

**BERNARDO B. PACIOS, MARILOU T. ABEDES, ALEXIS L. ELINON,
ARMANDO V. ABEDES, GINA P. ARIATE, VIVENCIA N. BUELA,
HERMENIGILDO E. CANSINO, ERNESTO DAVIS, ALFREDO G.
DELMONTE, JR., ...**

G.R. No. 229579. November 14, 2018

Ponente: LEONEN, J.

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LEONEN, J.:

This resolves a Petition for Review on Certiorari[1] assailing the Court of Appeals July 22, 2016 Decision[2] and January 23, 2017 Resolution[3] in CA-G.R. SP No. 142199, praying that the supersedeas bond under custody of the National Labor Relations Commission be released.

Tahanang Walang Hagdanan is a private organization engaged in the business of producing and marketing various handicrafts, utilizing employees who are mostly physically disabled, without one or both limbs. Sister Valeriana Baerts (Baerts) is a nun who recruited Bernardo B. Pacios, Marilou T. Abedes, Alexis L. Elinon, Armando V. Abedes, Gina P. Ariate, Vivencia N. Buela, Hermenigildo E. Cansino, Ernesto Davis, Alfredo G. Delmonte, Jr., Roberto F. Esber, Adelaida S. Gabriel, Ines S. Genetiano, Ismael M. Ibo, Jr., Ronie C. Leal, Jaime S. Mejia, Marcelino P. Penoliar, Carlos D. Oledan, Rodelio A. Osinta, Virgilio M. Torres, Antonio A. Viñas, Jennette C. Viñas, Eric P. Andres, and Armando M. De Guzman (collectively, the workers) to work for Tahanang Walang Hagdanan. They were among the regular employees who were persons with disability of Tahanang Walang Hagdanan for years, until they were dismissed on June 11, 2012.[4]

Sometime in 2013, the workers filed an "amended complaint for illegal dismissal, underpayment of salary, non-payment of 13[th] month pay, service incentive leave, separation pay, retirement benefits, with claims for moral damages, exemplary damages[,] and attorney's fees"[5] against Tahanang Walang Hagdanan, Pangarap Sheltered Home for Disabled People, Inc. (Pangarap), Venus Amoncio (Amoncio), and Baerts. This was docketed as NLRC-NCR Case No. 07-10328-12.[6]

On October 24, 2013, the Labor Arbiter rendered a Decision in favor of the workers, and ordered that Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts pay them P16,629,163.63. The dispositive portion of the Decision read:

WHEREFORE, premises considered judgment is hereby rendered ordering respondents Tahanang Walang Hagdanan, Inc., and/or Sister Valeriana Baerts (ICM) and/or Venus Amoncio to pay complainants the total amount of P16,629,163.63 as computed by the NLRC Computation and Examination Unit which shall form part of this Decision as Appendix "A".

SO ORDERED.[7]

Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts appealed the Labor Arbiter's October 24, 2013 Decision before the National Labor Relations Commission. This appeal was dismissed for non-perfection because

the cash bond for the appeal was insufficient, amounting to only P40,000.00. Thus, Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts filed a Motion for Reconsideration[8] and posted a surety bond amounting to P1,622,916.37. The National Labor Relations Commission denied this motion, finding that Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts' initial P40,000.00 cash bond did not toll the running of the 10-day period to appeal.[9]

Thus, Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts filed a Petition for Certiorari before the Court of Appeals, which was docketed as CA-G.R. SP No. 136907.[10]

In its April 27, 2015 Decision, the Court of Appeals reversed the National Labor Relations Commission February 25, 2014 Resolution. It reinstated the appeal of Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts in the interest of substantial justice, finding that the cash bond of P40,000.00 and the supersedes bond of P1,622,916.37 were sufficient and reasonable to perfect the appeal.[11] The dispositive portion of the Court of Appeals April 27, 2015 Decision read:

IN VIEW WHEREOF, the instant Petition for Certiorari is GRANTED. The National Labor Relations Commission, 5[th] Division's 25 February 2014 Resolution, 21 May 2014 Order and 18 July 2014 Resolution in NLRC LAC No. 01-00029-14 which dismissed petitioner's (sic) appeal are hereby REVERSED and SET ASIDE.

