

BENJAMIN GUIMOC AND FELICISIMO BASILIO IN THEIR OFFICIAL CAPACITIES AS LABOR ARBITER AND SHERIFF OF THE NATIONAL LABOR RELATIONS COMMISSION (REGIONAL ARBITRATION BRANCH VIII) RE...

G.R. No. 89982. September 09, 1991

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

This petition for certiorari, prohibition and mandamus, with prayer for the issuance of a preliminary restraining order seeks to annul the Order dated June 2, 1989 of respondent Judge Clemente C. Rosales of the Regional Trial Court, Branch XXIII at Allen, Samar, enjoining the petitioners from disposing of the properties subject of execution in NLRC-RAB-VIII Case No. 2-00064-88, as well as the Order dated June 28, 1989, denying the petitioners' Motion to Dismiss Civil Case No. A-47 on jurisdictional ground.

On October 26, 1988, a decision was rendered by Labor Arbiter Emiliano De Asis in NLRC Case No. RAB--VIII-2-00064-88 entitled, "Romeo M. Cruz, et al. vs. Looc Bay Timber Industries, Inc. (LBTI) and Visayan Forest Development Corp. (VFDC)," the dispositive portion of which is hereunder quoted as follows:

"WHEREFORE, premises considered this Office finds respondents LOOC BAY TIMBER INDUSTRIES, INC. (LBTI) and VISAYAN FOREST DEV. CORP. (VFDC) guilty for non-payment of wages, minimum wage, Ecola, 13t[h] month pay and service incentive leave pay and hereby ORDERS said respondents within ten (10) days from receipt of a copy of this Decision to pay the claim of herein below-listed complainants representing their Wage Differential, Unpaid Wages, Ecola and 13[th] month pay, to wit:

