

**FILIPINAS PALMOIL PROCESSING, INC. AND DENNIS T. VILLAREAL,
PETITIONERS, VS. JOEL P. DEJAPA, REPRESENTED BY HIS
ATTORNEY-IN-FACT MYRNA MANZANO, RESPONDENT.**

G.R. No. 167332. February 07, 2011

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-167332/>

PERALTA, J.:

Assailed in this petition for review on certiorari are the Resolutions dated December 10, 2004[1] and February 17, 2005[2] issued by the Court of Appeals (CA) in CA-G.R. SP No. 60562.

The antecedent facts are as follows:

On May 27, 1997, respondent Joey Dejapa filed a Complaint for illegal dismissal and money claims against petitioner Asian Plantation Phils., Inc. (formerly Veg. Oil Phils. Inc.), now Filipinas Palmoil Processing, Inc., Dennis T. Villareal and Tom Madula.

On July 14, 1999, the Labor Arbiter (LA) dismissed respondent's complaint for lack of merit.

Respondent filed his appeal with the National Labor Relations Commission (NLRC) which, in a Decision dated December 29, 1999, affirmed the LA decision. Respondent's motion for reconsideration was denied in a Resolution dated April 28, 2000.

Aggrieved, respondent filed with the CA a petition for certiorari. Petitioners filed their Comment thereto.

On August 29, 2002, the CA reversed and set aside the NLRC decision and resolution. The decretal portion of the decision states:

WHEREFORE, premises considered, the assailed Decision dated December 29, 1999, as well as the Resolution dated April 28, 2000 in NLRC NCR CASE No. 0005-03748-97 (NLRC NCR CA No. 016505-98) are hereby REVERSED and SET ASIDE.

Petitioner (herein respondent) is ordered REINSTATED without loss of seniority rights with payment of backwages, including his salary differentials, overtime pay, 13[th] month pay, service incentive leave pay and other benefits from the time his salary was withheld, or from December 1, 1997 until actual reinstatement. However, if reinstatement is no longer feasible, private respondent company is ordered to pay separation pay equivalent to one (1) month for every year of service where a fraction of six (6) months shall be considered as one whole year. Private respondent company is likewise ordered to pay P10,000.00 as moral damages and P10,000.00 as exemplary damages. In addition, private respondent company is ordered to pay attorney's fees in the amount equivalent to 10% of the total monetary award.

SO ORDERED.[3]

The CA found that petitioner company was respondent's employer and that Tom Madula was not really an independent contractor, but petitioner company's Operations Manager. It ruled that respondent was illegally

dismissed by petitioner company. We quote the pertinent portions of the Decision, thus:

It must be borne in mind that private respondent company's claim is principally anchored on the assertion that petitioner was not its employee but that of private respondent Madula who is allegedly an independent contractor.[4]

x x x x

In this petition, there is no showing that private respondent Madula is an independent contractor. We reiterate that private respondent company failed to show any evidence to support such claim.

Hence, it is fair to conclude that private respondent Madula is an employee of private respondent company. He is the operations manager of private respondent company. This fact was not refuted by either private respondent Madula or private respondent company."[5]

x x x x

In fine, it is evident that private respondent Madula is indeed an employee of private respondent company. As its operations manager, he is deemed an agent of private respondent company.[6]

Petitioners' motion for reconsideration was denied in a Resolution[7] dated July 14, 2003.

Petitioners filed with Us a petition for review on certiorari, docketed as G.R. No. 159142, which We denied in a Resolution[8] dated October 1, 2003 for petitioners' failure to take the appeal within the reglementary period. Petitioners' motion for reconsideration was denied in a Resolution[9] dated January 21, 2004; thus, the decision became final and executory on February 27, 2004, and an entry of judgment was subsequently made.

Respondent, through his representative, filed with the LA a Motion for Execution and Computation of the Award. The LA issued a Writ of Execution[10] dated July 12, 2004 for the implementation of the CA Decision dated August 29, 2002. Pursuant to the said writ of execution, petitioners' deposit in the United Coconut Planters Bank (UCPB) in the amount of P736,910.10 was garnished.

On July 21, 2004, petitioners filed a Motion to Quash Writ of Execution[11] on the ground that it can be held liable only insofar as the reinstatement aspect and/or the monetary award were concerned, pursuant to the CA Decision dated August 29, 2002, but not to backwages. Respondent filed his Comment/Opposition thereto.

On August 6, 2004, respondent filed an Ex-Parte Motion for Order of Release praying for the immediate release of the garnished amount in the UCPB.

