

THE 2011 NLRC RULES OF PROCEDURE, AS AMENDED

Pursuant to the provisions of Article 218 (now 225) of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, the following Revised Rules of Procedure governing arbitration proceedings before the Labor Arbiters and the Commission are hereby adopted and promulgated:

RULE I TITLE AND CONSTRUCTION

SECTION 1. TITLE OF THE RULES. – These Rules shall be known as the “2011 NLRC Rules of Procedure.” *(1a)*

SECTION 2. CONSTRUCTION. – These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines and other relevant legislations, and to assist the parties in obtaining just, expeditious and inexpensive resolution and settlement of labor disputes.

SECTION 3. SUPPLETORY APPLICATION OF THE RULES OF COURT. – In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Labor Code, as amended, the pertinent provisions of the Rules of Court of the Philippines, as amended, may, in the interest of expeditious dispensation of labor justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

RULE II DEFINITION OF TERMS

SECTION 1. DEFINITIONS. – The terms and phrases defined in Article 212 (now 219) of the Labor Code, as amended, shall be given the same meanings when used herein. As used herein, "Regional Arbitration Branch" shall mean any of the regional arbitration branches or sub-regional branches of the Commission.

RULE III PLEADINGS, NOTICES AND APPEARANCES

SECTION 1. COMPLAINT. – (a) A complaint or petition is a pleading alleging the cause or causes of action of the complainant or

petitioner. The names and addresses of all complainants or petitioners and respondents must be stated in the complaint or petition. It shall be signed under oath by the complainant or petitioner, with a declaration of non-forum shopping.

(b) A party having more than one cause of action against the other party, arising out of the same relationship, shall include all of them in one complaint or petition. **(1a)**

SECTION 2. CAPTION AND TITLE. – In all cases filed with the Commission or with any of its Regional Arbitration Branches, the party initiating the action shall be called the "Complainant" or "Petitioner", and the opposing party the "Respondent".

The full names of all the real parties in interest, whether natural or juridical persons or entities authorized by law, shall be stated in the caption of the complaint or petition, as well as in the decisions, resolutions or orders of the Labor Arbiter or the Commission.

SECTION 3. FILING AND SERVICE OF PLEADINGS. – All pleadings in connection with a case shall be filed with the appropriate docketing unit of the Regional Arbitration Branch or the Commission, as the case may be.

In the event that the pleadings are filed through registered mail or courier authorized by the Commission, the date of mailing shall be considered as the date of filing thereof. **(En Banc Resolution No. 05-14, Series of 2014)**

The party filing a pleading shall serve the opposing parties with a copy and its supporting documents. No pleading shall be considered without proof of service to the opposing parties except if filed simultaneously during a schedule set before the Labor Arbiter. **(5a)**

SECTION 4. SERVICE OF NOTICES, RESOLUTIONS, ORDERS AND DECISIONS. – (a) Notices and copies of resolutions or orders shall be served personally upon the parties by the bailiff or duly authorized public officer within three (3) days from his/her receipt thereof or by registered mail or by courier authorized by the Commission. **(As amended by En Banc Resolution No. 05-14, Series of 2014)**

(b) In case of decisions and final awards, copies thereof shall be served on both parties and their counsel or representative by personal

service, by registered mail or by courier authorized by the Commission: *Provided that*, in cases where a party to a case or his/her counsel on record personally seeks service of the decision upon inquiry thereon, service to said party shall be deemed effected as herein provided. Where parties are numerous, service shall be made on counsel and upon such number of complainants, as may be practicable and shall be considered substantial compliance with Article 224 (now 230) (a) of the Labor Code, as amended. **(As amended by En Banc Resolution No. 05-14, Series of 2014)**

For purposes of appeal, the period shall be counted from receipt of such decisions, resolutions, or orders by the counsel or representative of record.

(c) The bailiff or officer serving the notice, order, or resolution shall submit his/her return within two (2) days from date of service thereof, stating legibly in his/her return his/her name, the names of the persons served and the date of receipt, which return shall be immediately attached and shall form part of the records of the case. In case of service by registered mail or by courier authorized by the Commission, the name of the addressee and the date of receipt of the notice, order or resolution shall be written in the return card or in the proof of service issued by the private courier. If no service was effected, the reason thereof shall be so stated. **(6a) (As amended by En Banc Resolution No. 05-14, Series of 2014)**

SECTION 5. PROOF AND COMPLETENESS OF SERVICE. – The return is *prima facie* proof of the facts indicated therein. Service by registered mail or by courier authorized by the Commission is complete upon receipt by the addressee or his/her agent. If the addressee fails to claim his/her mail from the post office within five (5) days from the date of first notice of the postmaster, service shall take effect after such time. **(7a) (As amended by En Banc Resolution No. 05-14, Series of 2014)**

SECTION 6. APPEARANCES. – (a) A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, he/she shall indicate in his/her pleadings and motions his/her Attorney's Roll Number, as well as his/her PTR and IBP numbers for the current year and MCLE compliance.

(b) A non-lawyer may appear in any of the proceedings before the Labor Arbiter or Commission only under the following conditions:

- (1) he/she represents himself/herself as party to the case;

- (2) he/she represents a legitimate labor organization, as defined under Article 212 (now 219) and 242 (now 251) of the Labor Code, as amended, which is a party to the case: *Provided that*, he/she presents to the Commission or Labor Arbiter during the mandatory conference or initial hearing: (i) a certification from the Bureau of Labor Relations (BLR) or Regional Office of the Department of Labor and Employment (DOLE) attesting that the organization he/she represents is duly registered and listed in the roster of legitimate labor organizations; (ii) a verified certification issued by the secretary and attested to by the president of the said organization stating that he/she is authorized to represent the said organization in the said case; and (iii) a copy of the resolution of the board of directors of the said organization granting him such authority;
 - (3) he/she represents a member or members of a legitimate labor organization that is existing within the employer's establishment, who are parties to the case: *Provided that*, he/she presents: (i) a verified certification attesting that he/she is authorized by such member or members to represent them in the case; and (ii) a verified certification issued by the secretary and attested to by the president of the said organization stating that the person or persons he/she is representing are members of their organization which is existing in the employer's establishment; and,
 - (4) he/she is a duly-accredited member of any legal aid office recognized by the Department of Justice or Integrated Bar of the Philippines: *Provided that*, he/she (i) presents proof of his/her accreditation; and (ii) represents a party to the case;
- (c) Appearances of a non-lawyer in contravention of this Section shall not be recognized in any proceedings before the Labor Arbiter or the Commission.
- (d) Appearances may be made orally or in writing. In both cases, the complete name and office address of counsel or authorized representative shall be made of record and the adverse party or his counsel or authorized representative properly notified.
- (e) In case of change of address, the counsel or representative shall file a notice of such change, copy furnished the adverse party and counsel or representative, if any.

(f) Any change or withdrawal of counsel or authorized representative shall be made in accordance with the Rules of Court, as amended. **(8a)**

(g) A corporation or establishment which is a party to the case may be represented by the owner or its president or any other authorized person provided that, he/she presents: (i) a verified certification attesting that he/she is authorized to represent said corporation or establishment; and (ii) a copy of the resolution of the board of directors of said corporation, or other similar resolution or instrument issued by said establishment, granting him/her such authority. **(6a) (As amended by En Banc Resolution No. 11-12, Series of 2012)**

SECTION 7. AUTHORITY TO BIND PARTY. – Counsel or other authorized representatives of parties shall have authority to bind their clients in all matters of procedure; but they cannot, without a special power of attorney or express consent, enter into a compromise agreement with the opposing party in full or partial discharge of a client's claim. **(9a)**

RULE IV
VENUE, ASSIGNMENT AND DISPOSITION OF CASES
AT THE REGIONAL ARBITRATION BRANCH

SECTION 1. VENUE. – (a) All cases which Labor Arbiters have authority to hear and decide may be filed in the Regional Arbitration Branch having jurisdiction over the workplace of the complainant or petitioner.

For purposes of venue, the workplace shall be understood as the place or locality where the employee is regularly assigned at the time the cause of action arose. It shall include the place where the employee is supposed to report back after a temporary detail, assignment, or travel. In case of field employees, as well as ambulant or itinerant workers, their workplace is where they are regularly assigned, or where they are supposed to regularly receive their salaries and wages or work instructions from, and report the results of their assignment to, their employers.

(b) Where two (2) or more Regional Arbitration Branches have jurisdiction over the workplace of the complainant or petitioner, the Branch that first acquired jurisdiction over the case shall exclude the others.

(c) When venue is not objected to before the first scheduled mandatory conference, such issue shall be deemed waived. ***(As amended by En Banc Resolution No. 11-12, Series of 2012)***

(d) The venue of an action may be changed or transferred to a different Regional Arbitration Branch other than where the complaint was filed by written agreement of the parties or when the Commission or Labor Arbiter before whom the case is pending so orders, upon motion by the proper party in meritorious cases.

(e) Cases involving overseas Filipino workers may be filed before the Regional Arbitration Branch having jurisdiction over the place where the complainant resides or where the principal office of any of the respondents is situated, at the option of the complainant.

SECTION 2. RAFFLE AND ASSIGNMENT OF CASES. – (a) All complaints and petitions filed with the docket unit of the Regional Arbitration Branch shall be immediately raffled and assigned to a Labor Arbiter from receipt thereof.

(b) The Executive Labor Arbiter shall be responsible for the immediate raffle and assignment of all complaints and petitions filed with his/her Regional Arbitration Branch, and the immediate forwarding of all subsequent pleadings and motions.

(c) All pleadings and motions subsequent to the filing of the complaint shall be forwarded to the Labor Arbiter before whom the case is pending within twenty-four (24) hours from receipt thereof.

SECTION 3. CONSOLIDATION OF CASES AND COMPLAINTS.
– Where there are two or more cases or complaints pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and common principal causes of action, or the same parties with different causes of action, the subsequent cases or complaints shall be consolidated with the first to avoid unnecessary costs or delay. Such consolidated cases or complaints shall be disposed of by the Labor Arbiter to whom the first case was assigned.

In case of objection to the consolidation, the same shall be resolved by the Executive Labor Arbiter. An order resolving a motion or objection to consolidation shall be unappealable.

SECTION 4. DISPOSITION OF CASES. – Subject to the provisions of Article 263 (now 278) (g) of the Labor Code, as amended, when a case is assigned to a Labor Arbiter, the entire case and any or all incidents thereto shall be considered assigned to him/her, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.

When the Secretary of Labor and Employment has assumed jurisdiction over a strike or lockout or certified the same to the Commission, the parties to such dispute shall immediately inform the Secretary or the Commission, as the case may be, of all cases directly related to the dispute between them pending before any Regional Arbitration Branch, and the Labor Arbiters handling the same of such assumption or certification. The Labor Arbiter concerned shall forward within two (2) days from notice the entire records of the case to the Commission or to the Secretary of Labor, as the case may be, for proper disposition.

