



Republic of the Philippines
Department of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION

Regional Arbitration Branch No. XI

3rd Floor, JLF Parkway Building
Quirino Avenue corner Pichon Street

Davao City

Tel. Nos. (082) 227-5908 and (082) 226-2306 (fax)

**RAQUEL C. RODA, LEONORA T.
CODOY, JOAN D. MAHIPUS,
MARILOU A. MALLORCA, and
NIECEL A. JANSOL,**
Complainant,

- versus -

CASE NO. RAB-XI-02-00172-17

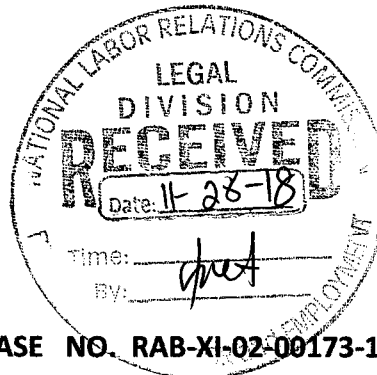
**MUGAS MADULARA "MM" FARM
and EDGAR MUGAS – Banana
Grower,**
Respondents.

X-----X

**MIRASOL M. ONDOY, LUTCHIE
C. GABITO, LEONIE C. RODA,
BLAS D. AMBATO, and HARRY
C. RODA,**
Complainant,

- versus -

CASE NO. RAB-XI-02-00173-17



**MUGAS MADULARA "MM" FARM
and EDGAR MUGAS – Banana
Grower,**
Respondents.

X-----X

NOTICE OF LEVY

T O :

**The Regional Director
LAND TRANSPORTATION OFFICE
Regional Office No. XI
Davao City**

**DURALIZA MADULARA MUGAS
Fd Rd. 3, Sto. Tomas
8112 DAVAO DEL NORTE**

G R E E T I N G S :

WHEREAS, in accordance with the SPECIAL ORDER NO. 06-27 (Series of 2014), and by virtue of the WRIT OF EXECUTION, dated 18 June 2018, issued in the CASE NO. RAB-XI-02-00172-17 and RAB-XI-02-00173-17, entitled "RAQUEL C. RODA, ET. AL., Complainant - versus - MUGAS MADULARA "MM" FARM, ET. AL., Respondents", by Honorable NELIA Q. TANCIO-SEDILLO, Executive Labor Arbiter, National Labor Relations Commission, Regional Arbitration Branch No. XI, Davao City, copies of which are herewith attached, for the recovery of the following amounts, to wit :

1. P 1,012,276.40 -	Award
9,622.76 -	Execution Fee
5,081.38 -	Deposit Fee
<hr/>	
P 1,026,980.54 -	total

LEVY is hereby made upon the property/ies of respondent **DURALIZA MADULARA MUGAS** hereunder described as follows, to wit :

ONE (1) UNIT MOTOR VEHICLE

Plate No. : **ABV 4805**
File No. : **1201-092295**
Make/Type : **Kia/Dropside**

ONE (1) UNIT MOTOR VEHICLE

Plate No. : **KEU 739**
File No. : **1017-002675**
Make/Type : **Mitsubishi/Cargo Dropside**

hence, the undersigned respectfully advised that renewal and/or transfer of registration should not be allowed unless cleared with the Labor Arbiter a quo/ this Branch or the Commission.

Please enter the appropriate annotation on the file copy/ies with your Office on the Certificates of Registration of the above-described motor vehicles.

Davao City, Philippines, 12 NOVEMBER 2018.

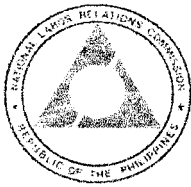

DEXTER O. BURLAZA
NLRC Sheriff

CC :

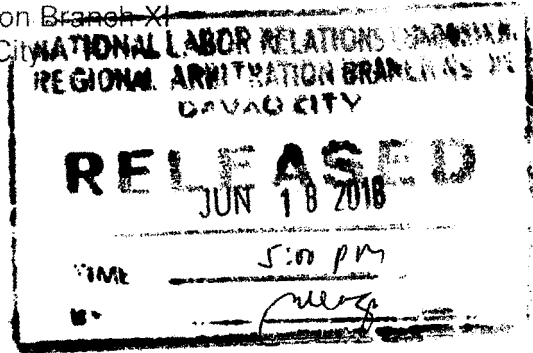
LEGAL AND ENFORCEMENT DIVISION
National Labor Relations Commission
PPSTA Building No. 5
Banawe Avenue corner P. Florentino Street
1114 Quezon City

CHRISTELYN E. ROTANTE
Administrative Officer 5
NLRC RAB-XI

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a vertical line and a horizontal line. Below the signature, the date '11/12/18' is written in a simple, blocky font. The entire signature and date are enclosed within a hand-drawn oval.