On September 14, 2004, the LA issued its Order[12] partially granting petitioners' Motion to Quash Writ of Execution, the decretal portion of which reads:

WHEREFORE, the Motion to Quash Writ of Execution filed by Asian Plantation is partially granted in so far as the liability for backwages and reinstatement is concerned such that the same is adjudged against respondent Tom Madula. The respondents are solidarily liable to the rest of the award, except damages, which are for the sole account of respondent company. The garnished account of Filipinas Palm Oil Processing, Inc. with United Coconut Planters Bank is hereby ordered released to the extent of TWO HUNDRED SIXTY-SIX THOUSAND SEVEN HUNDRED FIFTY-SEVEN & 85/100 PESOS (P266,757.85).

SO ORDERED.[13]

Dissatisfied, both parties filed their respective appeals with the NLRC.

On October 19, 2004, respondent then filed before the CA a Very Urgent Motion for Clarification of Judgment, praying that the CA Decision dated August 29, 2002 be clarified to the effect that petitioner be made solely liable

to the judgment award and, as a consequence thereof, to order the NLRC and the LA to implement the same and to direct the UCPB to release the garnished amount of P736,910.10 to the NLRC Sheriff and for the latter to deposit the same to the NLRC cashier for further disposition.

On December 10, 2004, the CA rendered the assailed Resolution granting respondent's motion for clarificatory judgment, the pertinent portion of which provides:

Obviously, the confusion was brought about by the September 14, 2004 Order of Labor Arbiter Savari. It is immediately apparent that the order is devoid of any legal basis since the ground relied upon by private respondent Filipinas Palmoil (Asian Plantation) is not among those grounds upon which a writ of execution may be quashed. As jurisprudentially settled, quashal of the writ of execution was held to be proper in the following instances: (a) when it was improvidently issued, (b) when it is defective in substance, (c) when it is issued against the wrong party, (d) where the judgment was already satisfied, (e) when it was issued without authority, (f) when a change in the situation of the parties renders execution inequitable, and (g) when the controversy was never validly submitted to the court. The ground invoked by private respondent Filipinas Palmoil (Asian Plantation) to quash the writ of execution is patently improper as it actually sought to vary the final judgment of this Court. Despite this, Labor Arbiter Savari "partially granted" the motion to quash. Worst, Labor Arbiter Savari even went to the extent of making her own findings of fact and ruling on the merits, and came out with an entirely new disposition different from that decreed by this Court in the August 29, 2002 decision. Such action on the part of Labor Arbiter Savari betrays sheer ignorance of settled precepts, and amounts to a clear encroachment and interference on the final judgment of this Court.

Ordinarily, the recourse against such an order of the Labor Arbiter is to challenge the same on appeal or via the extraordinary remedies of certiorari, prohibition or mandamus. However, requiring petitioner to undergo such litigious process once again would not be in keeping with the protection to labor mandate of the Constitution. Thus, in order to write finis to this controversy, which has tarried for some time now, and in order to forestall the offshoot of another prolonged litigation, this Court, in the exercise of equity jurisdiction, hereby grants petitioner's motion for clarification. It is, of course, stressed that the Court is not amending its August 29, 2002 decision or rectifying a perceived error therein. With this clarification, this Court only states the obvious by explicitly articulating what should have been necessarily implied by the application of basic principles under our labor law. [14]

Thus, the dispositive portion of the assailed CA Resolution reads:

WHEREFORE, in view of the foregoing, in accordance with petitioner's supplications, this Court renders, nunc pro tunc, the following clarification to the decretal portion of this Court's August 29, 2002 decision.

WHEREFORE, premises considered, the assailed Decision dated December 29, 1999 as well as the Resolution dated April 28, 2000 in NLRC NCR CASE NO. 0005-03748-97 (NLRC NCR CA NO. 016505-98) are hereby REVERSED and SET ASIDE.

Private respondent Filipinas Palmoil Processing Inc. (Asian Plantation Phils., Inc.) is hereby ordered to REINSTATE petitioner Joey Dejapa without loss of seniority rights and to pay him his backwages including his salary differentials, overtime pay, 13th month pay, service incentive leave pay and other benefits from the time his salary was withheld or from December 1, 1997 until actual reinstatement. If reinstatement is no longer feasible, private respondent Filipinas Palmoil Processing, Inc. (Asian Plantation Phils., Inc.) is likewise ordered to pay separation pay in addition to the payment of backwages and other benefits equivalent to one (1) month pay for every year of service, where a fraction of six (6) months shall be considered as one whole year.