**RULE V
PROCEEDINGS BEFORE LABOR ARBITERS**

SECTION 1. JURISDICTION OF LABOR ARBITERS. – Labor Arbiters shall have original and exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

- (a) Unfair labor practice cases;
- (b) Termination disputes;
- (c) If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rates of pay, hours of work and other terms and conditions of employment;
- (d) Claims for actual, moral, exemplary and other forms of damages arising from employer-employee relations;
- (e) Cases arising from any violation of Article 264 (now 279) of the Labor Code, as amended, including questions involving the legality of strikes and lockouts;
- (f) Except claims for employees compensation not included in the next succeeding paragraph, social security, medicare, and maternity

benefits, all other claims arising from employer-employee relations, including those of persons in domestic or household service, involving an amount exceeding Five Thousand Pesos (P5,000.00), whether or not accompanied with a claim for reinstatement;

(g) Wage distortion disputes in unorganized establishments not voluntarily settled by the parties pursuant to Republic Act No. 6727;

(h) Enforcement of compromise agreements when there is non-compliance by any of the parties pursuant to Article 227 (now 233) of the Labor Code, as amended;

(i) Money claims arising out of employer-employee relationship or by virtue of any law or contract, involving Filipino workers for overseas deployment, including claims for actual, moral, exemplary and other forms of damages as provided by Section 10 of RA 8042, as amended by RA 10022; and

(j) Other cases as may be provided by law.

Cases arising from the interpretation or implementation of collective bargaining agreements and those arising from the interpretation or enforcement of company personnel policies shall be disposed of by the Labor Arbiter by referring the same to the grievance machinery and voluntary arbitration, as may be provided in said agreements. **(1a)**

SECTION 2. NATURE OF PROCEEDINGS. – The proceedings before the Labor Arbiter shall be non-litigious in nature. Subject to the requirements of due process, the technicalities of law and procedure and the rules obtaining in the courts of law shall not strictly apply thereto. The Labor Arbiter may avail himself/herself of all reasonable means to ascertain the facts of the controversy speedily, including ocular inspection and examination of well-informed persons.

SECTION 3. ISSUANCE OF SUMMONS. – Within two (2) days from receipt of a complaint or amended complaint, the Labor Arbiter shall issue the required summons, attaching thereto a copy of the complaint or amended complaint and its annexes, if any. The summons shall specify the date, time and place of the mandatory conciliation and mediation conference in two (2) settings. **(3a, RIII)**

SECTION 4. SERVICE OF SUMMONS. – Summons shall be served personally upon the parties by the bailiff or a duly authorized

public officer within three (3) days from his/her receipt thereof, or by registered mail, or by courier authorized by the Commission: *Provided that*, in special circumstances, service of summons may be effected in accordance with the pertinent provisions of the Rules of Court, as amended.

The bailiff or officer serving the summons shall submit his/her return within two (2) days from date of service thereof, stating legibly in his/her return his/her name, the names of the persons served and the date of receipt, which return shall be immediately attached to the records and shall be part thereof. If no service was effected, the reason thereof shall be stated in the return.

In case of service by registered mail or by courier authorized by the Commission, the names of the addressees and the dates of receipt of the summons shall be written in the return card or in the proof of service issued by the private courier. If no service was effected, the reason thereof shall be so stated. *(n) (As amended by En Banc Resolution No. 05-14, Series of 2014)*

SECTION 5. PROHIBITED PLEADINGS AND MOTIONS. – The following pleadings and motions shall not be allowed and acted upon nor elevated to the Commission:

(a) Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter, improper venue, *res judicata*, prescription and forum shopping;

(b) Motion for a bill of particulars;

(c) Motion for new trial;

(d) Petition for relief from judgment;

(e) Motion to declare respondent in default;

(f) Motion for reconsideration of any decision or any order of the Labor Arbiter;

(g) Motion to Quash and/or Motion to Lift Garnishment if a Petition had been filed under Rule XII;

(h) Appeal from any interlocutory order of the Labor Arbiter, such

as but not limited to, an order: (1) denying a motion to dismiss; (2) denying a motion to inhibit; (3) denying a motion for issuance of writ of execution; or (4) denying a motion to quash writ of execution;

(i) Appeal from the issuance of a certificate of finality of decision by the Labor Arbiter;

(j) Appeal from orders issued by the Labor Arbiter in the course of execution proceedings; and

(k) Such other pleadings, motions and petitions of similar nature intended to circumvent above provisions. **(5a, RIII) (As amended by En Banc Resolution No. 02-15, Series of 2015)**

SECTION 6. MOTION TO DISMISS. – Before the date set for the mandatory conciliation and mediation conference, the respondent may file a motion to dismiss on grounds provided under Section 5, paragraph (a) hereof. Such motion shall be acted upon by the Labor Arbiter before the issuance of an order requiring the submission of position paper. An order denying the motion to dismiss, or suspending its resolution until the final determination of the case, is not appealable. **(6a) (As amended by En Banc Resolution No. 11-12, Series of 2012)**

SECTION 7. EFFECT OF FAILURE TO FILE. – No motion to dismiss shall be allowed or entertained after the lapse of the period provided in Section 6 hereof. **(n)**

SECTION 8. MANDATORY CONCILIATION AND MEDIATION CONFERENCE. – (a) The mandatory conciliation and mediation conference shall be called for the purpose of: (1) amicably settling the case upon a fair compromise; (2) determining the real parties in interest; (3) determining the necessity of amending the complaint and including all causes of action; (4) defining and simplifying the issues in the case; (5) entering into admissions or stipulations of facts; and (6) threshing out all other preliminary matters. The Labor Arbiter shall personally preside over and take full control of the proceedings and may be assisted by the Labor Arbitration Associate in the conduct thereof. *Provided that*, in areas where there is no Labor Arbiter assigned, conciliation and mediation may be conducted by a Labor Arbitration Associate, any other NLRC personnel with sufficient training and knowledge on conciliation and mediation, authorized by the Chairman or a duly authorized personnel of the Department of Labor and Employment (DOLE) pursuant to any Memorandum of Agreement executed for this purpose. **(As amended by**

En Banc Resolution No. 05-14, Series of 2014)

(b) Conciliation and mediation efforts shall be exerted by the Labor Arbiters or the said authorized personnel all throughout the mandatory conferences. ***(As amended by En Banc Resolution No. 05-14, Series of 2014)***

Any agreement entered into by the parties whether in partial or full settlement of the dispute shall be reduced into writing and signed by the parties and their counsel or the parties' authorized representatives, if any.

(c) In any case, the compromise agreement shall be approved by the Labor Arbiter, if after explaining to the parties, particularly to the complainants, the terms, conditions and consequences thereof, he/she is satisfied that they understand the agreement, that the same was entered into freely and voluntarily by them, and that it is not contrary to law, morals, and public policy.

(d) A compromise agreement duly entered into in accordance with this Section shall be final and binding upon the parties and shall have the force and effect of a judgment rendered by the Labor Arbiter.

(e) The mandatory conciliation and mediation conference shall, except for justifiable grounds, be terminated within thirty (30) calendar days from the date of the first conference.

(f) No motion for postponement shall be entertained except on meritorious grounds and when filed at least three (3) days before the scheduled hearing. ***(3a)***

SECTION 9. EFFECT OF FAILURE OF SETTLEMENT. – If the parties fail to agree on an amicable settlement, either in whole or in part, during the mandatory conciliation and mediation conference, the Labor Arbiter or the said duly authorized personnel shall proceed to the other purposes of the said conference as enumerated in Section 8(a) hereof. ***(4a) (As amended by En Banc Resolution No. 05-14, Series of 2014)***

SECTION 10. NON-APPEARANCE OF PARTIES. – The non-appearance of the complainant or petitioner during the two (2) settings for mandatory conciliation and mediation conference scheduled in the summons, despite due notice thereof, shall be a ground for the dismissal of the case without prejudice. Where by motion, proper justification is shown to warrant the re-opening of the case, the Labor Arbiter shall call a

second hearing and continue the proceedings until the case is finally decided. Dismissal of the case for the second time due to the unjustified non-appearance of the complainant or petitioner who was duly notified thereof shall be with prejudice. **(As amended by En Banc Resolution No. 06-16, Series of 2016)**

In case of non-appearance by the respondent during the first scheduled conference, the second conference as scheduled in the summons shall proceed. If the respondent still fails to appear at the second conference despite being duly served with summons, he/she shall be considered to have waived his/her right to file position paper. The Labor Arbiter shall immediately terminate the mandatory conciliation and mediation conference and direct the complainant or petitioner to file a verified position paper and submit evidence in support of his/her causes of action and thereupon render his/her decision on the basis of the evidence on record. **(5a)**

SECTION 11. AMENDMENT OF COMPLAINT/PETITION. – An amended complaint or petition may be filed before the Labor Arbiter at any time before the filing of position paper, with proof of service of a copy thereof to the opposing party/ies. If the amendment of the complaint or petition involves impleading additional respondent/s, service of another summons in accordance with Section 3 hereof is necessary to acquire jurisdiction over the person of the said respondent/s. **(En Banc Resolution No. 11-12, Series of 2012)**

SECTION 12. SUBMISSION OF POSITION PAPER AND REPLY.
– (a) Subject to Sections 9 and 10 of this Rule, the Labor Arbiter shall direct the parties to submit simultaneously their verified position papers with supporting documents and affidavits, if any, on a date set by him/her within ten (10) calendar days from the date of termination of the mandatory conciliation and mediation conference.

(b) No amendment of the complaint or petition shall be allowed after the filing of position papers, unless with leave of the Labor Arbiter.

(c) The position papers of the parties shall cover only those claims and causes of action stated in the complaint or amended complaint, accompanied by all supporting documents, including the affidavits of witnesses, which shall take the place of their direct testimony, excluding those that may have been amicably settled.

(d) Within ten (10) days from receipt of the position paper of the adverse party, a reply may be filed on a date agreed upon and during a schedule set before the Labor Arbiter. The reply shall not allege and/or prove facts and any cause or causes of action not referred to or included in the original or amended complaint or petition or raised in the position paper. **(7a)**

SECTION 13. DETERMINATION OF NECESSITY OF HEARING OR CLARIFICATORY CONFERENCE. – Immediately after the submission by the parties of their position paper or reply, as the case may be, the Labor Arbiter shall, *motu proprio*, determine whether there is a need for a hearing or clarificatory conference. At this stage, he/she may, at his/her discretion and for the purpose of making such determination, ask clarificatory questions to further elicit facts or information, including but not limited to the *subpoena* of relevant documentary evidence, if any, from any party or witness. **(8a)**

SECTION 14. ROLE OF THE LABOR ARBITER IN HEARING AND CLARIFICATORY CONFERENCE. – (a) The Labor Arbiter shall take full control and personally conduct the hearing or clarificatory conference and may ask questions for the purpose of clarifying points of law or facts involved in the case. The Labor Arbiter may allow the presentation of testimonial evidence with right of cross-examination by the opposing party and shall limit the presentation of evidence to matters relevant to the issue before him/her and necessary for a just and speedy disposition of the case.

