

cc: legal



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)



JUREYVIC T. MALNEGRO,
MARVIN B. LOPEZ and
ERIC R. GALEOS,
 Complainant,

- versus -

CASE NO. RAB-XI-05-00298-14

G & S TRANSPORT CORPORATION
(AVIS LICENSEE) / RAFAEL V. LUCILA,
 President,

NOTICE OF LEVY

T O : The Regional Director
LAND TRANSPORTATION OFFICE
Regional Office No. XI
Davao City

G & S TRANSPORT CORPORATION
10TH Floor, DMG Center, No. 52 D.Guevarra St.
1550 Mandaluyong City

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 24 October 2017, issued in the CASE NO. RAB-XI-05-00298-14, entitled "JUREYVIC T. MALNEGRO, ET. AL. VS G & S TRANSPORT CORPORATION (AVIS LICENSEE), ET. AL., Respondents", by Honorable ELMER BEN V. PASION, 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 :

₱	536,355-08	- judgment award
	4,863.55	- execution fee
	<u>2,701.77</u>	- deposit fee
₱	543,920.40	- T O T A L

LEVY is hereby made upon the property/ies of respondent **G & S TRANSPORT CORPORATION (AVIS LICENSEE) / RAFAEL V. LUCILA**, hereunder described as follows, to wit :

ONE (1) UNIT MOTOR VEHICLE

Plate No. : **LHF 363**
File No. : **1112-00000364176**

ONE (1) UNIT MOTOR VEHICLE

Plate No. : **LHF 362**
File No. : **1112-00000364173**
Series : **FORTUNER 4x2 2.**

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, 9 AUGUST 2018.

DEXTRER 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



Republic of the Philippines
Department of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
Regional Arbitration Branch No. XI
Davao City

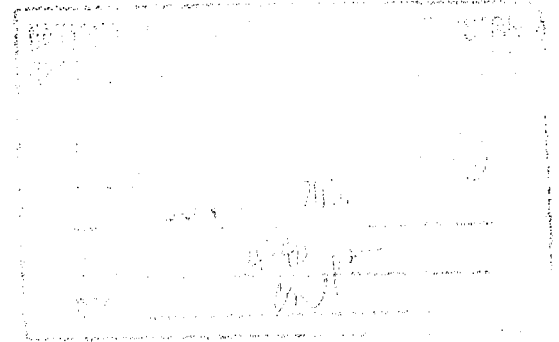
JUREYVIC T. MALNEGRO,
MARVIN B. LOPEZ and
ERIC R. GALEOS,
Complainants,

NLRC CASE NO. RAB-X1-05-00298-14

- Versus -

G & S TRANSPORT CORPORATION
(AVIS LICENSEE) / RAFAEL V. LUCILA,
President,
Respondents.

X-----X



WRIT OF EXECUTION

TO:

MR. DEXTER O. BURLAZA
SHERIFF
National Labor Relations Commission
Regional Arbitration Branch No. XI
Davao City

GREETINGS:

WHEREAS, on September 29, 2014, a Decision was rendered by the undersigned Executive Labor Arbiter in the above-entitled case, the dispositive portion of which reads:

"WHEREFORE, FOREGOING PREMISES CONSIDERED, the above-entitled case is hereby DISMISSED to be referred to for Voluntary Arbitration.

The herein parties are advised to submit their present dispute before a Voluntary Arbitration proceedings in accordance with Article 262-A of the Labor Code.

SO ORDERED."

WHEREAS, on December 02, 2014, a Memorandum of Appeal was filed by the complainants through counsel;

WHEREAS, on May 06, 2015, a Decision was promulgated by the Eighth (8th) Division, National Labor Relations Commission, Cagayan de Oro City, the dispositive portion of which reads in part:

"WHEREFORE, foregoing premises considered, the instant appeal of complainants is hereby GRANTED and the appealed decision is REVERSED, VACATED and SET ASIDE. In lieu thereof, new judgment is rendered DECLARING complainants Jureyvic T. Malnegro, Marvin B. Lopez and Eric R. Galeos to be regular employees of respondent G&S Transport and thus entitled to all benefits provided under the collective bargaining agreement (CBA) between respondents G&S and Avis Philippine Labor and Employee's Association – FFW.

SO ORDERED."

WHEREAS, on June 16, 2015, a Motion For Reconsideration was filed by the respondents of the above-entitled case through counsel with a prayer that the Decision dated 06 May 2015 rendered by the Honorable Commission be reconsidered and a new Decision be entered affirming the Decision dated 30 September 2014 rendered by the undersigned Honorable Labor Arbiter;

WHEREAS, on July 30, 2015, a Resolution was promulgated by the Eighth (8th) Division, National Labor Relations Commission, Cagayan de Oro City, the dispositive portion of which reads in part:

"Perforce, the instant motion must fail.

