



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



RICARDO R. GALLANO, ET. AL.,
 Complainant(s),

-versus-

NLRC-NCR CASE NOS. 04-06754-11
 06-08563-11

**SQUARE METER TRADING AND
 CONSTRUCTION, ET. AL.,**
 Respondent(s).

x ----- x

**NOTICE OF SALE ON EXECUTION OF
 PERSONAL PROPERTY**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by virtue of the **Writ of Execution** issued by the **Honorable Labor Arbiter JENNETH B. NAPIZA** dated 31 March 2023 for the above-entitled case, copy of which is hereto attached for reference, which was unloaded to the office of the **Honorable Labor Arbiter ANATOLY N. ESTRELLA** on 18 March 2024 with the undersigned as its sheriff, for the recovery by way of distraint the amounts of:

| | |
|----------------|--------------------------|
| JUDGMENT AWARD | PHP 46,977,994.61 |
| EXECUTION FEE | 469,279.95 |
| DEPOSIT FEE | 234,909.97 |
| TOTAL | PHP 47,682,184.53 |

and other expenses that may be incurred in connection with this execution, **LEVY** was made by the previous handling sheriff, **MR. SHERWIN O. SINDAYEN**, upon the **personal property (shares of stock)** of the respondent(s) which particularly described as follows:

| SHAREHOLDER'S NAME | NUMBER OF SHARES SUBSCRIBED | AMOUNT SUBSCRIBED | AMOUNT PAID |
|--------------------|-----------------------------|-------------------|---------------|
| LITO PASCUAL | 360,000 | P36,000,000.00 | P9,000,000.00 |

NOW THEREFORE, by virtue of the said Writ of Execution and in accordance with Rule 39, Section 18, of the New Rules of Court in the Philippines, the undersigned Sheriff will sell at public auction to the highest bidder for CASH and in PHILIPPINE CURRENCY, on **16 July 2024 at 10:00 in the morning** or soon thereafter, at the office of the **Honorable Labor Arbiter ANATOLY N. ESTRELLA at Branch 22, 3rd Floor, NLRC, Ben-Lor Building, 1184 Quezon Avenue, Paligsahan, Quezon City** the above-described property in order to satisfy said Writ of Execution, together with interests, costs and expenses of sale.

09 July 2024.

APPROVED FOR POSTING

 CATHERINE S. MEDINA
 Administrative Officer V
 NLRC - NCR

CHRISTIANSEN CASTEN
 Sheriff III

WARNING!!!

It is absolutely prohibited to remove, deface, or destroy this Notice of Sale on or before the date of sale, under penalty of the law.

N.B.

Properties levied herein are still in the possession of the respondent and will be made available at the time of the Auction Sale.

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

RICARDO R. GALLANO, ET AL.,
Complainants,

-versus-

NLRC-NCR CASE NO. 04-06754-11

**SQUARE METER TRADING
AND CONSTRUCTION, ET AL.,**
Respondents.

x - - - - - x

REGILAN ANDRES, ET AL.,
Complainants,

-versus-

NLRC-NCR CASE NO. 06-08563-11

**SQUARE METER TRADING
AND CONSTRUCTION, ET AL.,**
Respondents.

x - - - - - x

WRIT OF EXECUTION

TO: SHERWIN SINDAYEN
Sheriff
Enforcement & Execution Unit
This Office

G R E E T I N G S:

WHEREAS, on January 31, 2012, a Decision in the above-entitled case was rendered by the undersigned, the dispositive portion of which reads as follows:

CERTIFIED TRUE COPY

CATHERINE MELODY S. MEDINA
Administrative Officer V
NLRC - NCR

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"WHEREFORE, premises considered,
judgment is hereby rendered:

1. declaring complainants Ricardo Gallano, Felimon Francisco, Oscar Borja, Virgilio Lacapur, Jun Casim, Jerry Nasam, Reynaldo Ramos, Maximo Alcantara, Antonio Costiniano, Romulo Tañamor, Richard Sondia, Celso Del Rosario, Reymond Carmona, Aris Del Rosario, Marcos Balasta, Salvador Magaan, Richard Mariano, Reynaldo Carmona, Carmona, Jessie Calumpiano, Regilan Andres, and Ronald Ebuenga to be regular employees of respondent Square Meter Trading and Construction:

2. ordering respondents Square Meter Trading and Construction and Lito C. Pascual to reinstate complainants to their former positions without loss of seniority rights and privileges with full backwages computed from the time they were dismissed from work until they are reinstated computed as follows:

| Name of Complainants | Date Dismissed | Full Backwages |
|-----------------------------|-----------------------|-----------------------|
| Ricardo Gallano | February 2, 2011 | P142,787.64 |
| Felimon Francisco | December 23, 2010 | P157,799.61 |
| Oscar Borja | December 23, 2010 | P157,799.61 |
| Virgilio Lacap | February 15, 2011 | P137,822.14 |
| Jun Casim | February 2, 2011 | P142,787.64 |
| Jerry Nasam | March 10, 2011 | P128,122.10 |
| Reynado Ramos | December 23, 2010 | P157,799.61 |
| Maximo Alcantara | February 2, 2011 | P142,787.64 |
| Antonio Costiniano | March 10, 2010 | P264,020.99 |
| Romulo Tañamor | December 23, 2010 | P157,799.61 |
| Richard Sondia | February 15, 2011 | P137,822.14 |
| Celso Del Rosario | February 24, 2011 | P134,357.84 |
| Reymond Carmona | November 12, 2010 | P173,619.91 |
| Aris Del Rosario | February 24, 2011 | P134,357.84 |
| Marcos Balasta | March 10, 2011 | P128,122.10 |
| Salvador Magaan | March 10, 2011 | P128,122.10 |
| Richard Mariano | August 12, 2010 | P208,262.91 |
| Reynaldo Carmona | October 18, 2010 | P182,858.04 |
| Jessie Calumpiano | October 30, 2010 | P178,238.98 |
| Regilan Andres | March 10, 2011 | P128,122.10 |
| Ronald Ebuenga | February 2, 2011 | P142,787.64 |

The respondents are directed to submit a report of compliance on the reinstatement aspect within ten (10) calendar days from receipt of this Decision pursuant to Section 18, second paragraph, Rule V of the 2011 NLRC Rules of Procedure;

3. pay the attorney's fees equivalent to ten (10) percent of the judgment award.

All other claims are dismissed for lack of merit.

SO ORDERED."

WHEREAS, on appeal, the Sixth Division of the Commission rendered its Resolution dated May 22, 2012, the dispositive portion of which reads:

"WHEREFORE, the Respondents' Appeal is hereby **DISMISSED** for non-perfection.

SO ORDERED."

WHEREAS, on June 26, 2012, respondents filed a Motion for Reconsideration, submitted Philfire Bond No. 31787 issued by the Philippine Fire and Marine Insurance Corporation dated June 25, 2012 in the amount of Php3,266,198.20 and prayed that the Resolution that was promulgated on May 22, 2012 be reconsidered and that the appeal of the herein movants be reinstated;

WHEREAS, on February 20, 2013, the Sixth of the Commission rendered its Resolution, the dispositive portion of which reads:

"WHEREFORE, the Appeal is **GRANTED** and the Decision dated 31 January 2012 is **SET ASIDE** and **REVERSED** and the Complaint is **DISMISSED** for lack of merit. W

SO ORDERED."

WHEREAS, on March 15, 2013, complainants filed a Motion for Reconsideration and prayed that the Resolution dated February 20, 2013 be recalled for being issued without jurisdiction and to reinstate the Decision dated January 31, 2012;

WHEREAS, on March 27, 2013, the Sixth of the Commission rendered its Resolution, the dispositive portion of which reads:

"WHEREFORE, the Complainants' Motion for Reconsideration is hereby DENIED for lack of merit. No further Motion of the same tenor shall be entertained.

SO ORDERED."

WHEREAS, on June 17, 2013, the NLRC Sixth Division issued an Entry of Judgment which certified that the Resolution dated March 27, 2013 has attained its finality on May 31, 2013;

WHEREAS, on February 12, 2014, an Order was issued by this Office declaring that the complainants were entitled to the accrued backwages in the amount of Php327,558.23, and directed the Philippine Fire Marine and Insurance Corporation to release the amount of Php227,558.23 to the complainants. The remaining amount of Php3,038,639.97 as supersedeas bond covered by Philfire Bond No. 31787 was ordered cancelled and directed the release thereof including the respondents' collateral, and the Php100,000.00 cash bond shall be answerable to complainants' computed accrued backwages;

WHEREAS, on March 28, 2014, complainants filed a Verified Petition for Extraordinary Remedy before the Commission;