Name of Complainant

Total Claim/ Award

1. Gaspar Abiner

P21,802.62

2. Wilfredo Ablazo

23,763.31

3. Armando Acedera

31,487.87

4. Martin Adlawan

31,274.15

5. Francisco Albueria

31,206.15

6. Henry Albueria

32,570.15

7. Levy Albueria

31,805.37

8. Teodoro Albueria

31,805.37

9. Leonido Aliganza

31,805.37

10. Esteban Amor

30,535.37

11. Pedro Amor

31,805.37

12. Rogelio Amor

31,805.37

13. Simon Amor

31,805.37

14. Emilio Andaya

30,535.65

15. Francisco Almorhila

30,553.65

16. Nicanor Bandal

30,535.37

17. Julian Banzon

20,844.15

18. Pio Banzon

24,415.87

19. Temestocles Banzon

25,534.37

20. Amancio Bigtas

24,696.37

21. Edgar Bigtas

29,052.37

22. Josefino Bigtas

25,511.62

23. Cefriano Benignay

30,535.37

24. Pedro Boral, Jr.

30,535.37

25. Eladio Bulawan

30,535.37

26. Donato Cabato

30,535.37

27. Renato Cabato

21,802.62

28. Rogelio Centino

30,535.37

29. Erlencio Corilla

30,730.37

30. Santos Corallo

31,487.87

31. Romeo Cruz

36,174.71

32. Ruben Custodio

P29,171.83

33. Rhodmar Dalangpan

31,487.87

34. Anazario Deronia

31,487.87

35. Juan Bole

30,681.42

36. Banie Dalangpan

21,306.41

37. Jose Dronia

30,838.80

38. Zosimo Espinar

29,565.41

39. Domingo Flor

28,819.75

40. Eufronio Flor

29,398.91

41. Gregorio Frago

31,487.87

42. Aniceto Fugado

31,487.87

43. Felix Fugado

30,583.91

44. Norlito Gabitan

30,368.91

45. Manuel Gabion

20,162.91

46. Rogelio Gabrieto

31,805.37

47. Catalino Gadolfos

31,629.05

48. Adriano Gatarin

30,813.81

49. Cirilo Gayoso

24,914.98

50. Augusto Gubat

31,009.15

51. Luis Hapa

30,535.37

52. Rodrigo Igloso

31,055.87

53. Elorde Lobedeces

31,487.87

54. Alfredo Lukval, Jr.

31,207.15

55. Raul Magdarang

28,710.74

56. Crispulo Mahinay

31,487.87

57. Edgar Mahinay

30,535.37

58. Teddy Manalo

30,539.03

59. Maning Maurillo

23,376.37

60. Alfredo Lukyal, Sr.

31,207.15

61. Egidio Marzol

31,487.87

62. Bienvenido Millora

31,487.87

63. Jose Monares

17,418.91

64. Mamerto Parayray

31,805.37

65. Dionisio Pardillo

31,397.37

66. Miguel Porio

24,192.65

67. Ruben de los Reyes

20,896.65

68. Tranquilino Rosima

31,487.87

69. Ruben Sanoy

31,487.87

70. Henry Sauro

31,487.87

71. Lolito Siago, Sr.

31,736.74

72. Viador Pampong

29,309.40

73. Juan Tejada

32,949.88

74. Marlon Tejada

30,535.37

75. Alex Tintim

30,535.37

76. Lito Tizon

29,177.23

77. Recto Turing

16,681.16

78. Benito Juan

31,487.87

79. Artemio Valdez, Sr.

30,644.65

80. Joselito Valdez

30,900.15

81. Bertito Yanson

31,487.87

82. Pablito Mahinay

No available data
for computation

83. Alfredo Arsenal

— do —

84. Lolito Siago, Jr.

— do —

85. Andres Magdaraog

26,724.15

86. Tomas Magno

31 487.87

Grand total

P2,421,996.80

"This award however, to each of the above-mentioned complainants shall be subject to deduction of any advance or partial payments made by the respondents Looc Bay Timber Industries, Inc. (LBTI) and Visayan Forest Development Corporation (VFDC) at the time of the filing of the aforementioned case." (pp. 110-112, Rollo.)

On January 4, 1989, Labor Arbiter Benjamin Guimoc to whom the case was reassigned in view of De Asis' transfer to the NLRC Bicol Region, issued a writ of execution[1] directing NLRC sheriff Felicisimo Basilio to execute the judgment against respondents Looc Bay Timber Industries (LBTI) and Visayan Forest Development Corporation (VFDC). Failing to collect the sum due, sheriff Basilio was directed to cause the satisfaction of the award out of the movable goods or chattels (machinery and logging equipment), or, in their absence, from the immovable property of respondent LBTI.

On the strength and by authority of the writ of execution, the sheriff proceeded to the premises of LBTI and made an inventory of its properties, levied on them and scheduled their sale at public auction on January 30, 1989 (although the sale was later postponed to February 6, 1989).

On February 3, 1989, three days before the auction sale, several third-party claims were filed with the NLRC Arbitration Branch VIII, among which was a third-party claim of respondent General Insurance & Surety Corporation (GESCOR).

Because of the filing of the third-party claims, the auction sale was suspended while Guimoc held hearings on the merits of the claims.

On April 24, 1989, Guimoc issued a resolution[2] declaring invalid and dismissing the third-party claims of Valvuelco, Inc., Bueno Industrial and Development Corporation, Butuan Lumber Manufacturing Corporation, Puzon & Sons Enterprises, Inc., Big Country Ranch Corporation, Sierra Madre Projects, Inc. and herein respondent GESCOR.

On June 1, 1989, Basilio issued to LBTI and VFDC a Notice of Levy and Sale to be held on June 9, 1989 at 10:00 A.M. Copies of the notice were posted in conspicuous places at the NLRC, Tacloban, the premises of LBTI and in the Municipal Hall of San Isidro, Northern Samar.

On June 2, 1989, GESCOR filed against the Labor Arbiter Guimoc and Sheriff Basilio a petition for Prohibition, Certiorari, Annulment of Judgment and Quashal of levy with Preliminary Prohibitory Injunction[3] in the Regional Trial Court in Allen, Samar. The petition was docketed as Spl. Civil Action A-47, entitled, "General Insurance Services Corporation, petitioner vs. Benjamin Guimoc and Felicisimo Basilio, respondents."

The petitioner alleged that GESCOR is the owner of the following properties levied on by Basilio:

- One unit Mack Truck with trailer;
- One unit Crane with Engine No. DH-100, Serial No. Leader 75, with Engine No. DA 600-574639; Model No. 24204-28;
- One unit Caterpillar with chassis and transmission with complete spare parts;

- One unit ranger skidder with SN 13253, Model No. 3306 with 4 tires;
- One unit Logging Truck Fuso;
- One unit Road Grader Kamatsu brand with Engine No. NH-220-261090 with chassis;
- One unit Generator set, Da 22253953, Volt 200/220-KV 30/35 with dynamo No. HO4383, CGL 50/60; and
- One unit typewriter, Olivetti/Olympia; office type not portable.

and that GESCOR had filed a third-party claim with the NLRC Regional Arbitration Branch but it was dismissed. GESCOR prayed that a restraining order be issued immediately to stop the auction sale; declare the levy null and void; declare GESCOR as the lawful owner of the properties in question; and order the defendants (now petitioners) jointly and severally, to pay GESCOR attorneys fees and actual expenses.

On the same date, June 2, 1989, RTC Judge Clemente O. Rosales issued a Restraining Order^[4] enjoining the defendants to desist and refrain from selling at public auction or disposing, in any manner, of the various pieces of machinery and equipment claimed by GESCOR. The Order also directed the defendants to answer the petition.

On June 13, 1989, Guimoc and Basilio, by themselves, filed a Motion to Dismiss^[5] on the ground of the court's lack of jurisdiction.

On June 20, 1989, the motion to dismiss was heard and the parties were directed to submit memoranda.

On June 28, 1989, Judge Rosales denied the motion to dismiss.^[6] Guimoc and Basilio promptly filed this petition for certiorari to review and annul said order.

The core issue in this case is whether a civil court may interfere by injunction with the execution of a final and executory judgment of the NLRC.

