

**BANAHAW BROADCASTING CORPORATION, PETITIONER, VS.
CAYETANO PACANA III, NOE U. DACER, JOHNNY B. RACAZA,
LEONARDO S. OREVILLO, ARACELI T. LIBRE, GENOVEVO E.
ROMITMAN, PORFERIA M. ...**

G.R. No. 171673. May 30, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure assailing the Decision[1] dated April 15, 2005 of the Court of Appeals in CA-G.R. SP No. 57847, and its Resolution[2] dated January 27, 2006 denying petitioner's Motion for Reconsideration.

The factual and procedural antecedents of this case are as follows:

Respondents in the case at bar, Cayetano Pacana III, Noe U. Dacer, Johnny B. Racaza, Leonardo S. Orevillo, Araceli T. Libre, Genovevo E. Romitman, Porferia M. Valmores, Meneleo G. Lactuan, Dionisio G. Bangga, Francisco D. Manga, Nestor A. Amplayd, Leilani B. Gasataya, Loreta G. Lactuan, Ricardo B. Pido, Resigolo M. Nacua and Anacleto C. Remedio (collectively, the DXWG personnel), are supervisory and rank and file employees of the DXWG-Iligan City radio station which is owned by petitioner Banahaw Broadcasting Corporation (BBC), a corporation managed by Intercontinental Broadcasting Corporation (IBC).

On August 29, 1995, the DXWG personnel filed with the Sub-regional Arbitration Branch No. XI, Iligan City a complaint for illegal dismissal, unfair labor practice, reimbursement of unpaid Collective Bargaining Agreement (CBA) benefits, and attorney's fees against IBC and BBC.

On June 21, 1996, Labor Arbiter Abdullah L. Alug rendered his Decision[3] awarding the DXWG personnel a total of P12,002,157.28 as unpaid CBA benefits consisting of unpaid wages and increases, 13th month pay, longevity pay, sick leave cash conversion, rice and sugar subsidy, retirement pay, loyalty reward and separation pay.[4] The Labor Arbiter denied the other claims of the DXWG personnel for Christmas bonus, educational assistance, medical check-up and optical expenses. Both sets of parties appealed to the National Labor Relations Commission (NLRC).

On May 15, 1997, a Motion to Dismiss, Release, Waiver and Quitclaim,[5] was jointly filed by IBC and the DXWG personnel based on the latter's admission that IBC is not their employer as it does not own DXWG-Iligan City. On April 21, 1997, the NLRC granted the Motion and dismissed the case with respect to IBC.[6]

BBC filed a Motion for Reconsideration alleging that (1) neither BBC nor its duly authorized representatives or officers were served with summons and/or a copy of the complaint when the case was pending before the Labor Arbiter or a copy of the Decision therein; (2) since the liability of IBC and BBC is solidary, the release and quitclaim issued by the DXWG personnel in favor of IBC totally extinguished BBC's liability; (3) it was IBC that effected the termination of the DXWG personnel's employment; (4) the DXWG personnel are members of the

IBC union and are not employees of BBC; and (5) the sequestered properties of BBC cannot be levied upon.

On December 12, 1997, the NLRC issued a Resolution vacating the Decision of Labor Arbiter Alug and remanding the case to the arbitration branch of origin on the ground that while the complaint was filed against both IBC and BBC, only IBC was served with summons, ordered to submit a position paper, and furnished a copy of the assailed decision.[7]

On October 15, 1998, Labor Arbiter Nicodemus G. Palangan rendered a Decision adjudging BBC to be liable for the same amount discussed in the vacated Decision of Labor Arbiter Alug:

WHEREFORE, premises considered, judgment is hereby rendered ordering the respondent Banahaw Broadcasting Corporation to pay complainants the following:

1. Cayetano Pacana III

P 1,730,535.75

2. Noe U.Dacer

886,776.43

3. Johnny B. Racaza

1,271,739.34

4. Leonardo S. Orevillo

1,097,752.70

5. Araceli T.Libre

543,467.22

6. Genovevo E. Romitman

716,455.72

7. Porferia M. Valmores

562,564.78

8. Meneleo G. Lactuan

678,995.91

9. Dionisio G. Bangga

580,873.78

10. Francisco D. Manga

29,286.65

11. Nestor A. Amplayo

583,798.51

12. Leilani B. Gasataya

42,669.75

13. Loreta G. Lactuan

757,252.52

14. Ricardo B. Pido

756,835.64

15. Resigolo M. Nacua

887,344.75

16. Anacleto C. Remedio

887,345.39

GRAND TOTAL

P 12,002,157.28

Respondent is likewise ordered to pay 10% of the total award as attorney's fee.[8]

Both BBC and respondents appealed to the NLRC anew. The appeal was docketed as NLRC CA No, M-004419-98. In their appeal, the DXWG personnel reasserted their claim for the remaining CBA benefits not awarded to them, and alleged error in the reckoning date of the computation of the monetary award. BBC, in its own Memorandum of Appeal, challenged the monetary award itself, claiming that such benefits were only due to

IBC, not BBC, employees.[9] In the same Memorandum of Appeal, BBC incorporated a Motion for the Recomputation of the Monetary Award (of the Labor Arbiter),[10] in order that the appeal bond may be reduced.

On September 16, 1999, the NLRC issued an Order[11] denying the Motion for the Recomputation of the Monetary Award. According to the NLRC, such recomputation would result in the premature resolution of the issue raised on appeal. The NLRC ordered BBC to post the required bond within 10 days from receipt of said Order, with a warning that noncompliance will cause the dismissal of the appeal for non-perfection.[12] Instead of complying with the Order to post the required bond, BBC filed a Motion for Reconsideration,[13] alleging this time that since it is wholly owned by the Republic of the Philippines, it need not post an appeal bond.

On November 22, 1999, the NLRC rendered its Decision[14] in NLRC CA No. M-004419-98. In said Decision, the NLRC denied the Motion for Reconsideration of BBC on its September 16, 1999 Order and accordingly dismissed the appeal of BBC for non-perfection. The NLRC likewise dismissed the appeal of the DXWG personnel for lack of merit in the same Decision.

BBC filed a Motion for Reconsideration of the above Decision. On January 13-, 2000, the NLRC issued a Resolution[15] denying the Motion.

BBC filed with the Court of Appeals a Petition for Certiorari under Rule 65 of the Rules of Court assailing the above dispositions by the NLRC. The Petition was docketed as CA-G.R. SP No. 57847.

On April 15, 2005, the Court of Appeals rendered the assailed Decision denying BBC's Petition for Certiorari. The Court of Appeals held that BBC, though owned by the government, is a corporation with a personality distinct from the Republic or any of its agencies or instrumentalities, and therefore do not partake in the latter's exemption from the posting of appeal bonds. The dispositive portion of the Decision states:

WHEREFORE, finding no grave abuse of discretion on the part of public respondents, We DENY the petition. The challenged decision of public respondent dated November 22, 1999, as well as its subsequent resolution dated January 13, 2000, in NLRC Case No. M-004419-98 are hereby AFFIRMED. The decision of the Labor Arbiter dated October 15, 1998 in RAB Case No. 12-09-00309-95 is hereby declared FINAL AND EXECUTORY.[16]

On January 27, 2006, the Court of Appeals rendered the assailed Resolution denying the Motion for Reconsideration. Hence, this Petition for Review.

As stated above, both the NLRC and the Court of Appeals dealt with only one issue - whether BBC is exempt from posting an appeal bond. To recall, the NLRC issued an Order denying BBC's Motion for the Recomputation of the Monetary Award and ordered BBC to post the required bond within 10 days from receipt of said Order, with a warning that noncompliance will cause the dismissal of the appeal for non-perfection.[17] However, instead of heeding the warning, BBC filed a Motion for Reconsideration, alleging that it need not post an appeal bond since it is wholly owned by the Republic of the Philippines.