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WHEREAS, on April 30, 2014, the NLRC Fifth Division of the Commission rendered its Resolution which denied the Petition for lack of merit;

WHEREAS, on July 17, 2014, an Order was issued by this Office directing the Philippine Fire Marine and Insurance Corporation to release from the supersedeas bond covered by Philfire Bond No. 31787 the amount of Php227,558.23 to the complainants payable to NLRC Cashier;

WHEREAS, on September 2, 2014, an Order was issued by this Office directing the NLRC Cashier to release the amount of Php327,558.23 to the complainants and attorney's fees;

WHEREAS, on September 10, 2014, the NLRC Fifth Division issued an Entry of Judgment which certified that the Resolution dated June 6, 2014 affirming the Decision dated April 30, 2014 attained its finality on June 2, 2014;

WHEREAS, on January 26, 2021, the First Division of the Supreme Court rendered its Decision, the dispositive portion of which reads:

"WHEREFORE, the Petition is PARTIALLY GRANTED. The Decision dated February 24, 2016 and the Resolution dated June 8, 2016 of the Court of Appeals in CA-G.R. SP No. 130349 are hereby **REVERSED** and **SET ASIDE** with respect to private respondent Oscar Borja. The same are **AFFIRMED** with **MODIFICATION** with respect to the other private respondents.

Petitioners are ordered to pay to each respondents, except Oscar Borja:

1. Full backwages, inclusive of allowances, and other benefits or .

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their monetary equivalent to be computed from the dates of dismissal up to the time of the finality of this judgment;

2. Separation pay, in lieu of reinstatement, equivalent to one month salary for every year of their respective service up to the time the finality of this judgment;
3. Interest of twelve percent (12%) per annum of the total monetary awards computed from the dates of dismissal, as found by the Labor Arbiter, until June 30, 2013 and six percent (6%) per annum from July 1, 2013 until said monetary awards are fully paid; and
4. Moral damages and exemplary damages in the amount of Php25,000.00.

Petitioners are likewise ORDERED to pay attorney's fees, which shall be ten percent (10%) of the total monetary award.

The case is hereby REMANDED to the Labor Arbiter for purposes of computing the monetary awards in accordance with this decision.

SO ORDERED."

Consequently, an Entry of Judgment was issued by the First Division of the Supreme Court, which certified that the Decision dated January 26, 2021 has attained its finality on October 13, 2021;

WHEREAS, an Order dated October 10, 2022 was issued by the undersigned declaring that complainants' judgment award is in the total amount of Php46,977,994.61;

WHEREAS, an Order dated February 27, 2023 was issued by the undersigned affirming the complainants' judgment award in the

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amount of Php46,977,994.61 and granted the issuance of Writ of Execution;

WHEREAS, an Order dated March 31, 2023 was issued by the undersigned directing the issuance of Writ of Execution in view of the dismissal of the Verified Petition for Extraordinary Remedies filed by respondent Lito C. Pascual on March 13, 2023, which assailed the Order dated February 27, 2023 of the undersigned, and the absence of restraining order to continue the proceedings;

WHEREAS, there is no legal impediments anymore to the issuance of writ of 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 **FORTY SIX MILLION NINE HUNDRED SEVENTY SEVEN THOUSAND NINE HUNDRED NINETY FOUR PESOS and 61/100 (Php46,977,994.61)** from respondents **SQUARE METER TRADING AND CONSTRUCTION AND LITO C. PASCUAL**, whose address on record is at 124 Ipil Street, Marikina Heights, Marikina City and 94 Emerald Street, Marikina Subdivision, Brgy. Concepcion Uno, Marikina City, representing complainants' judgment award.

Further collect from the respondent the execution fee in the amount of **FOUR HUNDRED SIXTY NINE THOUSAND TWO HUNDRED SEVENTY NINE PESOS and 95/100 (Php469,279.95)** and deposit fee of **TWO HUNDRED THIRTY FOUR THOUSAND NINE HUNDRED NINE PESOS and 97/100 (Php234,909.97)** pursuant to the Manual of Execution.

In case you fail to collect the amounts above-mentioned from the respondents, or the amount collected is insufficient to satisfy the


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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 respondents.

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.

SO ORDERED.

Quezon City, Metro Manila, March 31, 2023.


JENNETH B. NAPIZA
Executive Labor Arbiter



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