

SUPERCARS, INC., PETITIONER, VS. HONORABLE MINISTER OF LABOR AND EMPLOYMENT, UNION DE IMPRESORES DE FILIPINAS (UIF), RESTITUTO VIGONTE, MANOLITO OBISPO, CELSO OROZCO, ROLANDO GU...

G.R. Nos. 74151-54. April 10, 1989

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is a petition for certiorari with prayer for a restraining order and/or writ of preliminary injunction of the order of the Minister of Labor and Employment dated March 25, 1986 in Cases Nos. STF-5-3525-78, STF-6-3833-78, STF-4-4007-78 and STF-7-4884-78 entitled, "Union de Impresores de Filipinas (UIF), et al. vs. Supercars, Inc., et al.," which affirmed the order of the Regional Director dated August 29, 1985 directing Supercars, Inc. and Jose F. de Ocampo, jointly and severally, to pay backwages to private respondents.

The antecedent facts are as follows:

On December 20, 1978, the Regional Director, acting on the complaint of private respondents Restituto Vigonte, Manolito Obispo, Celso Orozco, Rolando Guiam, Jesus Hombrebueno, Alejandro Mateo, Rodrigo Silva, Eduardo Hilario and Emeterio Luna (hereinafter referred to as private respondents) for unfair labor practice, issued an order directing petitioner Supercars, Inc. (hereinafter referred to as Supercars) to immediately reinstate the private respondents to their former positions with full backwages and without loss of seniority rights.

On appeal, the Minister of Labor and Employment issued an order dated August 1, 1983 directing Supercars to reinstate private respondents to their former positions without backwages within ten (10) days from receipt of said order (pp. 21-29, Rollo). On September 5, 1983, Supercars filed a motion for reconsideration which was, however, denied on April 6, 1984.

On August 20, 1984, the private respondents were reinstated.

On December 5, 1984, the private respondents, through Restituto Vigonte, in his capacity as their duly authorized representative, filed a motion before the Regional Director claiming backwages from September 2, 1983 to August 19, 1984. They averred that on August 22, 1983, Supercars received the order dated August 1, 1983; that immediately after August 22, 1983, they reported for work but were refused entry into the premises; that despite said refusal, they continued to report for work but Supercars failed to reinstate them; that it was only on August 20, 1984 that they were reinstated. The motion was opposed by Supercars alleging, inter alia, that private respondents have no right to claim for backwages in view of the fact that the orders dated August 1, 1983 and April 6, 1984 issued by the Minister of Labor and Employment limit their right to reinstatement only; that there was not even a writ of execution when the private respondents were reinstated to their former positions; and that to grant backwages would amount to a modification of the aforestated orders.

On August 29, 1985, the Regional Director issued an order in connection therewith, the dispositive portion of

which reads (pp. 45-46, Rollo):

"WHEREFORE, premises considered, the individual complainants' Motion dated December 5, 1984 is hereby granted and respondents' Opposition thereto dated January 23, 1985 denied. Concomitantly, respondents are hereby directed to pay individual complainants jointly and severally the total amount of ONE HUNDRED THIRTY THOUSAND TWO HUNDRED SIXTY-SIX PESOS (P130,266.00) representing individual complainants' backwages from September, 1983 to August 19, 1984, broken down as follows:

1. Restituto Vigonte.	P14,474.00
2. Manolito Obispo.	P14,474.00
3. Celso Orozco.	P14,474.00
4. Rolando Guiam.	P14,474.00
5. Jesus Hombrebueno.	P14,474.00
6. Alejandro Mateo.	P14,474.00
7. Rodrigo Silva.	P14,474.00
8. Eduardo Hilario.	P14,474.00
9. Emeterio Luna.	P14,474.00
P130,266.00	

"Let a writ of execution be issued immediately for the purpose.

"SO ORDERED."

As justification for the award of backwages, the Regional Director, in the Order dated August 29, 1985, said (pp. 44-45, Rollo):

"x x x. However, respondents failed to reinstate them within ten (10) days from receipt of a copy of the above judgment on August 22, 1983. It was only on August 20, 1984, after a lapse of almost a year, that respondents reinstated individual complainants. From the above, it is thus clear that individual complainants were deprived of their salaries corresponding to the period from September 1983 to August 19, 1984 in view of the above violation of respondents.

"Respondents' justification of their failure to reinstate individual complainants immediately upon their receipt of a copy of the judgment dated August 1, 1983 with the fact that the same had not yet become executory as they timely interposed a motion for reconsideration thereof on September 5, 1983, is not tenable. The filing of said Motion for Reconsideration did not have the effect of suspending the judgment's immediate executoryness. The reason behind this is that the period within which respondents should reinstate individual complainants to their former positions was specified in the judgment, that is, ten (10) days from their receipt of a copy thereof. If they failed to effect the reinstatement within this period, as they actually did, respondents would violate the judgment.

"And even if the ten-day period within which respondent should effect reinstatement of individual complainants specified in the judgment had no effect of rendering said judgment immediately executory, said judgment was, nevertheless, made executory under Par. (b) of Item 3 of Policy Instructions No. 38 which states that "Decisions in unfair labor practice cases ordering reinstatement of unlawfully dismissed workers shall be immediately executory". It should be noted that the instant case involves the issue of unfair labor practice.