(b) The Labor Arbiter shall make a written summary of the proceedings, including the substance of the evidence presented, in consultation with the parties. The written summary shall be signed by the parties and shall form part of the records. **(9a)**

SECTION 15. NON-APPEARANCE OF PARTIES, AND POSTPONEMENT OF HEARINGS AND CLARIFICATORY CONFERENCES. – (a) The parties and their counsels appearing before the Labor Arbiter shall be prepared for continuous hearing or clarificatory conference. No postponement or continuance shall be allowed by the Labor Arbiter, except upon meritorious grounds and subject to the requirement of expeditious disposition of cases. The hearing or clarificatory conference shall be terminated within thirty (30) calendar days from the date of the initial clarificatory conference.

(b) In case of non-appearance of any of the parties during the hearing or clarificatory conference despite due notice, proceedings shall be conducted *ex-parte*. Thereafter, the case shall be deemed submitted for decision.

(c) Paragraph (a) of this Section notwithstanding, in cases involving overseas Filipino workers, the aggregate period for conducting the mandatory conciliation and mediation conference, including hearing on the merits or clarificatory conference, shall not exceed sixty (60) days, which shall be reckoned from the date of acquisition of jurisdiction by the Labor Arbiter over the person of the respondents. **(10a)**

SECTION 16. SUBMISSION OF THE CASE FOR DECISION. – Upon the submission by the parties of their position papers or replies, or the lapse of the period to submit the same, the case shall be deemed submitted for decision unless the Labor Arbiter calls for a hearing or clarificatory conference in accordance with Section 12 and 14(a) of this Rule, in which case, notice of hearing or clarificatory conference shall be immediately sent to the parties. Upon termination of the said hearing or conference, the case is deemed submitted for decision. **(11a)**

SECTION 17. INHIBITION. – A Labor Arbiter may voluntarily inhibit himself/herself from the resolution of a case and shall so state in writing the legal justifications therefor. Upon motion of a party, either on the ground of relationship within the fourth civil degree of consanguinity or affinity with the adverse party or counsel, or on question of partiality or other justifiable grounds, the Labor Arbiter may inhibit himself/herself from further hearing and deciding the case. Such motion shall be resolved within five (5) days from the filing thereof. An order denying or granting a motion for inhibition is inappealable. **(12a)**

SECTION 18. PERIOD TO DECIDE CASE. – The Labor Arbiter shall render his/her decision within thirty (30) calendar days, without extension, after the submission of the case by the parties for decision, even in the absence of stenographic notes: *Provided, however,* that cases involving overseas Filipino workers shall be decided within ninety (90) calendar days after the filing of the complaint. **(13a)**

SECTION 19. CONTENTS OF DECISIONS. – The decisions and orders of the Labor Arbiter shall be clear and concise and shall include a brief statement of the: (a) facts of the case; (b) issues involved; (c) applicable laws or rules; (d) conclusions and the reasons thereof; and (e) specific remedy or relief granted. In cases involving monetary awards, the

decisions or orders of the Labor Arbiter shall contain the amount awarded.

In case the decision of the Labor Arbiter includes an order of reinstatement, it shall likewise contain: (a) a statement that the reinstatement aspect is immediately executory; and (b) a directive for the employer to submit a report of compliance within ten (10) calendar days from receipt of the said decision. **(14a)**

SECTION 20. DEATH OF PARTIES. – In case any of the parties dies during the pendency of the proceedings, he/she may be substituted by his/her heirs. In the event a favorable judgment is obtained by the complainants, the same shall be enforced in accordance with Section 11, Rule XI of this Rules. **(As amended by En Banc Resolution No. 14-17, Series of 2017)**

SECTION 21. FINALITY OF THE DECISION OR ORDER AND ISSUANCE OF CERTIFICATE OF FINALITY. – (a) Finality of the Decision or Order of the Labor Arbiter. – If no appeal is filed with the Regional Arbitration Branch of origin within the time provided under Article 223 (now 229) of the Labor Code, as amended, and Section 1, Rule VI of these Rules, the decision or order of the Labor Arbiter shall become final and executory after ten (10) calendar days from receipt thereof by the counsel or authorized representative or the parties if not assisted by counsel or representative. **(As amended by En Banc Resolution No. 11-12, Series of 2012)**

(b) Certificate of Finality. – Upon expiration of the period provided in paragraph (a) of this Section, the Labor Arbiter shall issue a certificate of finality.

In the absence of return cards, certifications from the post office or courier authorized by the Commission or other proofs of service to the parties, the Labor Arbiter may issue a certificate of finality after sixty (60) calendar days from date of mailing. **(n) (As amended by En Banc Resolution No. 05-14, Series of 2014)**

SECTION 22. REVIVAL AND RE-OPENING OR RE-FILING OF DISMISSED CASE AND LIFTING OF WAIVER. – A party may file a motion to revive or re-open a case dismissed without prejudice, within ten (10) calendar days from receipt of notice of the order dismissing the same; otherwise, the only remedy shall be to re-file the case. A party declared to have waived his/her right to file position paper may, at any

time after notice thereof and before the case is submitted for decision, file a motion under oath to set aside the order of waiver upon proper showing that his/her failure to appear was due to justifiable and meritorious grounds. **(16a)**

RULE VI APPEALS

SECTION 1. PERIODS OF APPEAL. – Decisions, awards, or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt thereof; and in case of decisions or resolutions of the Regional Director of the Department of Labor and Employment (DOLE) pursuant to Article 129 of the Labor Code, as amended, within five (5) calendar days from receipt thereof. If the 10th or 5th day, as the case may be, falls on a Saturday, Sunday or holiday, the last day to perfect the appeal shall be the first working day following such Saturday, Sunday or holiday.

No motion or request for extension of the period within which to perfect an appeal shall be allowed. **(1a)**

SECTION 2. GROUNDS. – The appeal may be entertained only on any of the following grounds:

(a) If there is *prima facie* evidence of abuse of discretion on the part of the Labor Arbiter or Regional Director;

(b) If the decision, award or order was secured through fraud or coercion, including graft and corruption;

(c) If made purely on questions of law; and/or,

(d) If serious errors in the findings of facts are raised which, if not corrected, would cause grave or irreparable damage or injury to the appellant. **(2a)**

SECTION 3. WHERE FILED. – The appeal shall be filed with the Regional Arbitration Branch or Regional Office where the case was heard and decided.

SECTION 4. REQUISITES FOR PERFECTION OF APPEAL. – (a) The appeal shall be:

- (1) filed within the reglementary period provided in Section 1 of this Rule;
- (2) verified by the appellant himself/herself in accordance with Section 4, Rule 7 of the Rules of Court, as amended;
- (3) in the form of a memorandum of appeal which shall state the grounds relied upon and the arguments in support thereof, the relief prayed for, and with a statement of the date the appellant received the appealed decision, award or order;
- (4) in three (3) legibly typewritten or printed copies; and,
- (5) accompanied by:
 - (i) proof of payment of the required appeal fee and legal research fee,
 - (ii) posting of a cash or surety bond as provided in Section 6 of this Rule, and
 - (iii) proof of service upon the other parties.

(b) A mere notice of appeal without complying with the other requisites aforesated shall not stop the running of the period for perfecting an appeal.

(c) The appellee may file with the Regional Arbitration Branch or Regional Office where the appeal was filed his/her answer or reply to appellant's memorandum of appeal, not later than ten (10) calendar days from receipt thereof. Failure on the part of the appellee who was properly furnished with a copy of the appeal to file his/her answer or reply within the said period may be construed as a waiver on his/her part to file the same.

(d) Subject to the provisions of Article 218 (now 225) of the Labor Code, as amended, once the appeal is perfected in accordance with these Rules, the Commission shall limit itself to reviewing and deciding only the specific issues that were elevated on appeal. **(4a)**

SECTION 5. APPEAL FEE. – The appellant shall pay the prevailing appeal fee and legal research fee to the Regional Arbitration Branch or Regional Office of origin, and the official receipt of such payment shall form part of the records of the case. **(5a)**

SECTION 6. BOND. – In case the decision of the Labor Arbiter or the Regional Director involves a monetary award, an appeal by the employer may be perfected only upon the posting of a bond, which shall either be in the form of cash deposit or surety bond in an amount

equivalent to the monetary award, exclusive of damages and attorney's fees.

In case of surety bond, the same shall be issued by a reputable bonding company duly accredited by the Commission, and shall be accompanied by original or certified true copies of the following:

(a) a joint declaration under oath by the employer, his/her counsel, and the bonding company, attesting that the bond posted is genuine, and shall be effective until final disposition of the case;

(b) an indemnity agreement between the employer-appellant and bonding company;

(c) proof of security deposit or collateral securing the bond: *provided*, that a check shall not be considered as an acceptable security; and,

(d) notarized board resolution or secretary's certificate from the bonding company showing its authorized signatories and their specimen signatures.

The Commission through the Chairman may on justifiable grounds blacklist an accredited bonding company.

A cash or surety bond shall be valid and effective from the date of deposit or posting, until the case is finally decided, resolved or terminated, or the award satisfied. The bond shall still be liable even if the appeal is dismissed for non-perfection or for whatever ground. These conditions shall be deemed incorporated in the terms and conditions of the surety bond, and shall be binding on the appellants and the bonding company.

The appellant shall furnish the appellee with a certified true copy of the said surety bond with all the above-mentioned supporting documents. The appellee shall verify the regularity and genuineness thereof and immediately report any irregularity to the Commission.

Upon verification by the Commission that the bond is irregular or not genuine, the Commission shall cause the immediate dismissal of the appeal, and censure the responsible parties and their counsels, or subject them to reasonable fine or penalty, and the bonding company may be blacklisted.

No motion to reduce bond shall be entertained except on meritorious grounds, and only upon the posting of a bond in a reasonable amount in relation to the monetary award.

The mere filing of a motion to reduce bond without complying with the requisites in the preceding paragraphs shall not stop the running of the period to perfect an appeal. **(6a) (As amended by En Banc Resolution No. 14-15, Series of 2015; En Banc Resolution No. 06-18, Series of 2018)**

SECTION 7. RECORDS OF CASE ON APPEAL. – The records of a case shall have a corresponding index of its contents which shall include the following: (a) the original copy of the complaint; (b) other pleadings and motions; (c) minutes of the proceedings, notices, transcripts of stenographic notes, if any; (d) decisions, orders, and resolutions as well as proof of service thereof, if available; (e) the computation of the award; (f) memorandum of appeal and the reply or answer thereto, if any, and proof of service, if available; (g) official receipt of the appeal fee; and (h) the appeal bond, if any.

The records shall be chronologically arranged and paged prominently.