SO ORDERED."

WHEREAS, on October 29, 2015, an Entry of Judgment was issued by the Eighth (8th) Division, National Labor Relations Commission, Cagayan de Oro City, certifying that on July 30, 2015 a Decision/Resolution was promulgated in the above-entitled case affirming the Decision/Resolution dated May 06, 2015 and that it has become final and executory on August 23, 2015 and hereby recorded in the Book of Entries of Judgment;

WHEREAS, on December 02, 2015, a copy of the Petition For Certiorari was received by this Arbitration Branch filed by the respondents through counsel before the Court of Appeals, Manila, with a prayer that a judgment be rendered that upon filing of the Petition, a TRO be issued enjoining further proceedings especially the execution of the assailed NLRC Resolutions dated May 06, 2015 and July 30, 2015 and after due proceedings, the TRO be converted to a writ of preliminary injunction; reversing, annulling and setting aside Resolutions dated May 06, 2015 and July 30, 2015 reversing the Decision of Labor Arbiter dated October 30, 2013 issued by public respondent NLRC with grave abuse of discretion amounting to lack or excess of jurisdiction; and dismissing the complaints for regularization and inclusion in the existing CBA benefits of private complainants for lack of merit;

WHEREAS, on January 18, 2016, a Resolution of the Second Division, Court of Appeals, Manila was received, referring the Petition For Certiorari filed by the respondents to the Twenty Third Division, Court of Appeals, Cagayan de Oro City where it should be properly filed;

WHEREAS, on April 13, 2016, a copy of the Resolution was received by this Arbitration Branch, rendered by The Twenty-Third Division of the Court of Appeals, Cagayan de Oro City, of the above-entitled case denying respondent's prayer for the issuance of a TRO.

WHEREAS, on August 16, 2016, a Motion For the Issuance of Writ of Execution was filed by the complainants through counsel;

WHEREAS, on September 22, and 29, 2016, and October 26, 2016 a Pre-Execution Conference was scheduled by this Arbitration Branch;

WHEREAS, on October 12, 2016, a Decision dated August 22, 2016 was promulgated by the Twenty-Third Division, Court of Appeals, Cagayan de Oro City, denying the Petition for Certiorari for lack of merit;

WHEREAS, on November 14, 2016, a copy of the Motion For Reconsideration was received by this Arbitration Branch which was filed by the respondents through counsel praying for the reconsideration of the Decision dated August 22, 2016;

WHEREAS, on November 21, 2016, an Order was issued by the undersigned Executive Labor Arbiter directing Administrative Officer IV of this Arbitration Branch to make a final computation of the judgment award of the complainants of the instant case;

WHEREAS, on February 23, 2017, a Report of Computation was submitted by the Administrative Officer IV containing the computation of the monetary entitlements of the complainants of the above-entitled case. At the same time, an Order was issued approving the said computation and adopting it as the judgment award of the complainants in the total amount of Three Hundred Eighty Five Thousand Five Hundred Eleven and 13/100 Pesos (P385,511.13);

WHEREAS, on February 28, 2017, a Resolution of the Twenty Third Division, Court of Appeals, Cagayan de Oro City promulgated on June 30, 2017 was received by this Arbitration Branch, denying the Motion for Reconsideration filed by the respondents;

WHEREAS, on April 03, 2017, a Petition For Relief (To Modify The Order dated 23 February 2017 of ELA Elmer Ben V. Pasion) was filed by the complainants through counsel;

WHEREAS, on June 30, 2017, a Decision was promulgated by the Eighth (8th) Division, National Labor Relations Commission, Cagayan de Oro City, the dispositive portion of which reads:

*"WHEREFORE, foregoing premises considered, the instant petition is hereby **GRANTED** and the Report of Computation as pertaining to the monetary awards of the petitioners, annexed to the Assailed Order of public respondent Executive Labor Arbiter Elmer Ben V. Pasion dated 23 February 2017, is MODIFIED in the following manner:*

- 1. The award of unpaid Medicine Reimbursement Allowance to petitioner Lopez is increased from P3,501.75 to P13,600.00;*
- 2. The award of unpaid Medicine Reimbursement Allowance to petitioner Galeos is increased from P3,284.98 to P11,300.00;*
- 3. Petitioner Lopez is awarded with unpaid Rice Subsidy in the amount of P38,700.00 and Educational Assistance of P9,000.00; and*
- 4. Petitioner Galeos is awarded with unpaid Rice Subsidy of P30,300.00 and Educational Assistance of P7,500.00;*

*The awards of unpaid Vacation Leave and Sick Leave Pay are **RETAINED**;*

SO ORDERED."