There is no dispute as regards the history of the ownership of BBC and IBC. Both BBC and IBC, together with Radio Philippines Network (RPN-9), were formerly owned by Roberto S. Benedicto (Benedicto). In the aftermath of the 1986 people power revolution, the three companies, collectively denominated as Broadcast City, were sequestered and placed under the control and management of the Board of Administrators (BOA).[18] The BOA was tasked to operate and manage its business and affairs subject to the control and supervision of the Presidential Commission on Good Government (PCGG).[19] In December 1986, Benedicto and PCGG allegedly executed a Management Agreement whereby the Boards of Directors of BBC, IBC and RPN-9 were agreed to be reconstituted. Under the agreement, 2/3 of the membership of the Boards of Directors will be PCGG nominees,

and 1/3 will be Benedicto nominees. A reorganized Board of Directors was thus elected for each of the three corporations. The BOA, however, refused to relinquish its function, paving for the filing by Benedicto of a Petition for Prohibition with this Court in 1989, which was docketed as G.R. No. 87710.

In the meantime, it was in 1987 when the Republic, represented by the PCGG, filed the case for recovery/reconveyance/reversion and damages against Benedicto. Following our ruling in *Bataan Shipyard & Engineering Co., Inc. (BASECO) v. Presidential Commission on Good Government*,^[20] the institution of this suit necessarily placed BBC, IBC and RPN-9 under custodia legis of the Sandiganbayan.

On November 3, 1990, Benedicto and the Republic executed a Compromise Agreement whereby Benedicto, in exchange for immunity from civil and criminal actions, "ceded to the government certain pieces of property listed in Annex A of the agreement and assigned or transferred whatever rights he may have, if any, to the government over all corporate assets listed in Annex B of the agreement."^[21] BBC is one of the properties listed in Annex B.^[22] Annex A, on the other hand, includes the following entry:

CESSION TO THE GOVERNMENT:

- PHILIPPINE ASSETS

x x x x

- Inter-Continental Broadcasting Corporation (IBC), 100% of total assets estimated at P450 million, consisting of 41,000 sq.mtrs. of land, more or less, located at Broadcast City Quezon City, other land and buildings in various Provinces, and operates the following TV stations:

- TV 13 (Manila)
- DY/TV 13(Cebu)
- DX/TV 13 (Davao)
- DYOB/TV 12 (Iloilo)
- DWLW/TV 13 (Laoag)

as well as the following Radio Stations

- DZMZ-FM Manila
- DYBQ Iloilo
- DYOO Roxas
- DYRG Kalibo
- DWLW Laoag
- DWGW Legaspi
- DWDW Dagupan
- DWNWNaga
- DXWC Iligan P352,455,286.00^[23]

(Emphasis supplied.)

Then Senator Teofisto T. Guingona, Jr. filed a Petition for Certiorari and Prohibition seeking to invalidate the

Compromise Agreement, which was docketed as G.R. No. 96087. The Petition was consolidated with G.R. No. 87710.

On March 31, 1992, this Court, in *Benedicto v. Board of Administrators of Television Stations RPN, BBC and IBC*,^[24] promulgated its Decision on the consolidated petitions in G.R. No. 87710 and G.R. No. 96087. Holding that the authority of the BOA had become *functus officio*, we granted the Petition in G.R. No. 87710, ordering the BOA to "cease and desist from further exercising management, operation and control of Broadcast City and is hereby directed to surrender the management, operation and control of Broadcast City to the reorganized Board of Directors of each of the Broadcast City television stations."^[25] We denied the Petition in G.R. No. 96087 for being premature, since the approval of the Compromise Agreement was still pending in the Sandiganbayan.^[26]

The Sandiganbayan subsequently approved the Compromise Agreement on October 31, 1992, and the approval was affirmed by this Court on September 10, 1993 in *Republic v. Sandiganbayan*.^[27] Thus, both BBC and IBC were government-owned and controlled during the time the DXWG personnel filed their original complaint on August 29, 1995.