Private respondent Filipinas Palmoil Processing Inc. (Asian Plantation Phils., Inc.) is likewise ordered to pay petitioner P10,000.00 as moral damages, P10,000.00 as exemplary damages, and attorney's fees in the amount equivalent to 10% of the total monetary award.

Private respondent Tom Madula is hereby relieved from any liability under the judgment.

Labor Arbiter Lilia S. Savari is hereby directed to implement the final judgment of this Court strictly in accordance with the foregoing, and to order the UCPB to release the garnished amount of P736,910.10 to the NLRC Sheriff for further disposition.[15]

Petitioners' motion for reconsideration was denied in a Resolution dated February 17, 2005.

Hence this Petition for review on certiorari raising the following grounds:

THE HONORABLE COURT OF APPEALS DECIDED A QUESTION OF SUBSTANCE CONTRARY TO LAW AND SETTLED RULINGS OF THE SUPREME COURT WHEN IT ORDERED THE COMPANY TO REINSTATE THE RESPONDENT AND PAY HIM BACKWAGES, SALARY DIFFERENTIALS, OVERTIME PAY, 13TH MONTH PAY, SERVICE INCENTIVE LEAVE PAY AND OTHER BENEFITS, AND IF REINSTATEMENT IS NOT POSSIBLE, TO PAY RESPONDENT SEPARATION PAY IN ADDITION TO BACKWAGES AND OTHER BENEFITS, PLUS DAMAGES AND ATTORNEY'S FEES CONSIDERING THAT:

A. RESPONDENT WAS NEVER DISMISSED AND WAS NEVER UNDER THE EMPLOY OF THE COMPANY, [AND]

B. QUASHAL OF THE WRIT OF EXECUTION IS PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.[16]

Petitioners insist that: (1) it engaged the services of Tom Madula to provide it with manning services and delivery of liquid cargo; (2) Madula assigned respondent to work as barge patron in the company's Butuan depot; (3) the terms of the contract between Madula and petitioner were clear and categorical, which negate the existence of an employment relationship between respondent and petitioner; and (4) Madula's obligation to provide the services contracted and which were performed by respondent were among the functions expressly allowed by law to be contractible. Petitioners claim that the CA Decision dated August 29, 2002 did not even provide for the circumstances surrounding the alleged dismissal and how the same was effected; that even respondent's narration of facts in his position paper filed before the LA negated the existence of the fact of dismissal. Considering that petitioner company was not, at any time, the employer of respondent and that since there was no dismissal to speak of, it is but proper to order the quashal of the writ of execution.

In his Comment, respondent claims that (1) petitioner seeks to reverse or set aside the CA Decision dated August 29, 2002, which had already attained finality and an entry of judgment had already been made; (2) the issues which petitioners raised have already been passed upon by the CA in its 2002 decision; and (3) the CA Resolution which is being assailed in this petition was merely a clarification of the final and executory CA Decision dated August 29, 2002, where the CA did not modify its earlier decision but only interpreted the same, which was well within its authority to do so. Respondent informs Us that the amount of P736,910.10 in the UCPB had already been released to the NLRC Sheriff and was deposited to the Cashier, who in turn had released the said amount to respondent through his attorney-in-fact.

In their Reply, petitioners contend that it is not precluded from assailing the Resolutions issued by the CA via a petition for review under Rule 45 of the Rules of Court and reiterated the arguments raised in the petition.

We find the petition unmeritorious.

In the Decision dated August 29, 2002, the CA found petitioner as the employer of respondent; that Tom Madula was not really an independent contractor, but was only an employee of petitioner company being its operations manager; and that respondent was illegally dismissed by petitioner company. The CA Decision became final and

executory on February 27, 2004 after we denied petitioners' petition for review on certiorari, and an entry of judgment was subsequently made.

The instant petition for review filed with Us by petitioners assails the CA Resolutions dated December 10, 2004 and February 17, 2005, which the CA issued upon respondent's filing of a Very Urgent Motion for Clarificatory Judgment praying that the CA clarify its Decision dated August 29, 2002 declaring petitioner company solely liable to the judgment award and, as a consequence thereof, to order the NLRC and the LA to implement the same and for the UCPB to release the garnished amount of P736,910.10 to the Sheriff for further disposition. Notably, the CA Resolutions sought to be annulled in this petition were only issued to clarify the CA Decision dated August 29, 2002, which had already become final and executory in 2004.