WHEREAS, on August 09, 2017, an Entry of Judgment was issued by the Twenty Third Division, Court of Appeals, Cagayan de Oro City certifying that on August 22, 2016, a Decision was rendered in the above-entitled case and the same has on February 04, 2017 becomes final and executory and hereby recorded in the Book of Entries of Judgments;

WHEREAS, on December 29, 2017, a Resolution was promulgated by the Eighth (8th) Division, National Labor Relations Commission, Cagayan de Oro City, denying the Motion For Reconsideration filed by the private respondent for lack of merit;

WHEREAS, on April 13, 2018, an Entry of Judgment was issued by the Eighth (8th) Division, National Labor Relations Commission, Cagayan de Oro City, certifying that on December 29, 2017 a Decision/Resolution was promulgated affirming the Decision/Resolution dated June 30, 2017 and that the

same has become final and executory on January 29, 2018 and is hereby recorded in the Book of Entries of Judgment.

WHEREAS, on May 04, 2018, a Motion To Re-Compute and Issue The Writ Of Execution was filed by the complainants through counsel;

WHEREAS, on May 30, 2018, an Order was issued by the undersigned adopting and approving the adjusted final computation as the judgment award of the complainants in the above-entitled case;

WHEREAS, the amount of **Five Hundred Thirty Six Thousand Three Hundred Fifty Five and 08/100 Pesos (P536,355.08)** representing complainants' monetary award is now the subject for execution.

NOW, THEREFORE, you are hereby commanded to collect in accordance with Section 9, Rule XI of the 2011 NLRC Rules of Procedure, as amended, the total amount of **Five Hundred Thirty Six Thousand Three Hundred Fifty Five and 08/100 Pesos (P536,355.08)** from respondents **G & S Transport Corporation (Avis Licensee) / Rafael V. Lucila, President** located at 10th Floor, DMG Center, No. 52 Domingo M. Guevara Street, Mandaluyong City, or anywhere in the Philippines where he/she/it/they may be located, representing complainants' judgment award pursuant to the Decision dated December 29, 2017.

Further collect from the respondent the **execution fee** in the amount of **Four Thousand Eight Hundred Sixty Three and 55/100 Pesos (P4,863.55)** and **deposit fee** of **Two Thousand Seven Hundred One and 77/100 Pesos (P2,701.77)** pursuant to the Manual on Execution.

Herein below are the amounts to be collected from the respondents:

Judgment Award	P 536,355.08
Execution Fee	4,863.55
Deposit Fee	<u>2,701.77</u>
Total	P543,920.40

In case you fail to collect the amounts above-mentioned from the respondents, 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.

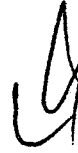
If the bonding company refuses to comply with the writ of execution, you may proceed to levy on the personal property, and if insufficient, the real property of the bonding company, without prejudice to contempt proceedings against its officers or authorized representatives.

Further, pursuant to Section 12, Rule XI of the 2011 NLRC Rules of Procedure, you are hereby directed to return this Writ of Execution to the undersigned Labor Arbiter immediately after the full satisfaction of the judgment award. In case of partial or non-satisfaction of the judgment award, you shall submit a report updating the undersigned Labor Arbiter on the status of the enforcement thereof, not later than thirty (30) days from receipt of such writ and every thirty (30) days thereafter during the lifetime of the writ unless fully satisfied. A copy of the said report shall be furnished the Executive Labor Arbiter.

You are also hereby directed to make an accounting of every payments made by the respondent for monitoring and validation purposes.

This Writ of execution shall be effective for a period of five (5) years from the issuance thereof. (Section 6, Rule XI of the 2011 NLRC Rules of Procedure)

June 26, 2018, Davao City, Philippines.



ELMER BEN V. PASION
Executive Labor Arbiter

Cc:

MR. JUREYVIC T. MALNEGRO, ET AL.
Complainants
Blk. A, Lot 9 Palanca Village
Matina, davao City

ATTY. JOSE SONNY G. MATULA
Counsel for the complainants
FFW Legal Center
FFW Building 1943 Taft Avenue
Malate, Manila



LAND TRANSPORTATION OFFICE
East Avenue, Cebu City
Field Office Davao City District Office.