"Under the circumstances, what respondents should have done was to reinstate individual complainants within

the ten-day period as directed in the judgment with the reservation that should their prayer in their Motion for Reconsideration dated September 5, 1983 be granted in a final decision, they should be allowed to dismiss them immediately.

"Likewise, contrary to respondents' contention, the granting of individual complainants' motion for backwages will not modify the judgment of August 1, 1983 as affirmed by the Order of April 6, 1984. Conversely, the granting will bolster the above judgment as it will punish respondents for their violation thereof consisting of failing to reinstate the individual complainants within the ten-day period as directed therein, besides giving justice to individual complainants through the payment to them of their salaries they were deprived of from September 1983 to August 20, 1984 in view of said violation of respondents.

"Contrariwise, the denial of individual complainants' motion for payment of backwages will modify the judgment of August 1, 1983 as it will have the effect of abetting respondents' violation thereof consisting of failing to reinstate individual complainants within the ten-day period as directed therein."

Supercars appealed to the Minister of Labor and Employment who, on March 25, 1986, affirmed the questioned order, rationalizing as follows:

"x x x. It is true that the Order of this Office dated August 1, 1983 did not award backwages, but the said Order mandated the period within which to reinstate complainants. Hence, when respondents refused to reinstate the complainants as directed in the questioned Order, the right of complainants to backwages started to attach after the ten-day period stated in the said Order had prescribed without them having been reinstated. Respondents' motion for reconsideration of the disputed Order is not a justification to deprive complainants of the right to backwages for the period being claimed."

Hence, the present petition.

The main issue is whether or not private respondents are entitled to backwages computed from September 2, 1983 to August 19, 1984.

The petition is impressed with merit.

Inasmuch as the August 1, 1983 order merely directed the reinstatement of private respondents to their former positions without backwages, the Regional Director acted without or in excess of jurisdiction when he awarded backwages, upon motion of the private respondents, computed from September 2, 1983 to August 19, 1984, representing the span of time after the lapse of the ten (10) day period within which Supercars should effect reinstatement until the date prior to the actual reinstatement of the private respondents on August 20, 1984. Thus, in affirming the aforesaid order, the Minister of Labor and Employment likewise acted without or in excess of jurisdiction. It bears emphasis that the award constituted a modification of a final order. In this regard, We quote with approval what was said in *Maramba vs. Lozano, et al.*, G.R. No. L-21533, June 29, 1967, 20 SCRA 474 and *Nieva vs. Manila Banking Corporation, et al.*, G.R. No. L-30811, September 2, 1983, 124 SCRA 453, to wit:

"It is hornbook doctrine that 'a decision which has become final and executory can no longer be amended or corrected by the court except for clerical errors or mistakes and however erroneous it may be, cannot be disobeyed, otherwise litigations would be endless and no questions could be considered settled.'"

Moreover, the order dated August 1, 1983 has been executed by the reinstatement of private respondents and with more reason, it should not be disturbed.

In *National Steel Corporation vs. National Labor Relations Commission, et al.*, G.R. No. 74711, September 19, 1988, We held:

"The Respondent Commission's decision of October 30, 1980 simply ordered the reinstatement of Remolado to

his former job without backwages. Nonetheless, the Labor Arbiter, in his resolution of April 29, 1985, awarded backwages counted from the date when the Respondent Commission's decision was rendered or on October 30, 1980, to the date of the actual reinstatement of Remolado on February 13, 1984. Clearly, the Respondent Commission acted without or in excess of jurisdiction in sustaining the aforesaid resolution of the Labor Arbiter. x x x.

"The petitioner should not be held liable for the delay in the implementation of Respondent Commission's decision of October 30, 1980, allegedly due to the appeal it undertook. The petitioner was rightfully entitled to appeal. x x x.

"The Respondent Commission and Remolado very well knew that petitioner appealed to the Office of the President but this fact did not constitute a hindrance to the early and immediate implementation of the decision of October 30, 1980. Under Article 223 of the Labor Code, as amended, the decision of the National Labor Relations Commission is immediately executory even pending appeal. Remolado could have moved for the issuance of a writ of execution of the decision during the pendency of the appeal and insisted on his right to be reinstated or the Respondent commission could have issued a writ of execution on its own initiative, conformably with Article 224 (a) of the same Code. Thus, the delay in the implementation of the decision cannot be wholly attributed to petitioner."

For the same reason, petitioner herein should not be penalized for the delay in the implementation of the August 1, 1983 order.

Indeed, there is no doubt that the order dated August 1, 1983 is immediately executory. This being the case, the private respondents should have moved for the issuance of a writ of execution of said order even while the motion for reconsideration is still pending. It is significant to note that no mention was made of a motion for execution having been filed and it was only on August 29, 1985 when the Regional Director ordered the issuance of the writ of execution *motu proprio*.

It is fitting to mention again our observation in *National Steel Corporation vs. National Labor Relations Commission, et al.*, *supra* to wit:

"What obviously caused the delay was the sheer inaction of private respondent who was entitled to enforce it. Under the circumstances, it would definitely be offensive to justice and fair play to hold petitioner liable for the consequence of such inaction."

ACCORDINGLY, the petition is hereby GRANTED. The order of the Minister of Labor and Employment dated March 25, 1986 is SET ASIDE. The temporary restraining order issued on April 28, 1986 is made PERMANENT.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Griño-Aquino, JJ., concur.

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