Republic of the Philippines
Department of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
Regional Arbitration Branch XI
Davao City



RAQUEL C. RODA, LEONORA T.
CODOY, JOAN D. MAHIPUS,
MARILOU A. MALLORCA, and
NIECEL A. JANSOL,
Complainants,

-versus-

Case No. RAB-XI-02-00172-17

MUGAS MADULARA "MM" FARM
and EDGAR MUGAS – Banana
Grower,

Respondents.

X-----X

MIRASOL M. ONDOY, LUTCHIE
C. GABITO, LEONIE C. RODA,
BLAS D. AMBATO, and HARRY
C. RODA

-versus-

Case No. RAB-XI-02-00173-17

MUGAS MADULARA "MM" FARM
and EDGAR MUGAS – Banana
Grower,

Respondents.

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WRIT OF EXECUTION

TO: MR. DEXTER O. BURLAZA
Sheriff II
NLRC-RAB XI, Davao City

GREETINGS:

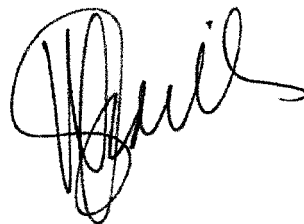
WHEREAS, on January 29, 2018 a Decision was rendered in this case by the undersigned Labor Arbiter, the dispositive portion of which provides:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. Finding that respondents did not dismiss complainants from their employment and neither the latter abandoned their respective work with the former;
2. In so ruling, complainants are hereby directed to report back to work within ten (10) calendar days from receipt of this Decision at the packing plant of the respondents, and respondents are likewise ordered to accept complainants back to their former work assignment without loss of seniority rights. If the former fails to return to work within the period prescribed, they must then be considered as having resigned from employment. Within ten (10) calendar days from receipt of this Decision, both parties are further directed to submit a Report or Manifestation or similar document for that matter showing their respective compliance on this back to work order and acceptance thereof;
3. Ordering respondents M M Mini-Packing Plant and/or Spouses Duraliza Madulara Mugas and Edgar Mugas in their respective capacity as registered owner and manager thereof, to solidarily pay the above-judgment awards in the total amount of ONE MILLION TWELVE THOUSAND TWO HUNDRED SEVENTY-SIX and 24/100 (P1,012,276.24) PESOS, Philippine Currency, to the following complainants, broken down as follows:

COMPLAINANT	Total Judgment Award
Raquel C. Roda	P55,854.24
Marilou A. Mallorca	49,608.00
Mirasol M. Ondoy	40,248.00
Niecel A. Jansol	40,248.00
Lutchie C. Gabito	44,928.00
Joan D. Mahipus	43,368.00
Leonie C. Roda	190,008.00
Leonora T. Codoy	253,188.00
Bias D. Ambato	190,476.00
Harry C. Roda	103,350.00
GRAND TOTAL	P1,012,276.40

4. And, dismissing all other claims for lack of factual and legal bases.



SO ORDERED.

WHEREAS, the said Decision become final and executory on April 15, 2018 as none of the parties appealed within the reglementary period after receipt of a copy thereof;

WHEREAS, a Certificate of Finality has been issued on May 9, 2018;

WHEREAS, on April 12, 2018 complainants through counsel filed a Manifestation With Motion (To Claim Separation Pay in lieu of Reinstatement) which was opposed to by the respondents on June 8, 2018;

WHEREAS, on June 1, 2018 complainants through counsel moved for the issuance of Writ of Execution of their final monetary judgment award;

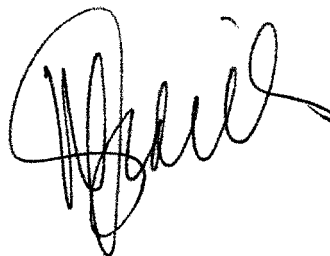
WHEREAS, pre-execution conferences were conducted by the undersigned to thresh out matters relevant to the execution particularly on the return to work order stated in the above-quoted Decision;

