

FROILAN M. BERGONIO, JR., DEAN G. PELAEZ, CRISANTO O. GEONGO, WARLITO O. JANAYA, SALVADOR VILLAR, JR., RONALDO CAFIRMA, RANDY LUCAR, ALBERTO ALBUERA, DENNIS NOPUENTE AND ALLAN S...

G.R. No. 195227. April 21, 2014

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-195227/>

BRION, J.:

We resolve in this petition for review on certiorari[1] the challenge to the September 30, 2010 decision[2] and the January 13, 2011 resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 112011.

This CA decision reversed the July 16, 2008 decision[4] of the National Labor Relations Commission (NLRC), which, in turn, affirmed the March 13, 2008 order[5] of the Labor Arbiter (LA) in NLRC Case No. 00-04-05469-2004. The LA granted the Motion filed by petitioners Froilan M. Bergonio, Jr., Dean G. Pelaez, et.al., (collectively, the petitioners) for the release of the garnished amount to satisfy the petitioners' accrued wages.

The Factual Antecedents

On April 30, 2004, the petitioners filed before the LA a complaint for illegal dismissal and illegal suspension with prayer for reinstatement against respondents South East Asian Airlines (SEAIR) and Irene Dornier as SEAIR's President (collectively, the respondents).

In a decision dated May 31, 2005, the LA found the petitioners illegally dismissed and ordered the respondents, among others, to immediately reinstate the petitioners with full backwages. The respondents received their copy of this decision on July 8, 2005.[6]

On August 20, 2005, the petitioners filed before the LA a Motion for issuance of Writ of Execution for their immediate reinstatement.

During the scheduled pre-execution conference held on September 14, 2005, the respondents manifested their option to reinstate the petitioners in the payroll. The payroll reinstatement, however, did not materialize. Thus, on September 22, 2005, the petitioners filed before the LA a manifestation for their immediate reinstatement.

On October 3, 2005, the respondents filed an opposition to the petitioners' motion for execution.[7] They claimed that the relationship between them and the petitioners had already been strained because of the petitioners' threatening text messages, thus precluding the latter's reinstatement.

On October 7, 2005, the LA granted the petitioners' motion and issued a writ of execution.[8]

The respondents moved to quash the writ of execution with a prayer to hold in abeyance the implementation of the reinstatement order.[9] They maintained that the relationship between them and the petitioners had been so strained that reinstatement was no longer possible.

The October 7, 2005 writ of execution was returned unsatisfied. In response, the petitioners filed a motion for re-computation of accrued wages, and, on January 25, 2006, a motion for execution of the re-computed amount. On February 16, 2006, the LA granted this motion and issued an alias writ of execution.[10]

On February 21, 2006, the respondents issued a Memorandum[11] directing the petitioners to report for work on February 24, 2006. The petitioners failed to report for work on the appointed date. On February 28, 2006, the respondents moved before the LA to suspend the order for the petitioners' reinstatement.[12]

Meanwhile, the respondents appealed with the NLRC the May 31, 2005 illegal dismissal ruling of the LA.

In an order dated August 15, 2006,[13] the NLRC dismissed the respondents' appeal for non-perfection. The NLRC likewise denied the respondents' motion for reconsideration in its November 29, 2006 resolution, prompting the respondents to file before the CA a petition for certiorari.

The NLRC issued an Entry of Judgment on February 6, 2007 declaring its November 29, 2006 resolution final and executory. The petitioners forthwith filed with the LA another motion for the issuance of a writ of execution, which the LA granted on April 24, 2007. The LA also issued another writ of execution.[14] A Notice of Garnishment was thereafter issued to the respondents' depository bank – Metrobank-San Lorenzo Village Branch, Makati City – in the amount of P1,900,000.00 on June 6, 2007.

On December 18, 2007, the CA rendered its decision (on the illegal dismissal ruling of the LA) partly granting the respondents' petition. The CA declared the petitioners' dismissal valid and awarded them P30,000.00 as nominal damages for the respondents' failure to observe due process.

The records show that the petitioners appealed the December 18, 2007 CA decision with this Court. In a resolution dated August 4, 2008, the Court denied the petition. The Court likewise denied the petitioners' subsequent motion for reconsideration, and thereafter issued an Entry of Judgment certifying that its August 4, 2008 resolution had become final and executory on March 9, 2009.

On January 31, 2008, the petitioners filed with the LA an Urgent Ex-Parte Motion for the Immediate Release of the Garnished Amount.