In the present Petition, BBC reiterates its argument that since it is now wholly and solely owned by the government, the posting of the appeal bond was unnecessary on account of the fact that it is presumed that the government is always solvent.^[28] Citing the 1975 case of *Republic (Bureau of Forestry) v. Court of Appeals*,^[29] BBC adds before us that it is not even necessary for BBC to raise its exempt status as the NLRC should have taken cognizance of the same.^[30]

When the Court of Appeals affirmed the dismissal by the NLRC of BBC's appeal for failure of the latter to post an appeal bond, it relied to the ruling of this Court in *Republic v. Presiding Judge, Branch XV, Court of First Instance of Rizal*.^[31] The appellate court, noting that BBC's primary purpose as stated in its Articles of Incorporation is to engage in commercial radio and television broadcasting, held that BBC did not meet the criteria enunciated in *Republic v. Presiding Judge* for exemption from the appeal bond.^[32]

We pertinently held in *Republic v. Presiding Judge*:

The sole issue implicit in this petition is whether or not the RCA is exempt from paying the legal fees and from posting an appeal bond.

We find merit in the petition.

To begin with, We have to determine whether the RCA is a governmental agency of the Republic of the Philippines without a separate, distinct, and independent legal personality from the latter. We maintain the affirmative. The legal character of the RCA as a governmental agency had already been passed upon in the case of *Ramos vs. Court of Industrial Relations* wherein this Court held:

"Congress, by said Republic Act 3452 approved on June 14, 1962, created RCA, in pursuance of its declared policy, viz:

'SECTION 1. It is hereby declared to be the policy of the Government that in order to stabilize the price of palay, rice and corn, it shall engage in the 'purchase of these basic foods directly from those tenants, farmers, growers, producers and landowners in the Philippines who wish to dispose of their produce at a price that will afford them a fair and just return for their labor and capital investment and whenever circumstances brought about by any cause, natural or artificial, should so require, shall sell and dispose of these commodities to the consumers at areas of consumption at a price that is within their reach.'

"RCA is, therefore, a government machinery to carry out a declared government policy just noted, and not for profit.

"And more. By law, RCA depends for its continuous operation on appropriations yearly set aside by the General Appropriations Act. So says Section 14 of Republic Act 3452:

'SECTION 14. The sum of one hundred million pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, for the capitalization of the Administration: Provided, That the annual operational expenses of the Administration shall not exceed three million pesos of the said amount: Provided further, That the budget of the Rice and Corn Administration for the fiscal year nineteen hundred and sixty-three to nineteen hundred and sixty-four and the years thereafter shall be included in the General appropriations submitted to Congress.'

"RCA is not possessed of a separate and distinct corporate existence. On the contrary, by the law of its creation, it is an office directly under the Office of the President of the Philippines."

Respondent, however, contends that the RCA has been created to succeed to the corporate assets, liabilities, functions and powers of the abolished National Rice & Corn Corporation which is a government-owned and controlled corporation separate and distinct from the Government of the Republic of the Philippines. He further contends that the RCA, being a duly capitalized entity doing mercantile activity engaged in the buying and selling of palay, rice, and corn cannot be the same as the Republic of the Philippines; rather, it is an entity separate and distinct from the Republic of the Philippines. These contentions are patently erroneous.

x x x x

The mercantile activity of RCA in the buying and selling of palay, rice, and corn is only incident to its primary governmental function which is to carry out its declared policy of subsidizing and stabilizing the price of palay, rice, and corn in order to make it well within the reach of average consumers, an object obviously identified with the primary function of government to serve the well-being of the people.