SECTION 8. TRANSMITTAL OF RECORDS OF CASE ON APPEAL. – Within forty-eight (48) hours from receipt of the answer/reply or opposition to the appeal, or upon the lapse of the period within which to file the same, the entire records of the case shall be transmitted by the Regional Arbitration Branch or office of origin to the Commission. **(As amended by En Banc Resolution No. 06-18, Series of 2018)**

SECTION 9. FILING OF APPEAL; EFFECT. – Without prejudice to immediate reinstatement pending appeal under Section 3 of Rule XI, once an appeal is filed, the Labor Arbiter loses jurisdiction over the case. All pleadings and motions pertaining to the appealed case shall thereafter be addressed to and filed with the Commission. **(9a)**

SECTION 10. FRIVOLOUS OR DILATORY APPEALS. – No appeal from an interlocutory order shall be entertained. To discourage frivolous or dilatory appeals, including those taken from interlocutory orders, the Commission after hearing may censure or cite in contempt the erring parties and their counsels, or subject them to reasonable fine or penalty. **(10a)**

SECTION 11. APPEALS FROM DECISION OF OTHER AGENCIES. – The Rules provided herein governing appeals from the decisions or orders of Labor Arbiters shall apply to appeals to the Commission from decisions or orders of the other offices or agencies appealable to the Commission according to law.

**RULE VII
PROCEEDINGS BEFORE THE COMMISSION**

SECTION 1. JURISDICTION OF THE COMMISSION. – The Commission shall exercise exclusive, original, and appellate jurisdiction in accordance with law.

SECTION 2. COMPOSITION AND INTERNAL FUNCTIONS OF THE COMMISSION EN BANC AND ITS DIVISIONS. – (a) Composition. – Unless otherwise provided by law, the Commission shall be composed of the Chairman and of twenty-three (23) Commissioners.

(b) Commission *En Banc*. – The Commission shall sit *En Banc* only for purposes of promulgating rules and regulations governing the hearing and disposition of cases before its Divisions and Regional Arbitration Branches, and for the formulation of policies affecting its administration and operations. It may, on temporary or emergency basis, allow cases within the jurisdiction of any Division to be heard by any other Division whose docket allows the additional workload and such transfer will not expose litigants to unnecessary additional expense.

(c) Divisions. – Unless otherwise provided by law, the Commission shall exercise its adjudicatory and all other powers, functions and duties through its eight (8) Divisions. Each Division shall consist of one member from the public sector who shall act as the Presiding Commissioner and one member each from the workers and employers sectors, respectively.

Of the eight (8) Divisions, the First, Second, Third, Fourth, Fifth and Sixth Divisions shall have exclusive territorial jurisdiction over appealed cases coming from Luzon; the Seventh Division, appealed cases from the Visayas Region; and the Eighth Division, appealed cases from Mindanao including those from the Autonomous Region for Muslim Mindanao.

(d) Headquarters. – As provided by law, the Commission and its First, Second, Third, Fourth, Fifth and Sixth Divisions for Luzon shall have their main offices in the National Capital Region, and the Seventh and Eighth Divisions for Visayas and Mindanao, in the cities of Cebu and

Cagayan de Oro, respectively. **(2a)**

SECTION 3. THE CHAIRMAN. – The Chairman shall preside over all sessions of the Commission *En Banc*. He/she is the Presiding Commissioner of the First Division. In case of the effective absence or incapacity of the Chairman, the Presiding Commissioner of the Second Division shall be the Acting Chairman.

The Chairman, aided by the Executive Clerk of the Commission, shall have administrative supervision over the Commission and its Regional Arbitration Branches and all its personnel including the Executive Labor Arbiters and Labor Arbiters.

SECTION 4. COMMISSION EN BANC SESSION, QUORUM AND VOTE. – (a) Commission *En Banc*. – The Chairman shall call the Commission to an *En Banc* session at least twice a year, preferably on the first week of June and the first week of December, to deliberate and decide on any matter before it. However, a majority of all the members of the Commission may call a Special *En Banc* session to discuss and decide on urgent and vital matters which need immediate action.

(b) Quorum. – The presence of a majority of all the members of the Commission shall be necessary to constitute a quorum. The vote or concurrence of the majority of the members constituting a quorum shall be the decision or resolution of the Commission *En Banc*.

(c) Division. – The presence of at least two (2) Commissioners of a Division shall constitute a quorum. The concurrence of two (2) Commissioners of a Division shall be necessary for the pronouncement of a judgment or resolution.

Whenever the required membership in a Division is not complete and/or the concurrence of two (2) Commissioners cannot be obtained to arrive at a judgment or resolution, the Chairman shall designate such number of additional Commissioners belonging to the same sector from the other Divisions as may be necessary. In the event that all the members of a division inhibit themselves from resolving a case, the Chairman may create a Special Division or assign the case to any of the other Divisions.

(d) Role of Chairman in the Division. – The Chairman of the Commission may convene and preside over the session of any Division to consider any case pending before it and participate in its deliberations,

if in his/her judgment, his/her presence therein will best serve the interests of labor justice. He/she shall not however, participate in the voting by the Division, except when he/she is acting as Presiding Commissioner of the Division in the absence of the regular Presiding Commissioner. **(4a)**

SECTION 5. CONSULTATION. – The conclusions of a Division on any case or matter submitted to it for decision shall be reached in consultation before the case is assigned to a member for the writing of the opinion. It shall be mandatory for the Division to meet for the purpose of the consultation ordained herein.

A certification to this effect signed by the Presiding Commissioner of the Division shall be issued and a copy thereof attached to the record of the case and served upon the parties.

SECTION 6. DISSENTING OPINION. – Should any member of a Division indicate his/her intention to write a dissenting opinion, he/she may file the same within the period prescribed for deciding or resolving the appeal; otherwise, such written dissenting opinion shall not be considered part of the records of the case.

SECTION 7. INHIBITION. – No motion to inhibit the entire Division of the Commission shall be entertained. However, any Commissioner may inhibit himself/herself from the consideration and resolution of any case or matter before the Division and shall so state in writing the legal or justifiable grounds therefor. In the event that a member inhibits himself/herself, the case shall be raffled by the Executive Clerk or Deputy Executive Clerk to either of the two (2) remaining Commissioners. In case two (2) Commissioners in a Division inhibit themselves in a case or matter before it, the Chairman shall, as far as practicable, designate two (2) Commissioners from other Divisions representing the respective sector of the Commissioners who inhibited themselves. **(As amended by En Banc Resolution No. 05-14, Series of 2014)**

SECTION 8. ABSTENTION. – In the event of an abstention, and the concurrence of two (2) Commissioners to arrive at a judgment or resolution cannot be obtained, Section 4 (c), second paragraph, of this Rule shall apply.

SECTION 9. CONSOLIDATION OF CASES. – Appealed and injunction cases involving the same parties, issues, or related questions of fact or law shall be consolidated before the Commissioner to whom the

case with the lowest case number is assigned. Notice of the consolidation shall be given by the Executive Clerk or Deputy Executive Clerk to the other members of the concerned Divisions.

SECTION 10. TECHNICAL RULES NOT BINDING. – The rules of procedure and evidence prevailing in courts of law and equity shall not be controlling and the Commission shall use every and all reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law or procedure, all in the interest of due process.

In any proceeding before the Commission, the parties may be represented by legal counsel but it shall be the duty of the Chairman, any Presiding Commissioner or Commissioner to exercise complete control of the proceedings at all stages.

SECTION 11. CONCILIATION AND MEDIATION. – In the exercise of its exclusive, original and appellate jurisdiction, the Commission may exert all efforts towards the amicable settlement of a labor dispute.

The settlement of cases on appeal, to be valid and binding between the parties, shall be approved by the Commission. *(11a)*

SECTION 12. ROLE OF THE LABOR ARBITER AND COMMISSION ATTORNEYS ASSIGNED TO THE COMMISSION. – In the resolution of cases on appeal, and those mentioned in Rules VIII and X, the Commission, in the exigency of the service, shall be assisted by a Labor Arbiter or Commission Attorney who may be directed to study, review, conduct conciliation and mediation proceedings, hear and receive evidence, and submit reports thereon. *(12a) (As amended by En Banc Resolution No. 01-13, Series of 2013)*

SECTION 13. FORM OF DECISION, RESOLUTION AND ORDER. – The decision, resolution and order of the Commission shall state clearly and distinctly the findings of facts, issues, and conclusions of law on which it is based, and the relief granted, if any. If the decision, resolution or order involves monetary awards, the same shall contain the specific amount awarded as of the date the decision is rendered.

SECTION 14. FINALITY OF DECISION OF THE COMMISSION AND ENTRY OF JUDGMENT. – (a) Finality of the Decisions, Resolutions or Orders of the Commission. – Except as provided in Section 9 of Rule X, the decisions, resolutions or orders of the

Commission shall become final and executory after ten (10) calendar days from receipt thereof by the counsel or authorized representative or the parties if not assisted by counsel or representative.

(b) Entry of Judgment. – Upon the expiration of the ten (10) calendar day period provided in paragraph (a) of this Section, the decision, resolution, or order shall be entered in a book of entries of judgment.

In the absence of return cards, certifications from the post office or the courier authorized by the Commission or other proofs of service to the parties, the Executive Clerk or Deputy Executive Clerk shall consider the decision, resolution or order as final and executory after sixty (60) calendar days from date of mailing. **(14a) (As amended by En Banc Resolution No. 05-14, Series of 2014)**

SECTION 15. MOTIONS FOR RECONSIDERATION. – Motion for reconsideration of any decision, resolution or order of the Commission shall not be entertained except when based on palpable or patent errors; *provided that*, the motion is filed within ten (10) calendar days from receipt of decision, resolution or order, with proof of service that a copy of the same has been furnished, within the reglementary period, the adverse party; and *provided further*, that only one such motion from the same party shall be entertained. **(15a)**

RULE VIII CERTIFIED CASES

SECTION 1. POLICY. – It is the declared policy of certification of labor disputes for compulsory arbitration to ensure and maintain industrial peace based on social justice and national interest by having a full, complete and immediate settlement or adjudication of all labor disputes between the parties, as well as issues that are relevant to or incidents of the certified issues.

SECTION 2. CERTIFIED LABOR DISPUTES. – Certified labor disputes are cases certified to the Commission for compulsory arbitration under Article 263 (now 278) (g) of the Labor Code, as amended.

SECTION 3. EFFECTS OF CERTIFICATION. – (a) Upon certification, the intended or impending strike or lockout is automatically enjoined, notwithstanding the filing of any motion for reconsideration of the certification order nor the non-resolution of any such motion which

may have been duly submitted to the Office of the Secretary of Labor and Employment. If a work stoppage has already taken place at the time of the certification, all striking or locked out employees shall immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout.

(b) All cases between the same parties, except where the certification order specifies otherwise the issues submitted for arbitration which are already filed or may be filed, and are relevant to or are proper incidents of the certified case, shall be considered subsumed or absorbed by the certified case, and shall be decided by the appropriate Division of the Commission.