In its March 13, 2008 order,[15] the LA granted the petitioners' motion; it directed Metrobank-San Lorenzo to release the P1,900,000.00 garnished amount. The LA found valid and meritorious the respondents' claim for accrued wages in view of the respondents' refusal to reinstate the petitioners despite the final and executory nature of the reinstatement aspect of its (LA's) May 31, 2005 decision. The LA noted that as of the December 18, 2007 CA decision (that reversed the illegal dismissal findings of the LA), the petitioners' accrued wages amounted to P3,078,366.33.

In its July 16, 2008 resolution,[16] the NLRC affirmed in toto the LA's March 13, 2008 order. The NLRC afterwards denied the respondents' motion for reconsideration for lack of merit.[17]

The respondents assailed the July 16, 2008 decision and September 29, 2009 resolution of the NLRC via a petition for certiorari filed with the CA.

The CA's ruling

The CA granted the respondents' petition.[18] It reversed and set aside the July 16, 2008 decision and the September 29, 2009 resolution of the NLRC and remanded the case to the Computation and Examination Unit of the NLRC for the proper computation of the petitioners' accrued wages, computed up to February 24, 2006.

The CA agreed that the reinstatement aspect of the LA's decision is immediately executory even pending appeal,

such that the employer is obliged to reinstate and pay the wages of the dismissed employee during the period of appeal until the decision (finding the employee illegally dismissed including the reinstatement order) is reversed by a higher court. Applying this principle, the CA noted that the petitioners' accrued wages could have been properly computed until December 18, 2007, the date of the CA's decision finding the petitioners validly dismissed.

The CA, however, pointed out that when the LA's decision is "reversed by a higher tribunal, an employee may be barred from collecting the accrued wages if shown that the delay in enforcing the reinstatement pending appeal was without fault" on the employer's part. In this case, the CA declared that the delay in the execution of the reinstatement order was not due to the respondents' unjustified act or omission. Rather, the petitioners' refusal to comply with the February 21, 2006 return-to-work Memorandum that the respondents issued and personally delivered to them (the petitioners) prevented the enforcement of the reinstatement order.

Thus, the CA declared that, given this peculiar circumstance (of the petitioners' failure to report for work), the petitioners' accrued wages should only be computed until February 24, 2006 when they were supposed to report for work per the return-to-work Memorandum. Accordingly, the CA reversed, for grave abuse of discretion, the NLRC's July 16, 2008 decision that affirmed the LA's order to release the garnished amount.

The Petition

The petitioners argue that the CA gravely erred when it ruled, contrary to Article 223, paragraph 3 of the Labor Code, that the computation of their accrued wages stopped when they failed to report for work on February 24, 2006. They maintain that the February 21, 2006 Memorandum was merely an afterthought on the respondents' part to make it appear that they complied with the LA's October 7, 2005 writ of execution. They likewise argue that had the respondents really intended to have them report for work to comply with the writ of execution, the respondents could and should have issued the Memorandum immediately after the LA issued the first writ of execution. As matters stand, the respondents issued the Memorandum more than four months after the issuance of this writ and only after the LA issued the alias writ of execution on February 16, 2006.

Additionally, the petitioners direct the Court's attention to the several pleadings that the respondents filed to prevent the execution of the reinstatement aspect of the LA's May 31, 2005 decision, i.e., the Opposition to the Issuance of the Writ of Execution, the Motion to Quash the Writ of Execution and the Motion to Suspend the Order of Reinstatement. They also point out that in all these pleadings, the respondents claimed that strained relationship barred their (the petitioners') reinstatement, evidently confirming the respondents' lack of intention to reinstate them.

Finally, the petitioners point out that the February 21, 2006 Memorandum directed them to report for work at Clark Field, Angeles, Pampanga instead of at the NAIA-Domestic Airport in Pasay City where they had been assigned. They argue that this directive to report for work at Clark Field violates Article 223, paragraph 3 of the Labor Code that requires the employee's reinstatement to be under the same terms and conditions prevailing prior to the dismissal. Moreover, they point out that the respondents handed the Memorandum only to Pelaez, who did not act in representation of the other petitioners, and only in the afternoon of February 23, 2006.

Thus, the petitioners claim that the delay in their reinstatement was in fact due to the respondents' unjustified acts and that the respondents never really complied with the LA's reinstatement order.

The Case for the Respondents

The respondents counter, in their comment,[19] that the issues that the petitioners raise in this petition are all factual in nature and had already considered and explained in the CA decision. In any case, the respondents

maintain that the petitioners were validly dismissed and that they complied with the LA's reinstatement order when it directed the petitioners to report back to work, which directive the petitioners did not heed.