As a governmental agency under the Office of the President the RCA is thus exempt from the payment of legal fees as well as the posting of an appeal bond. Under the decisional laws which form part of the legal system of the Philippines the Republic of the Philippines is exempt from the requirement of filing an appeal bond on taking an appeal from an adverse judgment, since there could be no doubt, as to the solvency of the Government. This well-settled doctrine of the Government's exemption from the requirement of posting an appeal bond was first enunciated as early as March 7, 1916 in *Government of the Philippine Island vs. Judge of the Court of First Instance of Iloilo* and has since been so consistently enforced that it has become practically a matter of public knowledge and certainly a matter of judicial notice on the part of the courts of the land.[33]

In the subsequent case of *Badillo v. Tayag*,[34] we further discussed that:

Created by virtue of PD No. 757, the NHA is a government-owned and controlled corporation with an original charter. As a general rule, however, such corporations - with or without independent charters — are required to pay legal fees under Section 21 of Rule 141 of the 1997 Rules of Civil Procedure:

"SEC. 21. Government Exempt. - The Republic of the Philippines, its agencies and instrumentalities, are exempt from paying the legal fees provided in this rule. Local governments and government-owned or controlled corporations with or without independent charters are not exempt from paying such fees."

On the other hand, the NHA contends that it is exempt from paying all kinds of fees and charges, because it performs governmental functions. It cites *Public Estates Authority v. Yujuico*, which holds that the Public Estates Authority (PEA), a government-owned and controlled corporation, is exempt from paying docket fees whenever it files a suit in relation to its governmental functions.

We agree, x x x.[35]

We can infer from the foregoing jurisprudential precedents that, as a general rule, the government and all the attached agencies with no legal personality distinct from the former are exempt from posting appeal bonds, whereas government-owned and controlled corporations (GOCCs) are not similarly exempted. This distinction is brought about by the very reason of the appeal bond itself: to protect the presumptive judgment creditor against the insolvency of the presumptive judgment debtor. When the State litigates, it is not required to put up an appeal bond because it is presumed to be always solvent.^[36] This exemption, however, does not, as a general rule, apply to GOCCs for the reason that the latter has a personality distinct from its shareholders. Thus, while a GOCC's majority stockholder, the State, will always be presumed solvent, the presumption does not necessarily extend to the GOCC itself. However, when a GOCC becomes a "government machinery to carry out a declared government policy,"^[37] it becomes similarly situated as its majority stockholder as there is the assurance that the government will necessarily fund its primary functions. Thus, a GOCC that is sued in relation to its governmental functions may be, under appropriate circumstances, exempted from the payment of appeal fees.

In the case at bar, BBC was organized as a private corporation, sequestered in the 1980's and the ownership of which was subsequently transferred to the government in a compromise agreement. Further, it is stated in its Amended Articles of Incorporation that BBC has the following primary function:

To engage in commercial radio and television broadcasting, and for this purpose, to establish, operate and maintain such stations, both terrestrial and satellite or interplanetary, as may be necessary for broadcasting on a network wide or international basis.^[38]

It is therefore crystal clear that BBC's function is purely commercial or proprietary and not governmental. As such, BBC cannot be deemed entitled to an exemption from the posting of an appeal bond.

Consequently, the NLRC did not commit an error, and much less grave abuse of discretion, in dismissing the appeal of BBC on account of non-perfection of the same. In doing so, the NLRC was merely applying Article 223 of the Labor Code, which provides:

ART. 223. Appeal. - Decisions, awards/ or orders of the Labor Arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such decisions, awards, or orders. Such appeal may be entertained only on any of the following grounds:

- (a) If there is prima facie evidence of abuse of discretion on the part of the Labor Arbiter;
- (b) If the decision, order or award was secured through fraud or coercion, including graft and corruption;
- (c) If made purely on questions of law; and
- (d) If serious errors in the findings of facts are raised which would cause grave or irreparable damage or injury to the appellant.

In case of a judgment involving a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Commission in the amount equivalent to the monetary award in the judgment appealed from. (Italization supplied.)