Subject to the second paragraph of Section 4 of Rule IV, the parties to a certified case, under pain of contempt, shall inform their counsels and the Division concerned of all cases pending with the Regional Arbitration Branches and the Voluntary Arbitrators relative or incident to the certified case before it.

(c) Whenever a certified labor dispute involves a business entity with several workplaces located in different regions, the Division having territorial jurisdiction over the principal office of the company shall acquire jurisdiction to decide such labor dispute; unless the certification order provides otherwise.

SECTION 4. EFFECTS OF DEFIANCE. – Non-compliance with the certification order of the Secretary of Labor and Employment shall be considered as an illegal act committed in the course of the strike or lockout, and shall authorize the Commission to enforce the same under pain of immediate disciplinary action, including dismissal or loss of employment status or payment by the locking-out employer of backwages, damages and/or other affirmative relief, even criminal prosecution against the liable parties.

The Commission may also seek the assistance of law enforcement agencies to ensure compliance and enforcement of its orders and resolutions.

SECTION 5. PROCEDURE IN CERTIFIED CASES. – (a) When there is no need to conduct a clarificatory hearing, the Commission shall resolve all certified cases within thirty (30) calendar days from receipt by the assigned Commissioner of the complete records, which shall include

the position papers of the parties and the order of the Secretary of Labor and Employment denying the motion for reconsideration of the certification order, if any.

(b) Where a clarificatory hearing is needed, the Commission shall, within five (5) calendar days from receipt of the records, issue a notice to be served on the parties through the fastest means available, requiring them to appear and submit additional evidence, if any. All certified cases shall be resolved by the Commission within sixty (60) calendar days from receipt of the complete records by the assigned Commissioner.

(c) No motion for extension or postponement shall be entertained.
(5a)

SECTION 6. EXECUTION OF JUDGMENT IN CERTIFIED CASES. – Upon issuance of the entry of judgment, the Commission, *motu proprio* or upon motion by the proper party, may cause the execution of the judgment in the certified cases.

RULE IX CONTEMPT

SEC. 1. Direct Contempt. – Any person may be summarily adjudged guilty of direct contempt for any disrespectful act or misbehavior committed near, or in the presence of, the Chairman, any member of the Commission or any Labor Arbiter, as to obstruct or interrupt the proceedings before the same, such as but not limited to the following:

- a) Use of intemperate language during the proceedings before said officials;
- b) Offensive acts committed towards the said officials;
- c) Refusal to be sworn or to answer as a witness;
- d) Refusal to subscribe an affidavit or a deposition when lawfully required to do so;
- e) Refusal to sign, without any justifiable reason, the minutes of the proceedings even if present or has participated in the discussion/deliberation; and
- f) Other analogous circumstances.

A. *Punishment for direct contempt.* – A person cited for Direct Contempt may be penalized with either a fine, imprisonment, or both.

If the offense is committed against the Commission or any member thereof, the fine shall not exceed Five Hundred Pesos (Php500.00) and the imprisonment shall not exceed five (5) days. If the offense is committed against a Labor Arbiter, the fine shall not exceed One Hundred Pesos (Php100.00) and the imprisonment shall not exceed one (1) day.

Where fine is imposed, the Order of Contempt shall immediately be issued. If the person adjudged guilty of direct contempt refuses to pay the fine, s/he shall be subjected to subsidiary imprisonment of one (1) day for every One Hundred Pesos (P100.00) fine.

Where imprisonment is imposed, the Chairman, the Commissioner or the Labor Arbiter, may deputize any security personnel of the NLRC to hold the guilty person or, when necessary, secure police assistance. The Commitment Order and the Order of Contempt shall be immediately issued. Thereafter, the guilty person shall be brought to the nearest police station and be detained therein for a period specified in the Order of Contempt.

In both cases, the Order of Contempt shall contain the name and address of the respondent, facts constituting the contemptuous acts and penalty imposed.

B. *Remedy.* – The person adjudged in direct contempt by a Labor Arbiter may appeal to the Commission by filing a Memorandum of Appeal within five (5) calendar days from date of order. The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the appeal fee of Five Hundred Pesos (P500.00). The execution of the judgment shall be suspended pending the resolution of the appeal upon the filing by such person of a bond of Five Hundred Pesos (P500.00), on the condition that he will abide by and perform the judgment of the Commission should the appeal be decided against him.

Judgment of the Commission on direct contempt is immediately executory and unappealable. ***(As amended by En Banc Resolution No. 14-17, Series of 2017)***

SEC. 2. Indirect Contempt. – Any person adjudged guilty of any of the following acts may be punished for indirect contempt:

- a) Misbehavior of any NLRC officer or employee in the performance of his/her official duties or in his/her official transaction;
- b) Disobedience of, or resistance to, a lawful writ, order or decision issued by the Commission or Labor Arbiter and other processes issued pursuant to said writ, order or decision;
- c) Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt;
- d) Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice;
- e) Assuming to be an attorney or a representative of party without authority;
- f) Failure to obey a subpoena duly served;
- g) Use of derogatory, offensive, malicious or false statements in pleadings submitted before the Commission or its Regional Arbitration Branches where the proceedings are pending;
- h) Making any public, baseless and malicious statements tending to undermine the administration of justice against the Commission, any member thereof or any Labor Arbiter, by any party or counsel who has a case, pending or otherwise, before the officials concerned; and
- i) Other grounds analogous to the foregoing.

A. *How proceedings commenced.* – The Commission or any Labor Arbiter may, *motu proprio* or upon motion of a party, issue an Order directing the respondent to show cause why s/he should not be punished for committing acts constituting Indirect Contempt, in connection with or in relation to a pending case.

Otherwise, an action for indirect contempt may only be commenced through a verified petition.

The respondent may file her/his verified Answer/Comment within ten (10) calendar days from receipt of the Show Cause Order.

B. *Period to Resolve.* – The motion or petition, as the case may be, shall be resolved within a non-extendible period of fifteen (15) calendar days from receipt of the Verified Answer/Comment or upon the lapse of the period to submit the same.

C. *Punishment for Indirect Contempt.* – The person adjudged guilty of indirect contempt may be punished:

- i. By a fine of One Thousand Pesos (P1,000.00) for every act of indirect contempt, if committed against the Commission or any member thereof; or,
- ii. By a fine of Five Hundred Pesos (P500.00) for every act of indirect contempt, if committed against any Labor Arbiter.
- iii. If the contempt consists of violation of an injunction or an omission to do an act which is within the power of the respondent to perform, the respondent shall, in addition, be made liable for damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.
- iv. In the event that the contemptuous act constitutes a series of acts or a continued refusal/defiance to a lawful order, writ or decision, the fine shall be imposed for every contemptuous act or per day of continued refusal/defiance.

D. A writ of execution may be issued to enforce the decision imposing such fine and/or the consequent damages as punishment for indirect contempt.

E. *Remedy.*

- i. Appeal from the Order of the Labor Arbiter. – The person adjudged guilty of indirect contempt may appeal the Order issued by the Labor Arbiter to the Commission by filing a Memorandum of Appeal within five (5) calendar days from receipt thereof. The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the appeal fee of Five Hundred Pesos (P500.00).
- ii. Effect of Filing of the Appeal. – The filing of the appeal shall not suspend the execution of the Order of indirect contempt, unless a cash bond is posted in the amount equivalent to the fine.

The fine collected shall be deposited in a Trust Fund account specifically created for this purpose. ***(As amended by En Banc Resolution No. 14-17, Series of 2017)***

**RULE X
INJUNCTION**

SECTION 1. INJUNCTION IN ORDINARY LABOR DISPUTES. –

A preliminary injunction or restraining order may be granted by the Commission through its Divisions pursuant to the provisions of paragraph (e) of Article 218 (now 225) of the Labor Code, as amended, when it is established on the basis of the sworn allegations in the petition that the acts complained of involving or arising from any labor dispute before the Commission, which, if not restrained or performed forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party.

A certification of non-forum shopping shall accompany the petition for injunction.

The writ of preliminary injunction or temporary restraining order shall become effective only upon posting of the required cash bond in the amount to be determined by the Commission to answer for any damage that may be suffered by the party enjoined, if it is finally determined that the petitioner is not entitled thereto.

SECTION 2. INJUNCTION IN STRIKES OR LOCKOUTS. – A

preliminary or permanent injunction may be granted by the Commission only after hearing the testimony of witnesses and with opportunity for cross-examination in support of the allegations of the complaint or petition made under oath, and testimony by way of opposition thereto, if offered, and only after a finding of fact by the Commission:

(a) That prohibited or unlawful acts have been threatened and will be committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat, prohibited or unlawful act, except against the person or persons, association or organization making the threat or committing the prohibited or unlawful act or actually authorizing or ratifying the same after actual knowledge thereof;

(b) That substantial and irreparable injury to petitioner's property will follow;

(c) That as to each item of relief to be granted, greater injury will be inflicted upon the petitioner by the denial of relief than will be inflicted upon respondents by the granting of relief;

(d) That petitioner has no adequate remedy at law; and,

(e) That the public officers charged with the duty to protect petitioner's property are unable or unwilling to furnish adequate protection.

SECTION 3. HEARING; NOTICE THEREOF. – Hearings shall be held after due and personal notice thereof has been served, in such manner as the Commission shall direct, to all known persons against whom relief is sought, and also to the Chief Executive and other public officials of the province or city within which the unlawful acts have been threatened or committed charged with the duty to protect petitioner's property.

SECTION 4. RECEPTION OF EVIDENCE; DELEGATION. – The reception of evidence for the application of a writ of injunction may be delegated by the Commission to any of its Labor Arbiters who shall conduct such hearings in such places as he/she may determine to be accessible to the parties and their witnesses, and shall thereafter submit his/her report and recommendation to the Commission within fifteen (15) days from such delegation.

SECTION 5. OCULAR INSPECTION. – The Chairman, any Commissioner, Labor Arbiter or their duly authorized representatives, may, at any time during working hours, conduct an ocular inspection on any establishment, building, ship or vessel, place or premises, including any work, material, implement, machinery, appliance or any object therein, and ask any employee, laborer, or any person, as the case may be, for any information or data concerning any matter or question relative to the object of the petition.

The ocular inspection reports shall be submitted to the appropriate Division within twenty-four (24) hours from the conduct thereof.

SECTION 6. TEMPORARY RESTRAINING ORDER; REQUISITES. – If the petitioner shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to petitioner's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, or by affidavits of the petitioner's witnesses, sufficient, if sustained, to justify the Commission in the issuance thereof.

SECTION 7. CASH BOND. – No temporary restraining order or writ of preliminary injunction shall be issued except on the condition that petitioner shall first file an undertaking to answer for the damages and post a cash bond in the amount of Fifty Thousand Pesos (P50,000.00), or such higher amount as may be determined by the Commission, to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs, together with a reasonable attorney's fee, and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the Commission.

