



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



En Banc Resolution No. 06-16
Series of 2016

WHEREAS, pursuant to Article 225 [218], paragraph (a) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, the Commission has the power to promulgate rules and regulations governing hearing and disposition of cases;

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED that the following amendments on the 2011 NLRC Rules of Procedure, as amended, are introduced as follows:

a) RULE V, SECTION 10:

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.

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.

b) RULE XI, SECTION 19:

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 requiring such losing party to appear and be examined concerning his/her property and income before such Labor