Let the appeal bond consisting of Php40,000.00 cash bond and a Php1,622,916.37 supersedeas bond secured from Meridian Assurance Corporation be deemed sufficient and reasonable to perfect petitioners' appeal, in the interest of substantial justice. Consequently, petitioners' appeal is hereby declared REINSTATED.[12]

This was later affirmed in a minute resolution issued by this Court in G.R. No. 220666, and an omnibus motion for clarification and reconsideration was subsequently denied.[13]

In the meantime, before the Court of Appeals reinstated the appeal before the National Labor Relations Commission, the Labor Arbiter issued a Writ of Execution on March 30, 2015 to implement the Labor Arbiter's October 24, 2013 Decision awarding P16,629,163.63 to the workers.[14] Thus, the cash bond in the amount of P40,000.00 was released to them. Thereafter, they filed a Motion to Release the Supersedeas Bond. However, Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts opposed this because of the Court of Appeals April 27, 2015 Decision reinstating their appeal before the National Labor Relations Commission.[15]

On May 22, 2015, the Labor Arbiter issued a Resolution suspending the resolution of the workers' Motion to Release the Supersedeas Bond, as well as all subsequent motions seeking its immediate release.[16]

On June 2, 2015, the workers filed a petition before the National Labor Relations Commission, assailing the refusal of the Labor Arbiter to order the release of the supersedeas bond. The National Labor Relations Commission, however, did not order the release of the money collected.[17]

Thus, the workers filed a Petition for Mandamus before the Court of Appeals, docketed as CA-G.R. SP No. 142199.[18]

The Petition for Mandamus was denied by the Court of Appeals in its July 22, 2016 Decision. It cited as basis[19] the 2011 National Labor Relations Commission Rules of Procedure, Rule XI, Section 17, as amended in its En Banc Resolution No. 011-12, which provides:

Section 17. Effect of Reversal During Execution Proceedings. — In case of total or partial reversal of judgment by the Court of Appeals, the execution proceedings shall be suspended insofar as the reversal is concerned notwithstanding the pendency of a motion for reconsideration on such judgment.

However, where the judgment of the Court of Appeals is reversed by the Supreme Court, execution proceedings shall commence upon presentation of certified true copy of the decision and entry of judgment.

The Court of Appeals reasoned that in this case, the National Labor Relations Commission February 25, 2014 Resolution denying Tahanang Walang Hagdanan, Pangarap, Amoncio, and Baerts' appeal was reversed by the Court of Appeals in its April 27, 2015 Decision. Thus, the suspension of the execution proceedings was correct.[20]

The workers filed a Motion for Reconsideration dated August 23, 2016, which was denied in the Court of Appeals January 23, 2017 Resolution.[21]

On February 15, 2017, the workers filed a Petition for Review on Certiorari[22] before this Court. Respondents filed a Comment,[23] and thereafter, petitioners filed their Reply[24] to it.

Petitioners assert that they have been living lives of abject poverty, misery, and great suffering since June 11, 2012, when they were illegally dismissed. They have tried to survive by begging in the streets, in wheelchairs. On rainy days when they could not beg in the streets, they would go for days without food. As a result, three (3) of them have passed away.[25] They claim that it was the purely ministerial act or duty of the National Labor Relations Commission to order the release of the supersedes bond to them.[26] They cite the National Labor Relations Commission Rules, Rule XI, Section 4,[27] which provides:

Section 4. Effect of Petition for Certiorari on Execution. — A petition for certiorari with the Court of Appeals or the Supreme Court shall not stay the execution of the assailed decision unless a restraining order is issued by said courts.

Petitioners point out that the Court of Appeals did not include any restraining order in its April 27, 2015 Decision.[28] Thus, the execution proceedings of the Labor Arbiter's October 24, 2013 Decision should have continued.