WHEREAS, it was agreed by the parties during the pre-execution conference that complainants shall start reporting on May 28, 2018, but yielded negative results insofar as the monetary judgment awards are concerned;

WHEREAS, in an Order dated June 18, 2018 issued by the undersigned, complainants were considered to have resigned from their respective work assignment with the respondents in view of their failure to report for work on May 28, 2018 as agreed upon during the pre-execution conference resulting in the denial of their instant motion praying for payment of separation pay in lieu of reinstatement;

WHEREAS, in the same Order, the motion for issuance of writ of execution insofar as the monetary judgment awards are concerned was thereby GRANTED, the dispositive portion of which states:

VIEWED FROM THE FOREGOING PREMISES, let a corresponding Writ of Execution be issued for the satisfaction of complainants' judgment award representing their respective salary differential, service incentive leave pay, 13th month pay, retirement benefits (for complainants Leonora T. Codoy and the late Blas Ambato), show as follows:

A handwritten signature in black ink, appearing to be 'R. Ambato', is written below the text. The signature is cursive and somewhat stylized.

COMPLAINANT	Total Judgment Award
Raquel C. Roda	P55,854.24
Marilou A. Mallorca	49,608.00
Mirasol M. Ondoy	40,248.00
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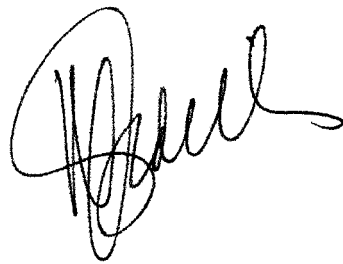
Finally, the parties are hereby reminded that motion for reconsideration from any decision or order of the Labor Arbiter and appeal from the orders issued by the Labor Arbiter in the course of execution proceedings are NOT ALLOWED under Rule V, Section 5, paragraphs (f) and (i) of the 2011 Rules of Procedure.

SO ORDERED.

WHEREAS, the judgment award is now due for execution in the absence of any temporary restraining order from the Court of Appeals or the Supreme Court;

NOW THEREFORE¹, you are commanded to collect, in accordance with *Section 9, Rule XI of the 2011 NLRC Rules of Procedure, as amended*, the amount of **ONE MILLION TWELVE THOUSAND TWO HUNDRED SEVENTY-SIX AND 40/100 (Php1,012,276.40) PESOS**, Philippine Currency, representing complainants' total monetary judgment award pursuant to the Decision dated January 29, 2018, plus **Nine Thousand Six Hundred Twenty Two and 76/100 (Php9,622.76) Pesos**, Philippine Currency, as execution fee as provided for under Sec. 6 Rule IX of the NLRC Manual of Execution, and Deposit Fee of **Five Thousand Eighty-One and 38/100 (Php5,081.38) Pesos**, Philippine Currency from respondents M M MINI-PACKING PLANT and/or SPOUSES DURALIZA MADULARA MUGAS and EDGAR MUGAS with address on record at Fd. Rd. 3, Sto. Tomas, Davao del Norte or anywhere in the Philippines where they may be

¹ Per Memorandum dated Sept. 9, 2015 of NLRC Chairman Gerardo C. Nograles.



Writ of Execution
Case No. RAB XI-02-00172-17
RAB-XI-02-00173-17

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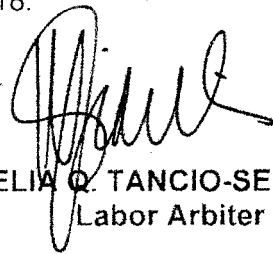
located, and to turn-over said proceeds plus execution and deposit fees to the Cashier of this office for further disposition

In case you fail to collect the amounts above-mentioned from the respondent, or the amount collected is insufficient to satisfy the judgment award, you are hereby ordered to cause the satisfaction of the judgment award in accordance with the order of enforcement stated in *Section 9 (a), Rule XI of the 2011 NLRC Rules of Procedure, as amended*, to wit: (a) cash bond; (b) bank deposits; (c) surety bond; (d) personal property of respondent not exempt from execution; and (e) real property of respondent.

If the bonding company refuses to comply with the writ of execution, you may proceed to levy on the personal property, and if insufficient, the real property of the bonding company, without prejudice to contempt proceedings against its officers or authorized representatives.

You are further commanded to return this Writ of Execution within the period provided by law together with your corresponding report thereon.

Davao City, Philippines, 18 June 2018.



NELIA Q. TANCIO-SEDILLO
Labor Arbiter