The respondents add that while the reinstatement of an employee found illegally dismissed is immediately executory, the employer is nevertheless not prohibited from questioning this rule especially when the latter has valid and legal reasons to oppose the employee's reinstatement. In the petitioners' case, the respondents point out that their relationship had been so strained that reinstatement was no longer possible. Despite this strained relationship, the respondents point out that they still required the petitioners to report back to work if only to comply with the LA's reinstatement order. Instead of reporting for work as directed, the petitioners, however, insisted for a payroll reinstatement, which option the law grants to them (the respondents) as employer. Also, contrary to the petitioners' claim, the Memorandum directed them to report at Clark Field, Pampanga only for a re-orientation of their respective duties and responsibilities.

Thus, relying on the CA's ruling, the respondents claim that the delay in the petitioners' reinstatement was in fact due to the latter's refusal to report for work after the issuance of the February 21, 2006 Memorandum in addition to their strained relationship.

The Court's Ruling

We GRANT the petition.

Preliminary considerations: jurisdictional
limitations of the Court's Rule 45 review of
the CA's Rule 65 decision in labor cases

In a Rule 45 petition for review on certiorari, what we review are the legal errors that the CA may have committed in the assailed decision, in contrast with the review for jurisdictional errors that we undertake in an original certiorari action. In reviewing the legal correctness of the CA decision in a labor case taken under Rule 65 of the Rules of Court, we examine the CA decision in the context that it determined the presence or the absence of grave abuse of discretion in the NLRC decision before it and not on the basis of whether the NLRC decision, on the merits of the case, was correct. Otherwise stated, we proceed from the premise that the CA undertook a Rule 65 review, not a review on appeal, of the NLRC decision challenged before it. Within this narrow scope of our Rule 45 review, the question that we ask is: Did the CA correctly determine whether the NLRC committed grave abuse of discretion in ruling on the case?[20]

In addition, the Court's jurisdiction in a Rule 45 petition for review on certiorari is limited to resolving only questions of law.

The present petition essentially raises the question – whether the petitioners may recover the accrued wages prior to the CA's reversal of the LA's May 31, 2005 decision. This is a question of law that falls well within the Court's power in a Rule 45 petition.

Resolution of this question of law, however, is inextricably linked with the largely factual issue of whether the accrued wages should be computed until December 17, 2008 when the CA reversed the illegal dismissal findings of the LA or only until February 24, 2006 when the petitioners were supposed to report for work per the February 21, 2006 Memorandum. In either case, the determination of this factual issue presupposes another factual issue, i.e., whether the delay in the execution of the reinstatement order was due to the respondents' fault. As questions of fact, they are proscribed by our Rule 45 jurisdiction; we generally cannot address these factual issues except to the extent necessary to determine whether the CA correctly found the NLRC in grave abuse of discretion in affirming the release of the garnished amount despite the respondents' issuance of and the petitioners' failure to

comply with the February 21, 2006 return-to-work Memorandum.

The jurisdictional limitations of our Rule 45 review of the CA's Rule 65 decision in labor cases, notwithstanding, we resolve this petition's factual issues for we find legal errors in the CA's decision. Our consideration of the facts taken within this narrow scope of our factual review power convinced us, as our subsequent discussion will show, that no grave abuse of discretion attended the NLRC decision.

Nature of the reinstatement aspect of the
LA's decision on a finding of illegal dismissal

Article 223 (now Article 229)[21] of the Labor Code governs appeals from, and the execution of, the LA's decision. Pertinently, paragraph 3, Article 223 of the Labor Code provides:

Article 223. APPEAL

x x x x

In any event, the decision of the Labor Arbiter reinstating a dismissed or separated employee, insofar as the reinstatement aspect is concerned, shall immediately be executory, pending appeal. The employee shall either be admitted back to work under the same terms and conditions prevailing prior to his dismissal or separation or, at the option of the employer, merely reinstated in the payroll. The posting of a bond by the employer shall not stay the execution for reinstatement provided herein. [Emphasis and underscoring supplied]

Under paragraph 3, Article 223 of the Labor Code, the LA's order for the reinstatement of an employee found illegally dismissed is immediately executory even during pendency of the employer's appeal from the decision. Under this provision, the employer must reinstate the employee – either by physically admitting him under the conditions prevailing prior to his dismissal, and paying his wages; or, at the employer's option, merely reinstating the employee in the payroll until the decision is reversed by the higher court.[22] Failure of the employer to comply with the reinstatement order, by exercising the options in the alternative, renders him liable to pay the employee's salaries.[23]