SECTION 8. EFFECTIVITY OF TEMPORARY RESTRAINING ORDER. – A temporary restraining order shall be effective for no longer than twenty (20) days reckoned from the posting of the cash bond required under the preceding Section. During the said period, the parties shall be required to present evidence to substantiate their respective positions in the main petition.

SECTION 9. EFFECTS OF DEFIANCE. – The order or resolution enjoining the performance of illegal acts shall be immediately executory in accordance with the terms thereof. In case of non-compliance, the Commission shall impose such sanctions, and shall issue such orders, as may be necessary to implement the said order or resolution, including the enlistment of law enforcement agencies having jurisdiction over the area for the purpose of enforcing the same.

SECTION 10. ORDINARY REMEDY IN LAW OR IN EQUITY. – Nothing in this Rule shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his/her ordinary remedy by suit at law or in equity.

RULE XI EXECUTION PROCEEDINGS

SECTION 1. EXECUTION UPON FINALITY OF DECISION OR ORDER. – (a) A writ of execution may be issued *motu proprio* or on motion, upon a decision or order that has become final and executory.

(b) If an appeal has been duly perfected and finally resolved by the Commission, a motion for execution may be filed before the Labor Arbiter, when the latter has possession of the case records or upon submission of certified true copies of the decisions or final order/s sought

to be enforced including notice of decision or order and the entry of judgment, copy furnished the adverse party.

(c) Except that, as provided for in Section 19 of Rule V in relation to Section 9 of this Rule, and in those cases where partial execution is allowed by law, the Labor Arbiter shall retain duplicate original copies of the decision to be implemented and proof of service thereof for the purpose of immediate enforcement. **(1a)**

SECTION 2. EXECUTION BY MOTION OR BY INDEPENDENT ACTION. – Pursuant to Article 224 (now 230) of the Labor Code, as amended, a decision or order may be executed on motion within five (5) years from the date it becomes final and executory. After the lapse of such period, the judgment shall become dormant, and may only be enforced by an independent action before the Regional Arbitration Branch of origin and within a period of ten (10) years from date of its finality. **(8a)**

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. **(9a)**

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. **(10a)**

SECTION 5. EFFECT OF A MOTION TO LIFT ENTRY OF JUDGMENT. – In case a motion to lift Entry of Judgment is filed, the execution proceedings shall not be suspended and the records of the case shall not be elevated to the Commission unless ordered otherwise. **(En Banc Resolution No. 11-12, Series of 2012)**

SECTION 6. PRE-EXECUTION CONFERENCE. – Within two (2) working days from receipt of a motion for the issuance of a writ of execution which shall be accompanied by a computation of a judgment award, if necessary, the Commission or the Labor Arbiter may schedule a pre-execution conference to thresh out matters relevant to execution including the final computation of monetary award. The pre-execution conference shall not exceed fifteen (15) calendar days from the initial schedule, unless the parties agreed to an extension.

Any order issued by the Labor Arbiter in the pre-execution conference is not appealable, subject to the remedies available under Rule XII. **(2a)**

SECTION 7. ISSUANCE, CONTENTS AND EFFECTIVITY OF A WRIT OF EXECUTION. – The writ of execution shall issue in the name of the Republic of the Philippines signed by the Commission or Labor Arbiter ordering the Sheriff to execute the decision, order, or award of the Commission or Labor Arbiter, and must contain the complete name of the party, whether natural or juridical, against whom the writ of execution was issued, the dispositive portion thereof, the amount, if any, to be demanded, and all legal fees to be collected from the losing party or any other person required by law to obey the same.

A writ of execution shall be effective for a period of five (5) years from date of entry of judgment or issuance of certificate of finality. **(3a) (As amended by En Banc Resolution No. 06-18, Series of 2018)**

SECTION 8. ENFORCEMENT OF WRIT OF EXECUTION. – In executing a decision, resolution or order, the Sheriff, or other authorized officer acting as Sheriff of the Commission, shall serve the writ within three (3) days from receipt of the same, subject to the requirements of Sections 15 and 16 of this Rule and shall be guided strictly by these Rules and by the Manual on Execution of Judgment, which shall form part of these Rules. In the absence of applicable rules, the Rules of Court, as amended, shall be applied in a suppletory manner. **(7a)**

SECTION 9. MANNER OF EXECUTION OF MONETARY JUDGMENT. – (a) Upon the issuance of a writ of execution by the Labor Arbiter or the Commission, the Sheriff shall immediately furnish the losing party with a copy thereof by registered mail or by courier authorized by the Commission and enforce the judgment award, as far as practicable, in the following order:

- (1) Cash bond
- (2) Bank deposits
- (3) Suretybond

(4) Should the cash bond or surety bond be insufficient, the Sheriff shall execute the monetary judgment by levying on the personal property, and if insufficient, the real property of the losing party not

exempt from execution, sufficient to cover the judgment award, which may be disposed of for value at a public auction to the highest bidder.

(5) If the losing party has no properties or his/her properties are insufficient and the bonding company refuses to comply with the writ of execution, the sheriff shall proceed to levy on the personal property, and if insufficient, the real property of the bonding company, without prejudice to contempt proceedings against its president, officers or authorized representatives. Moreover, the bonding company shall be barred from transacting business with the Commission. ***(As amended by En Banc Resolution No. 05-14, Series of 2014; En Banc Resolution No. 14-15, Series of 2015)***

(b) If the bonding company refuses to pay or the bank holding the cash deposit of the losing party refuses to release the garnished amount despite the order or pertinent processes issued by the Labor Arbiter or the Commission, the president or the responsible officers or authorized representatives of the said bonding company or the bank who resisted or caused the non-compliance shall be either cited for contempt, or held liable for resistance and disobedience to a person in authority or the agents of such person as provided under the pertinent provision of the Revised Penal Code. This rule shall likewise apply to any person or party who unlawfully resists or refuses to comply with the break open order issued by the Labor Arbiter or the Commission.

For this purpose, the Labor Arbiter or the Commission may issue an order directing the sheriff to request the assistance of law enforcement agencies to ensure compliance with the writ of execution, orders or processes.

A bonding company cited for contempt, or for an offense defined and punishable under the pertinent provision of the Revised Penal Code shall be barred from transacting business with the Commission.

(c) Proceeds of execution shall be deposited with the Cashier of the concerned Division or Regional Arbitration Branch, or with an authorized depository bank. Where payment is made in the form of a check, the same shall be payable to the Commission.

(d) For monetary judgment on cases involving overseas Filipino workers, the manner of execution shall be in accordance with Republic Act No. 10022. ***(As amended by En Banc Resolution No. 11-12, Series of 2012)***

- (e) In case of voluntary tender of payment by the losing party and –
- (1) in the presence of the prevailing party, it shall be effected before the Labor Arbiter or the Commission, as the case may be;
 - (2) in the absence of the prevailing party, it shall be effected by immediately depositing the same, in cash or in check, with the Cashier of the NLRC or authorized depository bank and shall be released only upon order of the Commission or Labor Arbiter who issued the writ.

Payment in the form of check shall be in the name of the Commission. **(5a)**

SECTION 10. BREAK OPEN ORDER; WHEN ISSUED. – Should the losing party, his agent or representative refuse or prohibit the Sheriff or his authorized representative entry to the place where the property subject of execution is located or kept, the prevailing party may file a motion for a break open order with the Commission or Labor Arbiter concerned who, after due notice and hearing, shall resolve the same. **(En Banc Resolution No. 11-12, Series of 2012)**

SECTION 11. EXECUTION IN CASE OF DEATH OF PARTY. – Where the complainant or respondent dies after the entry of judgment or issuance of certificate of finality, he/she may be substituted by his/her heirs. However, the liability of the substituting heirs of the respondent shall be up to the extent of the assets left by the decedent. Execution thereon may issue or one already issued may be enforced in accordance with the applicable provisions of this Rules. **(As amended by En Banc Resolution No. 01-17, Series of 2017; En Banc Resolution No. 06-18, Series of 2018)**

SECTION 12. EXECUTION OF REINSTATEMENT PENDING APPEAL. – In case the decision includes an order of reinstatement, and the employer disobeys the directive under the second paragraph of Section 19 of Rule V or refuses to reinstate the dismissed employee, the Labor Arbiter shall immediately issue writ of execution, even pending appeal, directing the employer to immediately reinstate the dismissed employee either physically or in the payroll, and to pay the accrued salaries as a consequence of such non-reinstatement in the amount specified in the decision.

The Labor Arbiter shall *motu proprio* issue a corresponding writ to satisfy the reinstatement wages as they accrue until actual reinstatement or reversal of the order of reinstatement. (***En Banc Resolution No. 11-12, Series of 2012***)

The Sheriff shall serve the writ of execution upon the employer or any other person required by law to obey the same. If he/she disobeys the writ, such employer or person may be cited for contempt in accordance with Rule IX. (***6a***)

SECTION 13. RESOLUTION OF MOTION TO QUASH. – A motion to quash shall be resolved by the Labor Arbiter within ten (10) working days from filing of said motion. The mere filing of a motion to quash shall not stay execution proceedings. (***11a (As amended by En Banc Resolution No. 11-12, Series of 2012)***)

SECTION 14. THIRD PARTY CLAIM. – (a) If the property levied is claimed by any person other than the losing party, such person may file a third party claim not later than five (5) days from the last day of posting or publication of the notice of execution sale, otherwise the claim shall be forever barred. Such third party claim must comply with the following requirements:

- (1) An affidavit stating title to property or right to the possession thereof and the property's fair market value with supporting evidence;
- (2) Payment of prevailing filing fee; and,
- (3) In case the subject matter of the third party claim is a real property, posting of a refundable cash deposit of Twenty Thousand Pesos (P20,000) for the payment of republication of notice of auction sale. (***As amended by En Banc Resolution No. 11-12, Series of 2012; En Banc Resolution No. 14-15, Series of 2015***)

(b) Where Filed. – The third party claim shall be filed with the Commission or Labor Arbiter where the execution proceeding is pending, with proof of service of copies thereof to the Sheriff and the prevailing party.

(c) Effect of Filing and Posting of Bond. – The filing of a third party claim shall not suspend the execution proceedings with respect to the property subject of the third party claim, unless the third party claimant posts a cash or surety bond equivalent to the value of the levied property

or judgment award, whichever is lower, and in accordance with Section 6 of Rule VI. The cash or surety bond shall be in lieu of the property subject of the third party claim.

The cash or surety bond shall be valid and effective from the date of deposit or posting, until the third party claim is finally decided, resolved or terminated. This condition shall be deemed incorporated in the terms and conditions of the surety bond, and shall be binding on the third party claimant and the bonding company.

The Labor Arbiter may require the posting of additional bond upon showing by the other party that the bond is insufficient.

Upon approval of the bond, the Labor Arbiter shall issue an order releasing the levied property or a part thereof subject of the claim. **(As amended by En Banc Resolution No. 14-15, Series of 2015)**

(d) Proceedings. – The propriety of the third party claim shall be resolved within ten (10) working days from submission of the claim for resolution. The decision of the Labor Arbiter is not appealable but may be elevated to the Commission and resolved in accordance with Rule XII hereof.

