

HENRY CLYDE ABBOTT AND PACIFICO ALUNAN, PETITIONERS, VS. THE NATIONAL LABOR RELATIONS COMMISSION, THE PRESIDENT AND VICE-PRESIDENT TRAVELLERS LIFE ASSURANCE, AND THE REGIONAL AR...

G.R. No. 65173. October 27, 1986

Ponente: CRUZ, J.

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CRUZ, J.:

The factual backdrop of this petition for certiorari, mandamus, and prohibition is as follows:

Petitioners Henry Clyde Abbott and Pacifico Alunan were both regular agency managers of respondent Travellers Life Assurance of the Philippines, Inc. Without a written clearance, their services were terminated effective August 16, 1977.[1] They then filed a complaint in the Department of Labor for illegal dismissal, back salaries, commissions and bonuses.[2] A decision was rendered by Labor Arbiter Ildefonso Agbuya in their favor on August 27, 1978, granting a monetary award of P52,268.80 to Abbott and P46,315.00 to Alunan, and ordering their reinstatement.[3]

Upon appeal to respondent Commission, the decision was affirmed on November 9, 1981.[4] The motion for reconsideration filed by private respondent on January 26, 1982 was denied by the NLRC on March 24, 1982.[5]

On May 25, 1982, after the lapse of eighty-six (86) days, petitioners filed a motion for execution and recomputation of their money claims. This was opposed on June 26, 1982, private respondent intimating its intention to file a petition for review on certiorari with the Supreme Court.[6]

Petitioners, in a second motion for execution and recomputation dated July 26, 1982, argued that the opposition was improper, the decision having become final and executory.[7] In reply, respondent filed a supplemental opposition, saying that: 1) since June 21, 1978, petitioners had abandoned their work; and 2) petitioners were the ones actually indebted to respondent because of the advances received by them.[8]

Over petitioners' objection, the labor arbiter nonetheless took cognizance of respondents' opposition and set the case anew for hearing.

On July 19, 1983, the labor arbiter dismissed respondents' opposition, sustaining petitioners' argument that the decision with respect to the money judgment was already final and executory.[9] Regarding petitioners' alleged abandonment of work, the labor arbiter found that the claim was belied by respondents' own admission that petitioners had indeed reported for work at its regional office in Cagayan de Oro City on June 31, 1978.[10]

On August 4, 1983, private respondent appealed to the NLRC and moved to stay execution.[11] Stressing the finality of the decision, petitioner reiterated its motion for execution.[12] On August 16, 1983, respondent Commission accepted the appeal and issued an order restraining the enforcement of the original decision of the labor arbiter as earlier approved by it.[13]

Hence, this petition.

The principal issue raised in this petition is whether or not public respondent gravely abused its discretion in entertaining the appeal and in issuing the challenged restraining order.

The Solicitor General observed:

"The decision dated March 24, 1982 rendered by respondent Commission denying the motion for reconsideration and affirming the Labor Arbiter's findings in favor of petitioners became immediately final and executory upon promulgation thereof. This is so because said decision is inappealable and cannot be reviewed except upon petition for certiorari before this Honorable Court. Being final and executory, execution of said judgment should issue as a matter of right." [14]

In *Sawit vs. Rodas* and *Daquis vs. Bustos*, we held that a judgment becomes final and executory by operation of law, not by judicial declaration. [15] Accordingly, finality of judgment becomes a fact upon the lapse of the reglementary period of appeal if no appeal is perfected. [16] In such a situation, the prevailing party is entitled as a matter of right to a writ of execution; [17] and issuance thereof is a ministerial duty, compellable by mandamus. [18]

In the instant case, however, what is sought to be reviewed is not the decision itself but the manner of its execution. There is a big difference. While it is true that the decision itself has become final and executory and so can no longer be challenged, there is no question either that it must be enforced in accordance with its terms and conditions. Any deviation therefrom can be the subject of a proper appeal.

The fact alone that the labor arbiter, in recomputing the award in the original decision, raised it from the amount of P98,883.80 to the astonishing sum of P372,451.55 [19] is justification enough for the respondent NLRC to issue the challenged temporary restraining order. In the meantime, anyway, the petitioners are protected by the supersedeas bond put up by the respondent in the amount of the recomputed award. [20]

We hold therefore that the National Labor Relations Commission has the authority to look into the correctness of the execution of the decision in this case and to consider the supervening events that may affect such execution, like the possible set-off of the petitioners' advances or debts against their total claim, their discontinuance from employment by abandonment or resignation, and other relevant developments.

ACCORDINGLY, the instant petition is dismissed and this case is remanded to the respondent National Labor Relations Commission for final determination of the award due the petitioners in the execution of the decision rendered by the labor arbiter on August 27, 1978, as affirmed by the said Commission on November 9, 1981.

SO ORDERED.

Yap, (Chairman), Narvasa, Melencio-Herrera, and Feliciano, JJ., concur.

[1] Rollo, p. 14.

[2] Ibid.

[3] Rollo, pp. 18-19.

[4] Ibid., p. 23.

[5] Id., pp. 29-30.

[6] *id.*, pp. 35-36.

[7] *id.*, p. 37.

[8] *id.*, pp. 45-46.

[9] *id.*, pp. 64-65.

[10] *id.*, p. 67.

[11] *id.*, pp. 72-81; pp. 84-86.

[12] *id.*, p. 138.

[13] *id.*, p. 91.

[14] *id.*, p. 139.

[15] 73 Phil. 310, 315; 94 Phil. 913, 917.

[16] *Garcia vs. Echevarria*, 132 SCRA 631.

[17] *De Fiesta vs. Llonente*, 25 Phil. 554, 565; *Lim vs. Singian*, 37 Phil. 817, 823-824; *Philippine Trust Co. vs. Santamaria*, 53 Phil. 463, 467; *Ebero vs. Cañizares*, 79 Phil. 152, 155; *Manansala vs. Narvasa*, 101 Phil. 1260-1261; *de los Angeles vs. Victoriano*, L-13632, July 27, 1960.

[18] *Hidalgo vs. Crossfield*, 17 Phil. 466, 469-470; *Amor vs. Jugo*, 77 Phil. 703, 706-707; *Buenaventura vs. Garcia*, 78 Phil. 759, 762.

[19] *Rollo*, pp. 71, 103.

[20] *Ibid.*, p. 88.

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