gratuitously claim a deduction of the monetary awards already determined by public respondent.

It should not be at all misplaced to note that the retrenched workers of petitioner have waited long enough for benefits which they rightly deserve. This court will not hesitate to tilt the scales of justice to the working class in its ruling for no less than the Constitution dictates that "the State . . . shall protect the rights of workers and promote their welfare." [20] Consequently, no grave abuse of discretion may be attributed to respondent NLRC.

WHEREFORE, the petition is DISMISSED for lack of merit. The Temporary Restraining order issued on February 17, 1992 is hereby LIFTED.

Costs against petitioner.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Vitug, and Kapunan, JJ., concur.

[1] Quoted in Memorandum of Solicitor General dated October 19, 1993, pp. 3-4, Rollo, pp. 298-299.

[2] Docketed as G.R. No. L-78604.

[3] Rollo, pp. 21-36.

[4] Id., pp. 37-45.

[5] Id., pp. 46-61.

[6] Resolution dated October 30, 1991, p. 15, Rollo, p. 88.

[7] Rollo, pp. 46-61.

[8] Ibid, pp. 74-88.

[9] Motion for Immediate Resolution of application for preliminary injunction or TRO pp. 1-6, Rollo, pp. 168-173.

[10] Resolution of the Supreme Court dated February 17, 1992, Rollo, p. 183.

[11] Quoted in Memorandum of Solicitor General dated October 19, 1993, pp. 6-7, Rollo, pp. 301-306.

[12] Ibid.

[13] Bataan Shipyard and Engineering Co., Inc. vs. NLRC, 161 SCRA 271 [1988].

[14] Cruz v. NLRC, 81 SCRA 947 [1978]; Volkchel Labor Union v. NLRC, 98 SCRA 314 [1980].

[15] Annex C, Rollo, pp. 46-51.

[16] Resolution dated July 19, 1991, pp. 3-5, Rollo, pp. 48-50.

[17] Pacific Mills, Inc. v. National Labor Relations Commission, 181 SCRA 130 [1990].

[18] Resolution dated October 30, 1991, pp. 7-8, Rollo, pp. 80-81.

[19] Bernardo Jimenez and Jose Jimenez vs. NLRC. G.R. No. 116960, April 2, 1996.

[20] Article II, Section 18 of the 1987 Constitution.

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