In the event that the resolution of the third party claim is elevated to the Commission, the release of the bond shall be suspended. Pending resolution thereof, execution shall proceed against all other properties not subject of the third party claim.

If the third party claim is denied with finality, the bond shall be made answerable in lieu of the property subject of the third party claim. **(12a) (As amended by En Banc Resolution No. 14-15, Series of 2015)**

SECTION 15. SHERIFF'S RETURN AND REPORT. – The writ of execution shall be returned to the Commission or Labor Arbiter immediately after the full satisfaction of the judgment award. The Sheriff enforcing the writ shall submit a report updating the Commission or Labor Arbiter who issued the writ of execution, whenever there is partial satisfaction or any development in the status of enforcement thereof.

Failure on the part of the Sheriff to submit the report or return required under this Rule shall subject him/her to administrative fine under Rule XIV of this Rules. **(13a, 14a) (As amended by En Banc Resolution No. 06-18, Series of 2018)**

SECTION 16. DESIGNATION OF SPECIAL SHERIFFS. – The Chairman of the Commission may designate special Sheriffs and take any measure, under existing laws, to ensure compliance with the decisions, resolutions or orders of the Commission and those of Labor Arbiters. *(15a)*

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. *(En Banc Resolution No. 11-12, Series of 2012)*

SECTION 18. RESTITUTION. – Where the executed judgment is totally or partially reversed or annulled by the Court of Appeals or the Supreme Court with finality and restitution is so ordered, the Labor Arbiter shall, on motion, issue such order of restitution of the executed award, except reinstatement wages paid pending appeal. *(As amended by En Banc Resolution No. 11-12, Series of 2012; En Banc Resolution No. 05-14, Series of 2014)*

SECTION 19. EXAMINATION OF LOSING PARTY WHEN JUDGMENT UNSATISFIED. – When the return of a writ of execution issued against the property of a losing party shows that the judgment remains unsatisfied, in whole or in part, the prevailing party, at any time after such return is made, shall, upon motion, be entitled to an order from the handling Labor Arbiter who rendered the said judgment, requiring such losing party to appear and be examined concerning his/her property and income before such Labor Arbiter, at a specified time and place; and proceedings may thereupon be had for the application of the property and income of the losing party towards the satisfaction of the judgment. *(n)* *(En Banc Resolution No. 05-14, Series of 2014; En Banc Resolution No. 06-16, Series of 2016)*

SECTION 20. ENFORCEMENT OF ATTENDANCE AND CONDUCT OF EXAMINATION. – A party or other person may be compelled, by an order of *subpoena*, to attend before the Labor Arbiter to testify as provided in the preceding section (examination of losing party's property/income), and upon failure to obey such order or *subpoena* or to

be sworn and subscribe, or to answer as a witness, may be punished for contempt as in other cases in accordance with Section 2 of Rule IX. Examinations shall not be unduly prolonged, but the proceedings may be adjourned from time to time, until the same are completed. All examinations and answers before the Labor Arbiter must be under oath, and when a corporation or other juridical entity answers, it must be on the oath of an authorized officer or agent thereof. **(n) (En Banc Resolution No, 05-14, Series of 2014)**

SECTION 21. PIERCING THE VEIL OF CORPORATE FICTION. –

(a) A prevailing party may file a verified motion to pierce the veil of corporate fiction during execution proceedings when the writ of execution could not be enforced or satisfied against the judgment debtor and there is evidence that:

- a. The corporate fiction is used as a vehicle to evade payment or satisfaction of a judgment award; or
- b. That corporation is a mere alter ego or business conduit of a judgment debtor, or was organized to make it an instrumentality, agency or adjunct of another corporation which is a respondent in a labor case; and
- c. Such other analogous cases.

(b) The verified motion under this Section shall state the circumstances and ground/s relied upon that would warrant the piercing of the veil of corporate fiction of the subject corporation and be accompanied by a proof of service upon all parties to the case and the corporation sought to be pierced.

(c) *Proceedings.* – Within five (5) calendar days from receipt of the motion, the losing party and the corporation sought to be pierced shall file their comment or opposition stating the grounds why the motion should be denied. Failure to do so shall be deemed as a waiver to file the same. A hearing shall be called within five (5) calendar days from the receipt of the comment/opposition or after the lapse of the period to file the same to determine the propriety of the motion. The motion shall be resolved within twenty (20) days from the date of last hearing.

If the Labor Arbiter or the Commission finds that piercing of corporate veil is proper, a Writ of Execution shall be issued against the pierced corporation in order to satisfy the judgment award. **(En Banc Resolution No. 14-17, Series of 2017)**

SECTION 22. The procedure set forth in the preceding section shall likewise be applicable in the event that the properties of a judgment debtor were transferred to an individual to evade payment or satisfaction of a judgment award. (*En Banc Resolution No. 14-17, Series of 2017*)

**RULE XII
EXTRAORDINARY REMEDIES**

SECTION 1. VERIFIED PETITION. – A party aggrieved by any order or resolution of the Labor Arbiter, including a writ of execution and other orders issued during execution proceedings, may file a verified petition to annul or modify the same. The petition may be accompanied by an application for the issuance of a temporary restraining order and/or writ of preliminary or permanent injunction to enjoin the Labor Arbiter, or any person acting under his/her authority, to desist from enforcing said resolution, order or writ. (*As amended by En Banc Resolution No. 07-14, Series of 2014; En Banc Resolution No. 01-17, Series of 2017*)

SECTION 2. GROUNDS. – The petition filed under this Rule may be entertained only if there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law, and based on any of the following grounds:

(a) If there is *prima facie* evidence of abuse of discretion on the part of the Labor Arbiter;

(b) If serious errors in the findings of facts are raised which, if not corrected, would cause grave or irreparable damage or injury to the petitioner;

(c) If a party by fraud, accident, mistake or excusable negligence has been prevented from taking an appeal;

(d) If made purely on questions of law; or,

(e) If the order or resolution will cause injustice if not rectified. (*As amended by En Banc Resolution No. 05-14, Series of 2014*)

SECTION 3. WHEN AND WHERE FILED. – Not later than ten (10) calendar days from receipt of the order or resolution of the Labor Arbiter, the aggrieved party may file a petition with the Commission furnishing a copy thereof to the adverse party.

SECTION 4. REQUISITES OF THE PETITION. – The petition filed under this Rule shall:

(a) be accompanied by a clear original or certified true copy of the order or resolution assailed, together with clear copies of documents relevant or related to the said order or resolution for the proper understanding of the issue/s involved;

(b) contain the arbitral docket number and appeal docket number, if any;

(c) state the material date showing the timeliness of the petition;

(d) be verified by the petitioner himself/herself in accordance with Section 4, Rule 7 of the Rules of Court, as amended;

(e) be in the form of a memorandum which shall state the ground/s relied upon, the argument/s in support thereof and the reliefs prayed for;

(f) be in three (3) legibly written or printed copies; and,

(g) be accompanied by:

(i) certificate of non-forum shopping;

(ii) proof of service upon the other party/ies and the Labor Arbiter who issued the order or resolution being assailed or questioned; and,

(iii) proof of payment of the required fees.

SECTION 5. THE PUBLIC AND PRIVATE RESPONDENTS IMPEADED IN THE PETITION. – The Labor Arbiter shall be jointly impleaded with the private respondent as a public respondent in a nominal capacity. As used in this Rule, the private respondent refers to the party interested in sustaining the order or resolution of the Labor Arbiter. It shall be the duty of the private respondent to appear and defend, both in his/her behalf and that of the public respondent, and the cost awarded in such proceedings in favor of the petitioner shall be against the private respondent only. The public respondent shall not appear or file an answer or comment to the petition or any pleading therein.

SECTION 6. SERVICE AND FILING OF PLEADINGS. – The party filing the pleadings shall serve the other party with copies thereof in

accordance with Rule 13 of the Rules of Court, as amended, furnishing the Labor Arbiter with a copy.

If the last day to serve and file a pleading falls on a Saturday, Sunday or holiday, the pleading shall be served and filed on the first working day immediately following such Saturday, Sunday or Holiday.

SECTION 7. ANSWER TO THE PETITION. – Within ten (10) calendar days from the receipt of the petition, the private respondent shall file his/her answer therein stating the ground/s why the petition should be denied. Failure on the part of the private respondent, to file his/her answer within the said period may be construed as a waiver to file the same.

SECTION 8. OPPOSITION TO THE INJUNCTIVE RELIEF; WHEN FILED. – In case the petitioner also prays for an injunctive relief, the private respondent may file his/her verified opposition or comment to the application for injunctive relief not later than five (5) calendar days from receipt of a copy of the petition.

SECTION 9. EFFECT OF FILING OF PETITION. – Upon filing of the petition, the proceedings before the Labor Arbiter shall continue unless restrained. In case of execution, the proceedings in accordance with Rule XI of these Rules shall not be suspended, but no money collected or credit garnished may be released or personal properties levied upon be sold by public auction within fifteen (15) calendar days from the filing of the petition. If no temporary restraining order or writ of preliminary injunction is issued within the said period, the money collected or credit garnished shall be released and/or the properties levied upon sold by public auction and the proceeds of the sale applied, to satisfy the judgment.

In case of execution proceedings, the Labor Arbiter shall immediately inform in writing the Commission or the Division where the petition is pending of the satisfaction of the judgment, and, if circumstances warrant, the Commission shall dismiss the petition for being moot.

The records of the case shall not be elevated to the Commission unless otherwise ordered, in which case the execution proceeding shall continue pursuant to the first paragraph hereof, with the Labor Arbiter retaining copies of documents relevant and necessary for this purpose. *(As amended by En Banc Resolution No. 05-14, Series of 2014)*

In the event of filing of a subsequent petition under this Rule involving the same issues, the suspension of the release of money collected or credit garnished or the suspension of auction sale over properties levied upon under the first paragraph shall not apply. **(As amended by En Banc Resolution No. 11-12, Series of 2012)**

SECTION 10. VERIFIED APPLICATION, ISSUANCE OF TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION; BOND. – Upon the filing of a verified application for injunctive relief, together with supporting affidavits and documents, the Commission may issue a writ of a preliminary injunction based on any of the applicable grounds provided for in Section 3, Rule 58 of the Rules of Court, as amended, for the preservation of the rights of the parties pending resolution of the petition. The writ of preliminary injunction shall be effective for a non-extendible period of sixty (60) calendar days from service on the private respondent.

If it shall appear from facts shown by the verified application and affidavits that great and irreparable damage and/or injury would result to the petitioner before the petition can be resolved, the Commission may issue a temporary restraining order *ex-parte* effective for a non-extendible period of twenty (20) calendar days from service on the private respondent.

In the issuance of a temporary restraining order or writ of preliminary injunction, the Commission shall require the posting of a cash bond in the amount of Fifty Thousand Pesos (P50,000.00), or such higher amount as may be determined by the Commission, to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs.