The posting of the appeal bond within the period provided by law is not merely mandatory but jurisdictional. The failure on the part of BBC to perfect the appeal thus had the effect of rendering the judgment final and executory.^[39]

Neither was there an interruption of the period to perfect the appeal when BBC filed (1) its Motion for the Recomputation of the Monetary Award in order to reduce the appeal bond, and (2) its Motion for Reconsideration of the denial of the same. In *Lamzon v. National Labor Relations Commission*,^[40] where the petitioner argued

that the NLRC gravely abused its discretion in dismissing her appeal on the ground of non-perfection despite the fact that she filed a Motion for Extension of Time to File an Appeal Bond, we held:

The pertinent provision of Rule VI, NLRC Rules of Procedure, as amended, provides as follows:

x x x x

Section 6. Bond. - In case the decision of a Labor Arbiter, POEA Administrator and Regional Director or his duly authorized hearing officer involves a monetary award, an appeal by the employer shall be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Commission or the Supreme Court in an amount equivalent to the monetary award, exclusive of moral and exemplary damages and attorney's fees.

The employer as well as counsel shall submit a joint declaration under oath attesting that the surety bond posted is genuine and that it shall be in effect until final disposition of the case.

The Commission may, in meritorious cases and upon Motion of the Appellant, reduce, the amount of the bond. The filing, however, of the motion to reduce bond shall not stop the running of the period to perfect appeal.

Section 7. No Extension of Period. - No motion or request for extension of the period within which to perfect an appeal shall be allowed."

As correctly observed by the NLRC, petitioner is presumptuous in assuming that the 10-day period for perfecting an appeal, during which she was to post her appeal bond, could be easily extended by the mere filing of an appropriate motion for extension to file the bond and even without the said motion being granted. It bears emphasizing that an appeal is only a statutory privilege and it may only be exercised in the manner provided by law. Nevertheless, in certain cases, we had occasion to declare that while the rule treats the filing of a cash or surety bond in the amount equivalent to the monetary award in the judgment appealed from, as a jurisdictional requirement to perfect an appeal, the bond requirement on appeals involving monetary awards is sometimes given a liberal interpretation in line with the desired objective of resolving controversies on the merits. However, we find no cogent reason to apply this same liberal interpretation in this case. Considering that the motion for extension to file appeal bond remained unacted upon, petitioner, pursuant to the NLRC rules, should have seasonably filed the appeal bond within the ten (10) day reglementary period following receipt of the order, resolution or decision of the NLRC to forestall the finality of such order, resolution or decision. Besides, the rule mandates that no motion or request for extension of the period within which to perfect an appeal shall be allowed. The motion filed by petitioner in this case is tantamount to an extension of the period for perfecting an appeal. As payment of the appeal bond is an indispensable and jurisdictional requisite and not a mere technicality of law or procedure, we find the challenged NLRC Resolution of October 26, 1993 and Order dated January 11, 1994 in accordance with law. The appeal filed by petitioner was not perfected within the reglementary period because the appeal bond was filed out of time. Consequently, the decision sought to be reconsidered became final and executory. Unless there is a clear and patent grave abuse of discretion amounting to lack or excess of jurisdiction, the NLRC's denial of" the appeal and the motion for reconsideration may not be disturbed. (Underscoring supplied.)(41]

In the case at bar, BBC already took a risk when it filed its Motion for the Recomputation of the Monetary Award without posting the bond itself.

The Motion for the Recomputation of the Monetary Award filed by BBC, like the Motion for Extension to File the Appeal Bond in Lamzon, was itself tantamount to a motion for extension to perfect the appeal, which is prohibited by the rules. Hie NLRC already exhibited leniency when, instead of dismissing the appeal outright, it merely ordered BBC to post the required bond within 10 days from receipt of said Order, with a warning that

noncompliance will cause the dismissal of the appeal for non-perfection. When BBC further demonstrated its unwillingness by completely ignoring this warning and by filing a Motion for Reconsideration on an entirely new ground, the NLRC cannot be said to have committed grave abuse of discretion by making good its warning to dismiss the appeal. Therefore, the Court of Appeals committed no error when it upheld the NLRC's dismissal of petitioner's appeal.

WHEREFORE, the instant Petition for Review on Certiorari is DENIED. The Decision of the Court of Appeals dated April 15, 2005 in CA-G.R. SP No. 57847, and its Resolution dated January 27, 2006 are hereby AFFIRMED.