Petitioners claim that there is conflict between Sections 4 and 17 of Rule XI of the National Labor Relations Commission Rules, and that the Court of Appeals gave undue and preferential application to Section 17. At the very least, the Court of Appeals should have reconciled the two (2) provisions in accordance with the tenet that full protection should be accorded to the labor sector. Thus, the Court of Appeals should have applied Section 4 over Section 17.[29]

In their Comment, respondents do not respond to the arguments raised in the Petition, but pray that it nonetheless be dismissed because the subject of this Petition is a March 31, 2017 Decision rendered by the National Labor Relations Commission in NLRC NCR Case No. 07-10328-12, to which respondents filed a Motion for Reconsideration on May 2, 2017.[30] They attach to their Comment the assailed decision. It appears that after this Petition was filed before this Court, the National Labor Relations Commission already resolved the reinstated appeal on March 31, 2017. It modified the Labor Arbiter's October 24, 2013 Decision by relieving the individual respondents from liability. The dispositive portion of the National Labor Relations Commission March 31, 2017 Decision read:

WHEREFORE, the herein respondents' appeal is hereby DISMISSED for lack of merit. The assailed Decision dated October 24, 2013 of Labor Arbiter Arden S. Anni, is AFFIRMED SUBJECT TO THE MODIFICATION that individual respondents are RELIEVED from any liability relative to the judgment award against respondent Tahanang Walang Hagdanan, Inc.

SO ORDERED.[31] (Emphasis in the original)

As manifested by respondents, Tahanang Walang Hagdanan filed a Motion for Reconsideration[32] of the March

31, 2017 Decision, but as of the filing of their Comment, no action has been taken on their Motion for Reconsideration in NLRC NCR Case No. 07-10328-12.[33]

In response to the Comment, petitioners filed a Manifestation[34] stating that this Petition assails the Court of Appeals July 22, 2016 Decision in CA-G.R. SP No. 142199. This case involves the issuance of a Writ of Mandamus to compel the National Labor Relations Commission to release the 10% supersedeas bond, in the amount of P1,662,916.36, which was already collected and deposited by the Sheriff with the National Labor Relations Commission cashier on May 13, 2015.[35]

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in affirming the suspension of the execution proceedings in NLRC NCR Case No. 07-10328-12.

The Petition is granted.

I

At the onset, this Court notes that the basis used by the Court of Appeals to affirm the suspension of the execution was incomplete. The Court of Appeals pointed out that Rule XI, Section 17 of the National Labor Relations Commission Rules "explicitly mandates the suspension of the execution proceedings in case of total or partial reversal of judgment by the Court of Appeals." [36] It held that because its April 27, 2015 Decision reversed the National Labor Relations Commission February 25, 2014 Resolution, suspension of the execution was mandated under the rules.

However, the Court of Appeals failed to note that under the Rules, the execution proceedings should be suspended only "insofar as the reversal is concerned." This omission leads to an incorrect reading of the rule and suggests that any reversal on appeal leads to the automatic suspension of execution of the appealed decision. When used as basis for suspending execution, the rule requires an extra step, namely, the determination of what part of the execution is affected by the reversal.

The more relevant rule in this case is Rule XI, Section 3 of the National Labor Relations Commission Rules, which provides:

Section 3. Effect of Perfection of Appeal on Execution. — The perfection of an appeal shall stay the execution of the decision of the Labor Arbiter except execution for reinstatement pending appeal.

Under this provision, the perfection of an appeal stays the execution of a Labor Arbiter's decision. Thus, for clarity, the Court of Appeals should have explained that because its April 27, 2015 Decision deemed respondents' appeal before the National Labor Relations Commission as reinstated, the execution of the Labor Arbiter's October 24, 2013 Decision was stayed under Rule XI, Section 3 of the National Labor Relations Commission Rules of Procedure.

However, despite the applicability of Rule XI, Section 3 of the National Labor Relations Commission Rules to the factual circumstances before the Court of Appeals as of its assailed July 22, 2016 Decision and January 23, 2017 Resolution in CA-G.R. SP No. 142199, the Petition must be granted.