CERTIFICATE OF REGISTRATION		CR	DATE: 01/28/2013	
		No.	(MM-DD-YYYY)	
MV FILE NO. 1112-00000364173	PLATE NO.	ENGINE NO. 2KDU164793	CHASSIS NO. <small>MHFZR69G203064127</small>	
DENOMINATION MOTOR UTILITY VEHICLE	PISTON DISPLACEMENT 2494	NO. OF CYLINDERS 4	FUEL DIESEL	
MAKE Toyota	SERIES FORTUNER 4X2 2.	BODY TYPE SUV	BODY NO.	YEAR MODEL 2013
GROSS WT. 2385	NET WT. 1190	SHIPPING WT. 1190	NET CAPACITY 1195	
COMPLETE OWNERS NAME G&S TRANSPORT CORPORATION		TEL. PHONE NO./CONTACT DETAILS		
COMPLETE ADDRESS (No., Street, City/Municipality, Province) 2nd FLOOR GUEVENT LEBERTAD ST., - CITY OF MANDALUYONG NCR SECOND DISTRICT NATIONAL CAPITAL REGION				
ENCUMBERED TO				
000-000-000-000				
DETAILS OF FIRST REGISTRATION	O.R. No. 000201230189912	O.R. DATE 01/25/2013	AMT. 9,147.18	
This is to certify that the Motor Vehicle described herein is duly registered. This certificate is VALID only when signed by authorized LTO Officials, Properly sealed and accompanied by Official Receipt as proof of payment. Any unauthorized erasure or alteration hereon will invalidate this document.				
REGISTRANT'S SIGNATURE		<i>Virginia P. Torres</i>		
		VIRGINIA P. TORRES CHIEF OF OFFICE		



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
East Avenue, Cebu City

Field Office: _____ Field Office Code: _____

OFFICIAL RECEIPT **1293912012** DATE: _____

RECEIVED FROM (Last name, first name, MI) _____

ADDRESS (No., Street, City/Municipality, Province, Zip Code) _____

PAYMENT DETAILS	BREAKDOWN OF PAYMENT
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Plate No. 1112-00000364173 Gross Weight 2385	Total Amount 9,147.18 Cash 2,729.06
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CASH **2,729.06**



REPUBLIC OF THE PHILIPPINES
 DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
 East Avenue - Quezon City

Field Office: Barangay Office, District Office Field Office Code: 1112

OFFICIAL RECEIPT **1293984263** DATE: 03/26/2013

RECEIVED FROM (Last name, First name, MI)
G&S TRANSPORT CORPORATION

ADDRESS (No., Street, City, Municipality, Province, Zip Code)
BLVD. DOMINGO CALBAY - CITY OF MANDALUYONG NCR SECOND DISTRICT 1550

PAYMENT DETAILS		BREAKDOWN OF PAYMENT	
Transaction: VREND		Cost of Stickers	50.00
<u>011112033626189079 - 01</u>		Legal Research Fund	10.00
Posted: Mar 25 2013		MSLIC	2,000.00
PRIMATE: Utility Vehicle LWD/D/E		Surcharge	200.00
SEL/Silver Metallic		Comp Fee	153.06
Fee No.: 11120000004175		Nothing Follows	
Plate No.: LHF363			
Gross Weight: 1920			

CASH **2,429.06**

A.R. R134a

18-9490m

Not valid if not accompanied by CR and CRD if applicable

2,429.06

Two Thousand Four Hundred Twenty Nine And 06/100 Pesos Only

CASH

[Signature]
 ASST. CHIEF OF OFFICE

[Signature]
 CASHIER

Republic of the Philippines
 DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
 East Avenue - Quezon City
 Field Office: Barangay Office, District Office

SALES AND REGISTRATION CR No. **161579933** DATE **01/28/2013**
 (MM-DD-YYYY)

VEHICLE NO. 1112-00000364176	PLATE NO. LHF-363	ENGINE NO. 2K06948598	CHASSIS NO. JTTR31P20027285
DESIGNATION UTILITY VEHICLE	DISPLACEMENT 2494	NO. OF CYLINDERS 4	FUEL DIESEL
MAKE Toyota	SERIES HIACE GL GRANDI	BODY TYPE VAN	BODY NO. 2013
NET WT. 1920	NET WT. 960	SHIPPING WT. 960	NET CAPACITY 960

COMPLETE OWNERS NAME
G&S TRANSPORT CORPORATION

TELEPHONE NO./CONTACT DETAILS
-/-

COMPLETE ADDRESS (No., Street, City, Municipality, Province)
BLVD. DOMINGO CALBAY - CITY OF MANDALUYONG NCR SECOND DISTRICT NATIONAL

ISSUED TO

DETAILS OF FIRST REGISTRATION: CR No.	CR DATE	AMT.
000201230189915	01/25/2013	8,097.18

This is to certify that the Motor Vehicle described herein is duly registered. This certificate is VALID only when signed by authorized LTO Officials, Properly sealed and accompanied by Official Receipt as proof of payment. Any unauthorized erasure or alteration hereon will invalidate this document.

REGISTRATION SIGNATURE
VIRGINIA P. TORRES
 CHIEF OF OFFICE
 Signature/Date