As a general rule, final and executory judgments are immutable and unalterable, except under these recognized exceptions, to wit: (a) clerical errors; (b) nunc pro tunc entries which cause no prejudice to any party; and (c) void judgments.[17] What the CA rendered on December 10, 2004 was a nunc pro tunc order clarifying the decretal portion of the August 29, 2002 Decision.

In *Briones-Vazquez v. Court of Appeals*,[18] nunc pro tunc judgments have been defined and characterized as follows:

The object of a judgment nunc pro tunc is not the rendering of a new judgment and the ascertainment and determination of new rights, but is one placing in proper form on the record, the judgment that had been previously rendered, to make it speak the truth, so as to make it show what the judicial action really was, not to correct judicial errors, such as to render a judgment which the court ought to have rendered, in place of the one it did erroneously render, nor to supply nonaction by the court, however erroneous the judgment may have been.[19]

By filing the instant petition for review with Us, petitioners would like to appeal anew the merits of the illegal dismissal case filed by respondent against petitioners raising the same arguments which had long been passed upon and decided in the August 29, 2002 CA Decision which had already attained finality. As the CA said in denying petitioners' motion for reconsideration of the assailed December 10, 2004 Resolution, to wit:

It is basic that once a decision becomes final and executory, it is immutable and unalterable. Private respondents' (herein petitioners) motion for reconsideration seeks a modification or reversal of this Court's August 29, 2002 decision, which has long become final and executory, as in fact, it is already in its execution stage. It may no longer be modified by this Court or even by the Highest Court of the land.

It should be sufficiently clear to private respondents (herein petitioners) that the December 10, 2004 Resolution was issued merely to clarify a seeming ambiguity in the decision but as stressed therein, it is neither an amendment nor a rectification of a perceived error therein. The instant motion for reconsideration has, therefore, no merit at all.[20]

We find that petitioners' action is merely a subterfuge to alter or modify the final and executory Decision of the CA which we cannot countenance without violating procedural rules and jurisprudence.

In *Navarro v. Metropolitan Bank and Trust Company*,[21] We discussed the rule on immutability of judgment and said:

No other procedural law principle is indeed more settled than that once a judgment becomes final, it is no longer subject to change, revision, amendment or reversal, except only for correction of clerical errors, or the making of nunc pro tunc entries which cause no prejudice to any party, or where the judgment itself is void. The underlying reason for the rule is two-fold: (1) to avoid delay in the administration of justice and thus make orderly the discharge of judicial business, and (2) to put judicial controversies to an end, at the risk of

occasional errors, inasmuch as controversies cannot be allowed to drag on indefinitely and the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As the Court declared in *Yau v. Silverio*,

Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be, not through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.

Indeed, just as a losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of his case by the execution and satisfaction of the judgment. Any attempt to thwart this rigid rule and deny the prevailing litigant his right to savor the fruit of his victory must immediately be struck down. Thus, in *Heirs of Wenceslao Samper v. Reciproco-Noble*, we had occasion to emphasize the significance of this rule, to wit:

It is an important fundamental principle in our Judicial system that every litigation must come to an end x x x Access to the courts is guaranteed. But there must be a limit thereto. Once a litigant's rights have been adjudicated in a valid final judgment of a competent court, he should not be granted an unbridled license to come back for another try. The prevailing party should not be harassed by subsequent suits. For, if endless litigations were to be encouraged, then unscrupulous litigants will multiply in number to the detriment of the administration of justice.[22]

WHEREFORE, the petition is DENIED. The Resolutions of the Court of Appeals, dated December 10, 2004 and February 17, 2005, in CA-G.R. SP No. 60562, are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Abad, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Salvador J. Valdez, Jr. and Danilo B. Pine, concurring; rollo, pp. 205- 216.

[2] Id. at 227-228.

[3] Id. at 118-119.

[4] Id. at 112.

[5] Id. at 114.

[6] Id. at 118.

[7] Id. at 135.

[8] Id. at 186.

[9] Id. at 185.

[10] Per Labor Arbiter Lilia S. Savari; id. at 187-190.

[11] Id. at 191-194.

[12] Id. at 195-197.

[13] Id. at 196-197.

[14] Id. at 212-214.

[15] Id. at 214-215.

[16] Id. at 15.

[17] Briones-Vazquez v. Court of Appeals, 491 Phil. 81, 92 (2005).

[18] Id.

[19] Id. (Citation omitted).

[20] Resolution dated February 17, 2005, p. 2; id. at 228.

[21] G.R. Nos. 165697 and 166481, August 4, 2009, 595 SCRA 149.

[22] Id. at 159-160.

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.