An additional cash bond may be required by the Commission in the issuance of a writ of preliminary injunction.

SECTION 11. EFFECTIVITY OF TEMPORARY RESTRAINING ORDER OR WRIT OF PRELIMINARY INJUNCTION. – The temporary restraining order or writ of preliminary injunction shall become effective only upon posting of the required cash bond.

In the event that the application for a writ of preliminary injunction is denied or not resolved within the said period, the temporary restraining order is deemed automatically vacated.

The application for a temporary restraining order or a writ of preliminary injunction may be denied, or if granted, may be dissolved, on any grounds provided for in Section 6, Rule 58 of the Rules of Court, as amended.

SECTION 12. EFFECT OF INJUNCTION. – The issuance of a temporary restraining order or a writ of preliminary injunction, unless otherwise declared by the Commission, shall not suspend the proceedings before the Labor Arbiter or stay the implementation of the writ of execution but shall only restrain or enjoin such particular act/s as therein decreed to be restrained or enjoined.

SECTION 13. RESOLUTION OF PETITION. – If the Commission finds that the allegations of the petition are true, it shall: (a) render judgment for the relief prayed for or to which the petitioner is entitled; and/or (b) grant a final injunction perpetually enjoining the Labor Arbiter or any person acting under his/her authority from the commission of the act/s or confirming the preliminary injunction.

However, the Commission may dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration, or when an appeal or any other plain, speedy and adequate remedy in the ordinary course of law is available. *(As amended by En Banc Resolution No. 05-14, Series of 2014)*

SECTION 14. RECOVERY FROM THE INJUNCTION BOND. – The amount of damages that may be recovered by the private respondent from the injunction bond of the petitioner shall be ascertained and awarded in the decision/order/resolution finally disposing of the issue on the application for injunction.

SECTION 15. NO APPEAL FROM THE ORDER OR RESOLUTION OF THE LABOR ARBITER ARISING FROM EXECUTION PROCEEDINGS OR OTHER INCIDENTS. – Except by way of a petition filed in accordance with this Rule, no appeal from the order or resolution issued by the Labor Arbiter during the execution proceedings or in relation to incidents other than a decision or disposition of the case on the merits, shall be allowed or acted upon by the Commission.

RULE XIII
COMMISSION SEAL AND RECORDS, AND POWERS AND DUTIES
OF COMMISSION OFFICIALS

SECTION 1. SEAL OF THE COMMISSION. – The seal of the National Labor Relations Commission shall be of standard size, circular, with the inscription, running from left to right on the upper outside edge, the words “NATIONAL LABOR RELATIONS COMMISSION”, and the lower outside edge, the words “REPUBLIC OF THE PHILIPPINES”, with a design at the center containing the coat of arms of the Department of Labor and Employment (DOLE).

SECTION 2. THE EXECUTIVE CLERK. – The Executive Clerk shall assist the Commission when sitting *En Banc* and when acting through the First Division, and shall perform such similar or equivalent functions and duties as are discharged by the Clerk of Court of the Court of Appeals.

SECTION 3. DEPUTY EXECUTIVE CLERKS. – The Deputy Executive Clerks of the other Divisions shall assist the Commission when acting through its Division, and shall perform similar functions and duties as discharged by the Deputy Clerks of Court of the Court of Appeals, and as enumerated herein as functions of the Executive Clerk relative to their respective Divisions. **(3a)**

SECTION 4. DUTIES AND FUNCTIONS OF THE EXECUTIVE CLERK AND DEPUTY EXECUTIVE CLERKS. – (a) Custody of Seal and Books. – He/she shall keep in his/her care and custody the Seal of the Commission, together with all the books necessary for the recording of the proceedings of the Commission, including the records, files and exhibits;

(b) Filing of Pleadings. – He/she shall receive and file all cases and pleadings and documents indicating thereon the date and time filed. All pleadings shall be filed in three (3) legibly typewritten copies in legal size;

(c) Raffle and Assignment of Cases. – He/she shall assign appealed cases for study or report strictly by raffle or as directed by the Chairman. In this connection, the raffle of cases for study or report must be attended by the duly designated representative of the Members of the appropriate Division;

(d) Service of Processes, Orders and Decisions. – He/she shall serve parties and counsel processes, notices of hearings, copies of decisions, resolutions or orders issued by the Commission by registered mail, by courier authorized by the Commission or by personal service and immediately attach the returns or proofs of delivery thereof to the records; **(As amended by En Banc Resolution No. 05-14, Series of 2014)**

(e) Commission Calendar and Minutes Book. – He/she shall prepare the Commission or Division calendars of sessions, attend such sessions personally and immediately prepare the minutes thereof. For this purpose, he/she shall keep a minutes book;

(f) General Docket. – The Executive Clerk shall keep a general docket for the Commission, each page of which shall be numbered and prepared for receiving all the entries in a single page, and shall enter therein all original and appealed cases before it, numbered consecutively in the order in which they were received and, under the heading of each case, the date and hour of each pleading filed, of each order, decision or resolution entered, and of each other step or action taken in the case; so that, by reference to any single page, the history of the case may be known;

(g) Promulgation and Promulgation Book. – He/she shall promulgate decisions and final resolutions on the same date the same is filed with his/her office and indicate the date and time of promulgation and attest the same by his/her signature on the first page thereof. He/she shall immediately furnish the Chairman with a copy of such decision, resolution, or order with a summary of the nature thereof and the issue involved therein. He/she shall keep a promulgation book which indicates the date and time of promulgation, the case number, title of the case, the *ponente*, the nature of the decision or final resolution and the action taken by the Commission by quoting the dispositive portion thereof. He/she shall certify as true, copies of the decision, resolution or order promulgated by his/her respective Divisions and sign notices of the same. Notices of said decisions, resolutions or orders shall be sent in sealed envelopes to parties and their respective counsel, if practicable, within forty-eight (48) hours from promulgation; **(As amended by En Banc Resolution No. 07-14, Series of 2014; En Banc Resolution No. 02-15, Series of 2015)**

(h) Entry of Judgment. – He shall keep a book of entries of judgment, decisions, resolutions and orders containing in chronological order the entries of all final decisions, resolutions and orders of the

Commission;

(i) Disposition and Remand of Records. – Upon entry of judgment, he/she shall immediately remand the records of the case to the Regional Arbitration Branch of origin, Regional Director or his/her duly authorized officer, as the case may be. The Records Unit shall immediately post said records without delay within two (2) working days;

(j) Monthly Accomplishment Reports. – He/she shall submit a monthly accomplishment report of the Commission or Division not later than the 7th day of the following month;

(k) Other Functions. – He/she shall perform other functions as directed by the Chairman or the Commission *En Banc*. **(4a)**

The Chairman may authorize any personnel in the Division to perform functions as stated in paragraph (g) hereof. **(En Banc Resolution No. 05-14, Series of 2014)**

SECTION 5. BOARD SECRETARIES. – The Board Secretaries of the Commission shall assist the Executive Clerk or Deputy Executive Clerks in the performance of their duties and functions relative to the Commission or their respective Divisions.

SECTION 6. ISSUANCE OF CERTIFIED COPIES. – Unless otherwise restricted by Section 8 hereof, the Executive Clerk, Deputy Executive Clerks, and the authorized officers of the Regional Arbitration Branches shall prepare, for any person asking for the same, a certified copy, under the Seal of the Commission, of any paper, record, decision, resolution, order or entry by and in his/her office, proper to be certified, after payment of the standard fees to the Commission duly receipted for: *Provided that*, a pauper litigant, as defined by law, shall be exempted from paying any fee for certified copies of any document, including transcripts of stenographic notes.

SECTION 7. POWER TO ADMINISTER OATH. – The Chairman, Members of the Commission, the Executive Clerk, the Deputy Executive Clerks, the Executive Labor Arbiters, the Labor Arbiters, and other persons designated or commissioned by the Chairman of the Commission, shall have the power to administer oath on all matters or proceedings related to the performance of their duties.

SECTION 8. ACCESS TO COMMISSION RECORDS. – All decisions, resolutions and orders of the Commission shall be open to the parties to the case and their counsel or authorized representative during regular office hours. Access to pleadings and other documents filed by parties to a case are restricted. However, reports, drafts of decisions, records of deliberations or documents of the Commission involving private rights shall be confidential. *(As amended by En Banc Resolution No. 11-12, Series of 2012)*

**RULE XIV
ADMINISTRATIVE SANCTIONS**

SECTION 1. IMPOSITION OF FINES. – The Commission and Labor Arbiters, by authority of the Chairman, may after hearing, impose administrative fines which shall not be less than Five Hundred Pesos (P500.00) nor more than Ten Thousand Pesos (P10,000.00) to ensure compliance with decisions, orders or awards.

The imposition thereof may be enforced through issuance of a writ of execution. *(n)*

**RULE XV
EFFECTIVITY**

SECTION 1. EFFECTIVITY. – These Rules shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation.

Signed this 31st day of May 2011 at Davao City, Philippines.

(Sgd.) GERARDO C. NOGRALES
Chairman

(Sgd.) RAUL T. AQUINO
Presiding Commissioner

(Sgd.) ALEX A. LOPEZ
Presiding Commissioner

(Sgd.) HERMINIO V. SUELO
Presiding Commissioner

(Sgd.) LEONARDO L. LEONIDA
Presiding Commissioner

(Sgd.) BENEDICTO R. PALACOL
Presiding Commissioner

(Sgd.) VIOLETA O. BANTUG
Presiding Commissioner

(Sgd.) BARIO-ROD M. TALON
Presiding Commissioner

(Sgd.) PERLITA B. VELASCO
Commissioner

THE 2011 NLRC RULES OF PROCEDURE, AS AMENDED

(Sgd.) ROMEO L. GO
Commissioner

**(Sgd.) TERESITA D. CASTILLON-
LORA**
Commissioner

(Sgd.) NAPOLEON M. MENESE
Commissioner

(Sgd.) GREGORIO O. BILOG
Commissioner

(Sgd.) PABLO C. ESPIRITU, JR.
Commissioner

**(Sgd.) ISABEL G. PANGANIBAN-
ORTIGUERRA**
Commissioner

(Sgd.) NIEVES E. VIVAR-DE CASTRO
Commissioner

(Sgd.) NUMERIANO D. VILLENA
Commissioner

(Sgd.) ANGELO ANG PALAÑA
Commissioner

(Sgd.) MERCEDES R. POSADA-LACAP
Commissioner

(Sgd.) DOLORES M. PERALTA-BELEY
Commissioner

(Sgd.) AURELIO D. MENZON
Commissioner

(Sgd.) JULIE C. RENDOQUE
Commissioner

(Sgd.) PROCULO T. SARMEN
Commissioner

(Sgd.) DOMINADOR B. MEDROSO, JR.
Commissioner

Attested by:

(Sgd.) FLOCERFIDA T. TRINIDAD
Executive Clerk of Court IV