The answer is no. Article 254 of the Labor Code explicitly prohibits the issuance of an injunction in a labor case.

"ART. 254. Injunction prohibited. — No temporary or permanent injunction or restraining order in any case involving or growing out of labor disputes shall be issued by any court or other entity, except as otherwise provided in Articles 218 and 264 of this Code."

In executing an order, resolution, or decision of the NLRC, the sheriff of the Commission, or other officer acting as such, must "be guided strictly by the Sheriff's Manual which shall form part of these Rules" (Sec. 4, Rule XI, Revised Rules of the NLRC).

The Manual of Instructions for Sheriffs of the NLRC was adopted and promulgated pursuant to Article 218(a) of the Labor Code, as amended, which authorizes the NLRC —

"ART. 218. Powers of the Commission. — x x x

(a) To promulgate rules and regulations governing the hearing and disposition of cases before it and its regional branches, as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of this Code;"

Said Manual of Instructions was issued on May 19, 1988 and published in The Official Gazette (84 O.G. No. 29, 4327) on July 18, 1988. It became effective fifteen (15) days later.

Section 2, Rule VI of the Manual of Instructions for Sheriffs of the NLRC prescribes the procedure to be followed if property levied upon to satisfy a final judgment of the Commission is claimed by any person other than the losing party or his agent:

"Section 2. Proceedings. — If property levied upon be claimed by any person other than the losing party or his agent, such person shall make an affidavit of his title thereto or right to the possession thereof, stating the grounds of such right or title and shall file the same with the sheriff and copies thereof served upon the Labor Arbiter or proper officer issuing the writ and upon the prevailing party. Upon receipt of the third party claim, all proceedings with respect to the execution of the property subject of the third party claim shall automatically be suspended and the Labor Arbiter or proper officer issuing the writ shall conduct a hearing with due notice to all parties concerned and resolve the validity of the claim within ten (10) working days from receipt thereof and his decision is appealable to the Commission within ten (10) working days from notice, and the Commission shall likewise resolve the appeal within the same period." (Italics provided.)

Upon the denial of its third-party claim by Labor Arbiter Guimoc, GESCOR should have appealed to the NLRC within ten (10) working days instead of filing in the Regional Trial Court of Allen, Samar, a petition for Certiorari, Annulment of Judgment, and Quashal of Levy with Preliminary Prohibitory Injunction. Appellate jurisdiction over decisions, awards and orders of the Labor Arbiters is exclusively vested in the NLRC (Filipino Pipe Workers Union vs. Batario, Jr., 163 SCRA 789). Therefore, Judge Rosales should have granted petitioners' motion to dismiss the action for he did not have jurisdiction to entertain it.

By filing its third party claim with the NLRC sheriff Basilio on February 3, 1989, GESCOR submitted to the jurisdiction of the NLRC which exercised it through the Labor Arbiter by issuing a Resolution on April 24, 1989, denying said claim.

Jurisdiction, once acquired, is not lost upon the instance of the parties but continues until the case is terminated (Gimenez vs. Nazareno, 160 SCRA 1; Rulona-Al Awadhi vs. Astih, 165 SCRA 771; Landoil Resources Corp. vs. Tensuan, 168 SCRA 569).

The NLRC's jurisdiction to execute its decisions has been upheld by this Court:

"The NLRC has the authority to look into the correctness of the execution of its decision." (Medado vs. Court of Appeals, 185 SCRA 80, 81).

"Whatever irregularities that attended the issuance of the alias writ of execution should be referred to the same administrative tribunal which rendered the decision. Despite finality of the decision of the Minister of Labor, he, not the regular courts, retained control over its execution and implementation." (Pucan vs. Bengzon, 155 SCRA 692, 693.)

In view of the failure of GESCOR to seasonably appeal to the NLRC the resolution of Labor Arbiter Guimoc denying GESCOR's third-party claim, that resolution became final. The RTC has no jurisdiction to review the Labor Arbiter's orders denying the third-party claim.

The decision of the Labor Arbiter in favor of all the complainants specifically awarded the total sum of P2,421,996.80. Although the decision contains a proviso that the award to each of the complainants shall be subject to deduction of advances or partial payments made to them by LBTI and VFDC, this proviso does not make the decision incomplete or conditional. The computation and deduction of advances or partial payments from the awards are purely administrative functions of the Administrative Assistant of the NLRC. Except for this detail, there is nothing more to be done by the Labor Arbiter with respect to the awards.

WHEREFORE, the petition for certiorari and prohibition is granted. The assailed orders dated June 2, 1989 and June 28, 1989 of respondent Judge are hereby annulled and set aside. Let the Writ of Execution dated January 4, 1989 be enforced and implemented. Costs against the private respondent General Insurance Services Corporation.

SO ORDERED.

Narvasa, (Chairman), Cruz, and Medialdea, JJ., concur.

[1] pp. 110-113, Rollo.

[2] pp. 84-109, Rollo.

[3] pp. 17-22, Rollo.

[4] p. 24, Rollo.

[5] pp. 22-23, Rollo.

[6] pp. 34-39, Rollo.

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