II

The desperate situations of petitioners, who have faced abject poverty, have become beggars on the street, and three (3) of whom have passed away during the pendency of the case,[37] compel this Court to exercise its power of judicial review for purposes of judicial economy and to examine this case in its totality to do substantial justice. Courts should be mindful not to be too fixated with the technicalities of procedure and in effect be blind to what is

owing to the parties.

Thus, although not the assailed decision in this case, this Court must discuss the Court of Appeals April 27, 2015 Decision in CA-G.R. SP No. 136907, when it reinstated respondents' appeal before the National Labor Relations Commission.

This Court notes that it affirmed the reinstatement of the appeal in its November 9, 2015 Minute Resolution in G.R. No. 220666, and then denied an omnibus motion for clarification and reconsideration of this in a September 21, 2016 Resolution.[38] It did not reverse the Court of Appeals April 27, 2015 Decision, which reinstated the appeal. However, given the plight of petitioners, that the questions of merit have already been decided in their favor, and considering further that this case and G.R. No. 220666 primarily involve only matters of procedure, this Court finds it appropriate to touch upon the error of the Court of Appeals in CA-G.R. SP No. 136907.

In its April 27, 2015 Decision, the Court of Appeals found that the National Labor Relations Commission substantially deviated from this Court's pronouncement in *McBurnie v. Ganzon*[39] because the National Labor Relations Commission unduly focused on the amount of the appeal bond paid by respondents. Thus, it concluded that the National Labor Relations Commission did not fulfill its duty to determine the merit of the grounds raised by respondents in their motion to reduce the bond, and to make a preliminary determination of the merits of their appeal. It held:

In *McBurnie v. Ganzon*, the guideline set in treating motions to reduce bond are the following:

- The motions must be based on meritorious grounds; and
- a reasonable amount of the appeal bond is posted.

However, it is apparent from the assailed Resolutions and Order that the NLRC substantially deviates from the mandate contained in the *McBurnie* case. Glaringly, the denial of petitioners' motion to reduce bail is focused only on the determination of the amount of the appeal bond. The duty to determine the motion's meritorious grounds required was not passed upon.

The Supreme Court is clear on what meritorious grounds refer to, viz:

"The requirement on the existence of a 'meritorious ground' delves on the worth of the parties' arguments, taking into account their respective rights and the circumstances that attend the case. The condition was emphasized in *University Plans Incorporated v. Solano*, wherein the Court held that while the NLRC's Revised Rules of Procedure 'allows the [NLRC] to reduce the amount of the bond, the exercise of the authority is not a matter of right on the part of the movant, but lies within the sound discretion of the NLRC upon a showing of meritorious grounds.' By jurisprudence, the merit referred to may pertain to an appellant's lack of financial capability to pay the full amount of the bond, the merits of the main appeal such as when there is a valid claim that there was no illegal dismissal to justify the award, the absence of an employer-employee relationship, prescription of claims, and other similarly valid issues that are raised in the appeal. For the purpose of determining a 'meritorious ground', the NLRC is not precluded from receiving evidence, or from making a preliminary determination of the merits of the appellant's contentions."

In the case at bench, the NLRC disregarded petitioners' explanation anent its incapacity to comply with the requirements of the bonding company and refused to render a preliminary determination of the merits of petitioners' appeal. The Supreme Court held that the NLRC's failure to take action on the motion to reduce the bond in the manner prescribed by law and jurisprudence cannot be countenanced.

The reminder is worded, thus:

". . . Time and again, the Court has cautioned the NLRC to give Article 223 of the Labor Code, particularly the

provisions requiring bonds in appeals involving monetary awards, a liberal interpretation in line with the desired objective of resolving controversies on the merits. The NLRC's failure to take action on the motion to reduce the bond in the manner prescribed by law and jurisprudence then cannot be countenanced. Although an appeal by parties from decisions that are adverse to their interests is neither a natural right nor a part of due process, it is an essential part of our judicial system. Courts should proceed with caution so as not to deprive a party of the right to appeal, but rather, ensure that every party has the amplest opportunity for the proper and just disposition of their cause, free from the constraints of technicalities. Considering the mandate of labor tribunals, the principle equally applies to them."