No pronouncement as to costs.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Peralta, [*] and Perez, JJ., concur.

[*] Per Special Order No. 994 dated May 27, 201.

[1] Rollo, pp. 57-73; penned by Associate Justice Romulo V. Borja with Associate Justices Rodrigo F. Lim, Jr. and Normandie B. Pizarro, concurring.

[2] Id. at 74-75.

[3] Id. at 111-125.

[4] WHEREFORE, premises considered, respondents TBC and BBC are hereby ordered to severally and jointly pay complainants the following as presented opposite their respective names, to wit:

1. Cayetano Pacana III

P 1,730,535.75

2. Noe U. Dacer

886,776.43

3. Johnny B. Racaza

1,271,739.34

4. Leonardo S. Orevillo

1,097,752.70

5. Araceli T. Libre

543,467.22

6. Genovevo E. Romitman

716,455.72

7. Porferia M. Valmores

562,564.78

8. Meneleo G. Lactuan

678,995.91

9. Dionisio G. Bangga

580,873.78

10. Francisco D. Manga

29,286.65

11. Nestor A. Amplayo

583,798.51

12. Leilani B. Gasataya

42,669.75

13. Loreta G. Lactuan

757,252.52

14. Ricardo B. Pido

756,835.64

15. Resigolo M. Nacua

887,344.75

16. Anacleto C. Remedio

887,345.39

GRAND TOTAL

P 12,002,157.28

Plus 10% of the grand total as attorney's fees.

All other claims not discussed above are hereby ordered dismissed for want of legal basis. (Rollo, p. 125.)

[5] CA rollo, pp. 140-141.

[6] Id. at 143-145.

[7] Id. at 147-150.

[8] Id. at 194.

[9] Id. at 198-199.

[10] Id. at 199.

[11] Rollo, pp. 237-238.

[12] Id. at 238.

[13] Id. at 239-243.

[14] CA rollo, pp. 49-61.

[15] Id. at 63-64.

[16] Rollo, p. 72.

[17] Id. at 238.

[18] Sequestration Order; CA rollo, p. 159.

[19] Executive Order No. 11, April 8, 1986.

[20] 234 Phil. 180 (1987).

[21] Republic v. Sandiganbayan, G.R. No. 108292, September 10, 1993, 226 SCRA 314, 319.

[22] CA rollo, p. 174.

[23] Id. at 173.

[24] G.R. Nos. 87710 and 96087, March 31, 1992, 207 SCRA 659.

[25] Id. at 668.

[26] Id.

[27] Supra note 21.

[28] Rollo, pp. 35-36

[29] 160-A Phil. 465 (1975).

[30] Rollo, p. 36.

[31] 188 Phil. 69 (1980).

[32] Rollo, p. 68.

[33] Republic v. Presiding Judge. Branch XV. Court of First Instance of Rizal, *supra* note 31 at 72-75.

[34] 448 Phil. 606 (2003).

[35] *Id.* at 617.

[36] Arcmeta v. Gatmaitan, 101 Phil. 328, 340 (1957).

[37] Republic v. Presiding Judge, Branch XV, Court of First Instance of Rizal, *supra* note 31 at 72.

[38] CA rollo, p. 308.

[39] See Santos v. Velarde, 450 Phil. 381, 388 (2003).

[40] 367 Phil. 169(1999).

[41] *Id.* at 176-179. The Court in Lamzon quoted a provision of the 1990 InLRC Rules of Procedure, which had been effective at the time BBC filed its appeal with the NLRC in 1998. Under the 2005 NLRC Rules of Procedure, the provision reads:

Rule VI

x x x x

SECTION 6. Bond.- x x x.

x x x x

No motion to reduce bond shall be entertained except on meritorious grounds, and only upon the posting of a bond in a reasonable amount in relation to the monetary award. The mere filing of a motion to reduce bond without complying with the requisites in the preceding paragraphs shall not stop the running of the period to perfect an appeal.

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