PHILIPPINE APPAREL WORKERS UNION, PETITIONER, VS. THE NATIONAL LABOR RELATIONS COMMISSION AND PHILIPPINE APPAREL, INC., RESPONDENTS.

G.R. No. 50320. March 30, 1988

Ponente: PARAS, J.

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PARAS, J.:

This is a classic case of dilatory tactics employed to obstruct justice.

On July 31, 1981, this Court rendered judgment in this case, the dispositive portion of which reads:

> "WHEREFORE, the writ of certiorari is hereby granted, the decision of the respondent Commission is hereby set aside, and private respondent is hereby directed to pay, in addition to the increased allowance provided for in P.D. 1123, the negotiated wage increase of P0.80 daily effective April 1, 1977 as well as all other wage increases embodied in the collective bargaining agreement, to all covered employees. Costs against private respondent.
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> "This decision is immediately executory" (p. 178, rec.).

A motion for reconsideration of the July 31, 1981 decision of this Court was filed by private respondent. Petitioner, through the Paterno D. Menzon Law Office, filed a comment thereon. This Court, on October 21, 1981 denied the aforesaid motion for reconsideration and the denial was declared final. Entry of judgment was made on October 30, 1981 (Rollo, p. 244).

On December 18, 1981 the respondent NLRC issued an order, through Labor Arbiter Antonio Tria Tirona, directing the Chief of the Research and Information Division of the NLRC to designate a Socio-Economic Analyst to compute the awards due the members of the petitioner union in accordance with the final disposition of this case.

On January 10, 1983 petitioner filed an "Urgent Manifestation and Motion" claiming that despite its filing of a motion for execution dated November 12, 1981, a manifestation and motion dated February 10, 1982, and another manifestation and motion dated February 26, 1982, the execution arm of public respondent NLRC continued to fail to implement the decision of this Court. Petitioner prayed that those obstructing the implementation of the decision be declared in contempt, especially the president of Bagong Pilipino Philippine Apparel Workers' Union (BPPAWU) and private respondent PAI for circumventing the final decision of this Court by offering members of petitioner the amount of P500 each as full payment of their claims in the instant case.

The respondent NLRC, in its Comment on petitioner's "Urgent Manifestation and Motion" explained that it could not issue a writ of execution because the actual or exact amounts of the various awards due the members of the petitioner union could not be determined. For that matter, even with the submission of the "Report of Examiner" prepared by the Research and Information Division of the NLRC, it was not possible for the NLRC to issue a writ of execution in full satisfaction of the judgment of this Court because said "Report of Examiner" did not include

the computation of the amounts due for the months of May, June, November and December 1978, and January and February 1980 as the pertinent records covering those periods were not available at the time of the preparation of the Report. Adding confusion was the fact that even before the submission of the "Report of Examiner", private respondent PAI had already made payments in satisfaction of this Court's decision to some of the members of the petitioner union. Moreover, after the submission of the Reports, and notwithstanding its exception to the findings therein, private respondent PAI continued to make payments to the other members of the union. Respondent PAI offered the payment to petitioner's counsel but the latter refused to accept the payment because the amount offered left some 88 members of the petitioner unpaid. Petitioner's counsel was willing to accept the money only as partial payment, but not as full payment as PAI wanted it to be.

On October 27, 1983, this Court issued an order requiring private respondent PAI to comply fully with this Court's decision of July 31, 1981; to pay the members of the petitioner the amount P695,413.17, with 10% thereof to be deducted as attorney's fees payable to the Menzon Law Office; to make available, within ten (10) days from notice thereof, to public respondent its payrolls corresponding to the unpaid periods, for the latter to prepare immediately a computation within thirty (30) days from receipt of such payrolls; and, thereafter, to pay members of petitioner the remaining backwages within ten (10) days from receipt of such computation. In that same order of October 27, 1983, the BPPAWU, Atty. Luis D. Flores and respondent Philippine Apparel, Inc. were adjudged guilty of contempt and were ordered to pay one thousand pesos (P1,000) each within ten (10) days from notice thereof.