Otherwise stated, a dismissed employee whose case was favorably decided by the LA is entitled to receive wages pending appeal upon reinstatement, which reinstatement is immediately executory. [24] Unless the appellate tribunal issues a restraining order, the LA is duty bound to implement the order of reinstatement and the employer has no option but to comply with it.[25]

Moreover, and equally worth emphasizing, is that an order of reinstatement issued by the LA is self-executory, i.e., the dismissed employee need not even apply for and the LA need not even issue a writ of execution to trigger the employer's duty to reinstate the dismissed employee. In *Pioneer Texturizing Corp. v. NLRC, et. al.*, [26] decided in 1997, the Court clarified once and for all this self-executory nature of a reinstatement order. After tracing back the various Court rulings interpreting the amendments introduced by Republic Act No. 6715[27] on the reinstatement aspect of a labor decision under Article 223 of the Labor Code, the Court concluded that to otherwise “require the application for and issuance of a writ of execution as prerequisites for the execution of a reinstatement award would certainly betray and run counter to the very object and intent of Article 223, i.e., the immediate execution of a reinstatement order.”[28]

In short, therefore, with respect to decisions reinstating employees, the law itself has determined a sufficiently overwhelming reason for its immediate and automatic execution even pending appeal.[29] The employer is duty-bound to reinstate the employee, failing which, the employer is liable instead to pay the dismissed employee's salary. The Court's consistent and prevailing treatment and interpretation of the reinstatement order as immediately enforceable, in fact, merely underscores the right to security of tenure of employees that the

Constitution[30] protects.

The employer is obliged to pay the dismissed employee's salary if he refuses to reinstate until actual reinstatement or reversal by a higher tribunal; circumstances that may bar an employee from receiving the accrued wages

As we amply discussed above, an employer is obliged to immediately reinstate the employee upon the LA's finding of illegal dismissal; if the employer fails, it is liable to pay the salary of the dismissed employee. Of course, it is not always the case that the LA's finding of illegal dismissal is, on appeal by the employer, upheld by the appellate court. After the LA's decision is reversed by a higher tribunal, the employer's duty to reinstate the dismissed employee is effectively terminated. This means that an employer is no longer obliged to keep the employee in the actual service or in the payroll. The employee, in turn, is not required to return the wages that he had received prior to the reversal of the LA's decision.[31]

The reversal by a higher tribunal of the LA's finding (of illegal dismissal), notwithstanding, an employer, who, despite the LA's order of reinstatement, did not reinstate the employee during the pendency of the appeal up to the reversal by a higher tribunal may still be held liable for the accrued wages of the employee, i.e., the unpaid salary accruing up to the time the higher tribunal reverses the decision.[32] The rule, therefore, is that an employee may still recover the accrued wages up to and despite the reversal by the higher tribunal. This entitlement of the employee to the accrued wages proceeds from the immediate and self-executory nature of the reinstatement aspect of the LA's decision.

By way of exception to the above rule, an employee may be barred from collecting the accrued wages if shown that the delay in enforcing the reinstatement pending appeal was without fault on the part of the employer. To determine whether an employee is thus barred, two tests must be satisfied: (1) actual delay or the fact that the order of reinstatement pending appeal was not executed prior to its reversal; and (2) the delay must not be due to the employer's unjustified act or omission. Note that under the second test, the delay must be without the employer's fault. If the delay is due to the employer's unjustified refusal, the employer may still be required to pay the salaries notwithstanding the reversal of the LA's decision.[33]

Application of the two-fold test; the petitioners are entitled to receive their accrued salaries until December 18, 2007

As we earlier pointed out, the core issue to be resolved is whether the petitioners may recover the accrued wages until the CA's reversal of the LA's decision. An affirmative answer to this question will lead us to reverse the assailed CA decision for legal errors and reinstate the NLRC's decision affirming the release of the garnished amount. Otherwise, we uphold the CA's decision to be legally correct. To resolve this question, we apply the two-fold test.

First, the existence of delay - whether there was actual delay or whether the order of reinstatement pending appeal was not executed prior to its reversal? We answer this test in the affirmative.