In the proceeding before the NLRC, it cannot be gainsaid that petitioners posted the provisional bond equivalent to 10% of the monetary award. The NLRC's insistence on the posting of the full amount of the monetary award without looking into the meritorious grounds aspect required under its Rules and jurisprudence amounts to an "evasion or refusal to perform its positive duty enjoined by law." The NLRC has gravely abused its discretion on this account.

....

The grounds raised in the petitioners' Memorandum on Appeal require a judicious and complete determination on the merits which can be properly addressed on appeal. Certiorari, being an extraordinary remedy exclusively reserved for the correction of jurisdictional errors of courts and tribunals, is inadequate to address the Labor Arbiter's alleged errors of judgment in the appealed 24 October 2013 Decision in NLRC Case No. 07-10328-12.[40] (Emphasis in the original)

It may be true that in *McBurnie*, this Court relaxed the rule that appeals in labor cases may be perfected only upon the posting of a cash or surety bond. However, the rule may be relaxed only upon the existence of exceptional circumstances, the determination of which is a matter fully within the discretion of the National Labor Relations Commission. Given that the National Labor Relations Commission denied respondents' appeal on the basis of non-perfection, it can be inferred that it found no exceptional circumstances so as to justify any leniency or finding the P40,000.00 amount initially paid by respondents as sufficient for purposes of perfecting their appeal.

The Court of Appeals reinstated respondents' appeal before the National Labor Relations Commission based on the latter's alleged grave abuse of discretion in refusing to consider the allegedly meritorious grounds raised by respondents in their appeal. However, the Court of Appeals itself reversed the National Labor Relations Commission without specifying the meritorious grounds raised in respondents' appeal that required a determination on the merits so as to constitute an exceptional circumstance, which would excuse respondents from failing to post a reasonable amount as appeal bond upon their initial filing of their appeal before the National Labor Relations Commission.

More significant than the omission of the Court of Appeals in CA-G.R. SP No. 136907 is the National Labor Relations Commission's resolution of respondents' reinstated appeal and affirmation of the Labor Arbiter's October 24, 2013 Decision in favor of petitioners.

This affirmation should have given petitioners some much-needed relief. However, respondents filed a Motion for Reconsideration, further frustrating and delaying relief, which should have been granted to petitioners as early as 2013. This Motion for Reconsideration is the only procedural incident preventing the execution of the Labor Arbiter's October 24, 2013 Decision as it has stalled the complete resolution of the reinstated appeal before the National Labor Relations Commission.

However, execution may be authorized even pending appeal. In *Aris (Phil.), Inc. v. National Labor Relations Commission*,^[41] this Court explained the reasons for authorizing execution of decisions reinstating dismissed employees in labor cases pending appeal:

Before its amendment by Section 12 of R.A. No. 6716, Article 223 of the Labor Code already allowed execution of decisions of the NLRC pending their appeal to the Secretary of Labor and Employment.

In authorizing execution pending appeal of the reinstatement aspect of a decision of the Labor Arbiter reinstating a dismissed or separated employee, the law itself has laid down a compassionate policy which, once more, vivifies and enhances the provisions of the 1987 Constitution on labor and the workingman.

These provisions are the quintessence of the aspirations of the workingman for recognition of his role in the social and economic life of the nation, for the protection of his rights, and the promotion of his welfare. Thus, in the Article on Social Justice and Human Rights of the Constitution, which principally directs Congress to give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good, the State is mandated to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all; to guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law, security of tenure, human conditions of work, and a living wage, to participate in policy and decision-making processes affecting their rights and benefits as may be provided by law; and to promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes. Incidentally, a study of the Constitutions of various nations readily reveals that it is only our Constitution which devotes a separate article on Social Justice and Human Rights. Thus, by no less than its fundamental law, the Philippines has laid down the strong foundations of a truly just and humane society. This Article addresses itself to specified areas of concern — labor, agrarian and natural resources reform, urban land reform and housing, health, working women, and people's organizations—and reaches out to the underprivileged sector of society, for which reason the President of the Constitutional Commission of 1986, former Associate Justice of this Court Cecilia Muñoz-Palma, aptly describes this Article as the "heart of the new Charter."