The Court justified its ruling as follows:

> "xxx xxx The judgment in this case has already become final and executory and as such the prevailing party as a matter of right is entitled to a writ of execution. What seems to be the problem in this case is that execution of the judgment cannot be had at the earliest possible time, since a computation of the amount due the members of petitioner must first be undertaken. The Report of the Examiner indicating the amount due them was submitted only after one and a half years, so that in the meantime, negotiations on how the judgment may be executed were made. It is the posture of the Paterno D. Menzon Law Office that the judgment cannot be negotiated, hence any act to subvert it is contemptuous.
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> "We agree, The attempts of the BPPAWU and its counsel and respondent company to render the decision of this Court meaningless by paying the backwages of the affected employees in a lesser amount clearly manifest a willful disregard on their part, of the authority of this Court as the final arbiter of cases brought to it. The series of acts by the BPPAWU from the outset, where they caused the "Kapahintulutan" to be circulated and signed by workers declaring as invalid any acts of petitioner union and its counsel to the time they campaigned for the workers to receive the amount of P300.00 or P500.00 but with the concomitant obligation to release the company from any further liability showed disrespect for the administration of justice.
>
> "The BPPAWU and its counsel cannot pretend that they are just being more protective to the employees when they encouraged them to receive the amount of P300.00 or P500.00. They know too well that said amount is much less than that to be received by the employees after computing all the backwages if the decision is executed. It would have been laudable had not the company pressed the workers to sign the quitclaims and release of which the BPPAWU cannot pretend to be unaware, for the payment could be taken as initial compliance with the judgment with the balance to be paid by the company when the final computation of the backwages has been finished and submitted by the Research and Information Division of the National Labor Relations Commission. Indeed, their questionable acts do not sit well with a desire to implement the decision of this Court. If the BPPAWU is really after the welfare of the employees, they will not leave any stone unturned to get the best for them by giving effect to the decision of this Court.
>
> "In Our decision, we have ordered the company to pay the negotiated wage increase of P0.80 daily effective April 1, 1977. As per petitioner's computation, as may be gleaned from the urgent motion for issuance of a

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> restraining order dated March 11, 1982, on backwages alone, not counting adjustments in overtime pay and other benefits, each employee is entitled to receive at the very least of P1,248.00 (P0.80 x 26 working days x 12 months x 5 years from 1977 to 1982) [p. 281, rec.]. If we shall include the backwages corresponding from January, 1983 to the present, the same will definitely be higher than P1,248.00. Clearly, the offer by the company, supported by the BPPAWU to pay the employees in the amount of P300.00 or P500.00 as full and final payment is unjust to them, especially if We shall consider that some employees did not have the alternative but to accept the payment because they were in a tight financial condition. Such move cannot be sanctioned by this Court, for otherwise giving effect to the award of backwages would be left to the whim of the losing company taking advantage of the rationale behind the decision in Mercury Drug Co. v. CIR (L-23357, promulgated April 30, 1974, 56 SCRA 695), the quitclaims and releases signed by the employees are considered null and void. The employees are therefore still entitled to the difference between what is due them and the amount they received. Another important consideration is that if We countenance such act, the sanctity of the contract validly entered into by the parties which as in this case was interpreted by this Court, will be violated." (Rollo, pp. 382-384)

In their obvious attempts to derail the implementation of this Court's decision which had long become final and executory as far back as over six years ago on October 21, 1981, private respondents endlessly belabored this Court's ruling finding them guilty of contempt. Enough is enough. If there is anything that needs to be done in this case, it is the full and complete implementation of this Court's final and executory decision.

PREMISES CONSIDERED, We hereby enjoin the respondent NLRC to fully implement this Court's Resolution dated October 27, 1983, with these modifications: (a) To pay members of the petitioner the partial backwages in the amount of P695,413.17 plus legal interest computed from the time the decision became final (October 21, 1981) until fully paid, with 10% thereof to be deducted as attorney's fees payable to the Menzon Law Office, less the amount that respondent company may have paid to some members of the petitioner union; and (b) The BPPAWU, Atty. Luis D. Flores and respondent Philippine Apparel, Inc. are hereby adjudged guilty of contempt and are ordered to pay TEN THOUSAND (P10,000.00) PESOS each within ten (10) days from notice thereof. This resolution is immediately executory.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Padilla, and Sarmiento, JJ., concur.

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