To recall, on May 31, 2005, the LA rendered the decision finding the petitioners illegally dismissed and ordering their immediate reinstatement. Per the records, the respondents received copy of this decision on July 8, 2005. On August 20, 2005, the petitioners filed before the LA a Motion for Issuance of Writ of Execution for their

immediate reinstatement. The LA issued the Writ of Execution on October 7, 2005. From the time the respondents received copy of the LA's decision, and the issuance of the writ of execution, until the CA reversed this decision on December 17, 2008, the respondents had not reinstated the petitioners, either by actual reinstatement or in the payroll. This continued non-execution of the reinstatement order in fact moved the LA to issue an alias writ of execution on February 16, 2006 and another writ of execution on April 24, 2007.

From these facts and without doubt, there was actual delay in the execution of the reinstatement aspect of the LA's May 31, 2005 decision before it was reversed in the CA's decision.

Second, the cause of the delay – whether the delay was not due to the employer's unjustified act or omission. We answer this test in the negative; we find that the delay in the execution of the reinstatement pending appeal was due to the respondents' unjustified acts.

In reversing, for grave abuse of discretion, the NLRC's order affirming the release of the garnished amount, the CA relied on the fact of the issuance of the February 21, 2006 Memorandum and of the petitioners' failure to comply with its return-to-work directive. In other words, with the issuance of this Memorandum, the CA considered the respondents as having sufficiently complied with their obligation to reinstate the petitioners. And, the subsequent delay in or the non-execution of the reinstatement order was no longer the respondents' fault, but rather of the petitioners who refused to report back to work despite the directive.

Our careful consideration of the facts and the circumstances that surrounded the case convinced us that the delay in the reinstatement pending appeal was due to the respondents' fault. For one, the respondents filed several pleadings to suspend the execution of the LA's reinstatement order, i.e., the opposition to the petitioners' motion for execution filed on October 3, 2005; the motion to quash the October 7, 2005 writ of execution with prayer to hold in abeyance the implementation of the reinstatement order; and the motion to suspend the order for the petitioners' reinstatement filed on February 28, 2006 after the LA issued the February 16, 2006 alias writ of execution. These pleadings, to our mind, show a determined effort on the respondents' part to prevent or suspend the execution of the reinstatement pending appeal.

Another reason is that the respondents, contrary to the CA's conclusion, did not sufficiently notify the petitioners of their intent to actually reinstate them; neither did the respondents give them ample opportunity to comply with the return-to-work directive. We note that the respondents delivered the February 21, 2006 Memorandum (requiring the petitioners to report for work on February 24, 2006) only in the afternoon of February 23, 2006. Worse, the respondents handed the notice to only one of the petitioners – Pelaez – who did not act in representation of the others. Evidently, the petitioners could not reasonably be expected to comply with a directive that they had no or insufficient notice of.

Lastly, the petitioners continuously and actively pursued the execution of the reinstatement aspect of the LA's decision, i.e., by filing several motions for execution of the reinstatement order, and motion to cite the respondents in contempt and re-computation of the accrued wages for the respondents' continued failure to reinstate them.

These facts altogether show that the respondents were not at all sincere in reinstating the petitioners. These facts – when taken together with the fact of delay – reveal the respondents' obstinate resolve and willful disregard of the immediate and self-executory nature of the reinstatement aspect of the LA's decision.

A further and final point that we considered in concluding that the delay was due to the respondents' fault is the fact that per the 2005 Revised Rules of Procedure of the NLRC (2005 NLRC Rules),^[34] employers are required to submit a report of compliance within ten (10) calendar days from receipt of the LA's decision, noncompliance

with which signifies a clear refusal to reinstate. Arguably, the 2005 NLRC Rules took effect only on January 7, 2006; hence, the respondents could not have been reasonably expected to comply with this duty that was not yet in effect when the LA rendered its decision (finding illegal dismissal) and issued the writ of execution in 2005. Nevertheless, when the LA issued the February 16, 2006 alias writ of execution and the April 24, 2007 writ of execution, the 2005 NLRC Rules was already in place such that the respondents had become duty-bound to submit the required compliance report; their noncompliance with this rule all the more showed a clear and determined refusal to reinstate.

All told, under the facts and the surrounding circumstances, the delay was due to the acts of the respondents that we find were unjustified. We reiterate and emphasize, Article 223, paragraph 3, of the Labor Code mandates the employer to immediately reinstate the dismissed employee, either by actually reinstating him/her under the conditions prevailing prior to the dismissal or, at the option of the employer, in the payroll. The respondents' failure in this case to exercise either option rendered them liable for the petitioners' accrued salary until the LA decision was reversed by the CA on December 17, 2008. We, therefore, find that the NLRC, in affirming the release of the garnished amount, merely implemented the mandate of Article 223; it simply recognized as immediate and self-executory the reinstatement aspect of the LA's decision.