These duties and responsibilities of the State are imposed not so much to express sympathy for the workingman as to forcefully and meaningfully underscore labor as a primary social and economic force, which the Constitution also expressly affirms with equal intensity. Labor is an indispensable partner for the nation's progress and stability.

If in ordinary civil actions execution of judgment pending appeal is authorized for reasons the determination of which is merely left to the discretion of the judge, We find no plausible reason to withhold it in cases of decisions reinstating dismissed or separated employees. In such cases, the poor employees had been deprived of their only source of livelihood, their only means of support for their family — their very lifeblood. To Us, this special circumstance is far better than any other which a judge, in his sound discretion, may determine. In short, with respect to decisions reinstating employees, the law itself has determined a sufficiently overwhelming reason for its execution pending appeal.^[42] (Citations omitted)

This Court finds that the principles allowing execution pending appeal invoked in *Aris* are equally applicable here as petitioners are poor employees, deprived of their only source of livelihood for years and reduced to begging on the streets. In view of their dire straits and since the National Labor Relations Commission has already ruled twice on the case in a way that supports the release of the supersedeas bond, it is proper to continue with execution proceedings in this case despite a pending motion for reconsideration.

WHEREFORE, in view of the foregoing, the Petition for Review on Certiorari is GRANTED. The Court of Appeals July 22, 2016 Decision and January 23, 2017 Resolution in CA-G.R. SP No. 142199 are REVERSED and SET ASIDE. The National Labor Relations Commission's cashier is DIRECTED to RELEASE to petitioners the amount deposited by respondents as supersedeas bond. The Labor Arbiter is DIRECTED to immediately

CONTINUE the execution proceedings in the case before him, and to ensure the speedy implementation of this Decision.

SO ORDERED.

Peralta (Chairperson), and J. Reyes, Jr., JJ., concur.
Gesmundo, and Hernando, JJ., on wellness leave.

[+] Passed away during the pendency of the proceedings below.

[1] Rollo, pp. 3-18.

[2] Id. at 23-29. The Decision was penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Francisco P. Acosta of the Special Second Division, Court of Appeals, Manila.

[3] Id. at 20-21. The Resolution was penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Francisco P. Acosta of the Former Special Second Division, Court of Appeals, Manila.

[4] Id. at 5-6.

[5] Id. at 24.

[6] Id.

[7] Id. at 24-25.

[8] Id. at 70-77.

[9] Id. at 53.

[10] Id. at 25.

[11] Id. at 53.

[12] Id. at 27.

[13] Id. at 54.

[14] Id. at 7 and 25.

[15] Id. at 25.

[16] Id. at 26.

[17] Id. at 9 and 26.

[18] Id.

[19] Id.

[20] Id. at 27-28.

[21] Id. at 20-21.

[22] Id. at 3.

[23] Id. at 46-49.

[24] Id. at 99-111.

[25] Id. at 16.

[26] Id. at 7-8.

[27] Id. at 8.

[28] Id. at 9.

[29] Id. at 11-13.

[30] Id. at 46-47.

[31] Id. at 68.

[32] Id. at 70-77.

[33] Id. at 47.

[34] Id. at 88-92.

[35] Id. at 89.

[36] Id. at 27-28.

[37] Id. at 16.

[38] Id. at 54.

[39] 719 Phil. 680 (2013) [Per J. Reyes, En Banc].

[40] April 27, 2015 Decision of the Court of Appeals, < <http://services.ca.judiciary.gov.ph/casestatusinquiry-war>> (last accessed on October 29, 2018).

[41] 277 Phil. 282 (1991) [Per J. Davide, Jr., En Banc].

[42] Id. at 292-294.

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