Accordingly, we reverse for legal errors the CA decision. We find no grave abuse of discretion attended the NLRC's July 16, 2008 resolution that affirmed the March 13, 2008 decision of the LA granting the release of the garnished amount.

WHEREFORE, in light of these considerations, we hereby GRANT the petition. We REVERSE and SET ASIDE the September 30, 2010 decision and the January 13, 2011 resolution of the Court of Appeals (CA) in CA-G.R. Sp No. 112011. Accordingly, we REINSTATE the July 16, 2008 decision of the National Labor Relations Commission (NLRC) affirming the March 13, 2008 order of the Labor Arbiter in NLRC Case No. 00-04-05469-2004.

Costs against the respondents South East Asian Airlines and Irene Dornier.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Perez, and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 9-29.

[2] Penned by Associate Justice Rosmari D. Carandang and concurred in by Associate Justices Ramon R. Garcia and Manuel M. Barrios, id., pp. 30-44.

[3] Id., pp. 45-46.

[4] The petitioners did not attach to the rollo a copy of this July 16, 2008 NLRC decision.

[5] Penned by Labor Arbiter Antonio R. Macam, rollo, pp. 82-84.

[6] See rollo, p. 47.

[7] Rollo, pp. 47-51.

[8] Id., pp. 54-56.

[9] Id., pp. 57-62.

[10] *Id.*, pp. 63-66.

[11] *Id.*, p. 67.

[12] *Id.*, pp. 68-71.

[13] *Rollo*, pp. 72-78.

[14] *Id.*, pp. 80-81.

[15] *Supra*, note 5.

[16] *Supra*, note 4.

[17] The petitioners did not attach to the *rollo* copy of this Resolution.

[18] *Supra*, note 2.

[19] *Rollo*, pp. 103-112.

[20] *Montoya v. Transmed Manila Corporation*, G.R. No. 183329, August 27, 2009, 597 SCRA 334, 342-343.

[21] As directed by Republic Act No. 10151, entitled “An Act Allowing the Employment of Night Workers, thereby Repealing Articles 130 and 131 of Presidential Decree Number Four Hundred Forty-Two, as Amended, Otherwise known as The Labor Code of the Philippines,” approved on June 21, 2011, the Labor Code articles beginning with Article 130 are renumbered.

[22] See *Air Philippines Corp. v. Zamora*, 529 Phil. 718, 730 (2006); *Medina v. Consolidated Broadcasting System (CBS) – DZWX*, G.R. No. 99054-56, May 28, 1993, 222 SCRA 707, 711.

[23] *Pioneer Texturizing Corp. v. NLRC*, 345 Phil. 1056, 1070, citing *Medina v. Consolidated Broadcasting System (CBS) – DZWX*, *supra*, note 22. See also *Garcia, et. al. v. Phil. Airlines, Inc.*, 596 Phil. 510, 540 (2009).

[24] *Roquero v. Philippine Airlines*, 449 Phil. 437, 446 (2003).

[25] *Ibid.*

[26] 345 Phil. 1056.

[27] Effective March 21, 1989.

[28] *Supra*, note 26, at 1075. See also *International Container Terminal Services, Inc. v. NLRC*, G.R. No. 115452, December 21, 1998, 360 Phil. 527, 534.

[29] See *Roquero v. Philippine Airlines, Inc.*, *supra*, note 24, at 445.

[30] See Article XIII, Section 3 of the 1987 Constitution.

[31] See *Roquero v. Philippine Airlines, Inc.*, *supra*, note 24, at 446. See also *Garcia v. Philippine Airlines, Inc.*, *supra*, note 23, 536-539.

[32] See *Medina v. Consolidated Broadcasting System (CBS)-DZWX*, *supra*, note 22, at 711; *International Container Terminal Services, Inc. v. NLRC*, *supra*, note 28, at 535. See also *Philippine Rabbit Bus Lines, Inc. v. NLRC*, 365 Phil. 598, 604; *C. Alcantara & Sons v. Court of Appeals*, G.R. No. 155109, September 29, 2010.

[33] See *Garcia v. Philippine Airlines*, *supra*, note 23, at 541.

[34] See Section 14, Rule V and Section 6, Rule XI of the Revised Rules of Procedure of the NLRC (2005).

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.