



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



JONATHAN DAVID A. FLAVIER,
 Complainants,

-versus-

NLRC NCR CASE NO. 09-00737-19

**PHILIPPINE CENTER FOR
 POPULATION AND DEVELOPMENT /
 MIGUEL LUZ,**

Respondents.

X-----X

**NOTICE OF RE-SCHEDULING OF
 PUBLIC AUCTION SALE**

**TO: The President / General Manager
 PHILIPPINE CENTER FOR POPULATION AND DEVELOPMENT /
 MIGUEL LUZ
 PCPD Bldg., 2332 Chino Roces Ave., Extension,
 Taguig City**

GREETINGS:

Pursuant to the Order of the Honorable Labor Arbiter J. POTENCIANO F. Napeñas, Jr., dated November 14, 2023, denying the "Third Party Claim" and ordering the undersigned to proceed with the execution, copy of which are hereto attached for ready reference, the public auction sale of the levied properties more particularly described as follows:


Please see attached Notice of Levy/Sale on Execution of Personal Properties

is hereby reset on **November 29, 2023 at 11:00 o'clock in the morning or soon thereafter, at PCPD Bldg., 2332 Chino Roces Ave., Extension, Taguig City.**

All prospective bidders are hereby enjoined to verify the Notice of Levy and investigate for themselves the properties subject of sale.

Quezon City, Philippines, November 21, 2023.

BY AUTHORITY OF THE COMMISSION


CARLOS G. MANUEL
 Sheriff III



WARNING!!!

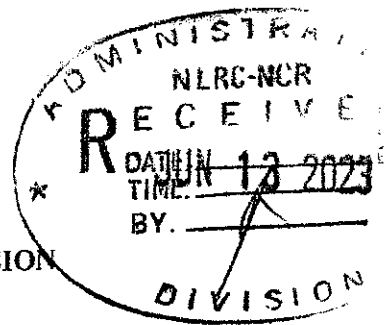
It is absolutely prohibited to remove, deface or destroy this Notice of Sale on or before the date of sale under penalty of the law.

RCVD
 11-21-2023
 Jace
 JACE B. NARANJO
 11:45 AM

RCVD



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



NOTICE OF LEVY/SALE ON EXECUTION OF PERSONAL PROPERTY

WHEREAS, by virtue of a Writ of Execution issued by the Honorable J. POTENCIANO F. NAPEÑAS, JR., Labor Arbiter of this Commission on April 28, 2023 in Case No. 09-00737-19 wherein JONATHAN DAVID A. FLAVIER is/are the complainant/s and PHILIPPINE CENTER FOR POPULATION AND DEVELOPMENT, ET. AL. is/are the respondent/s for the recovery by way of distraint the sum of Php7,718,608.34 plus Php76,686.08 (Execution Fee) plus Php38,593.04 (Deposit Fee), with interests, and costs, etc., levy was made on June 13, 2023 by the undersigned Sheriff of this Commission upon the Personal Property(s) of Respondents which are more particularly described as follows:

ONE (1) UNIT "CHAUTITTY BELT" WOOD SCULPTURE
1974 NAPOLEON ABUEYA
NATIONAL ARTIST

ONE (1) UNIT "TO CONTRA" WOOD SCULPTURE
1975 NAPOLEON ABUEYA
NATIONAL ARTIST

ONE (1) UNIT THE JOYA PAINTINGS "PICNIC GREAT WALL"
1973

ONE (1) UNIT MARCIANO GALANG "HOMAGE TO MARY BEL"
PAINTING

ONE (1) UNIT "MIRRA BRIDGE" PAINTING
BY RODOLFO SAMONTE 1972

ONE (1) UNIT "FESTIVAL OF BOATS" PAINTING
BY MANUEL RODRIGUEZ SR 1986

----- Nothing Follows -----
AS IS WHERE IS BASIS

NOW, THEREFORE, by virtue of the said Alias 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 June 21, 2023 11:00 o'clock in the morning/afternoon, or soon thereafter at PCPD Bldg., 2332 Chino Roces Ave. Extension, Taguig City the above-described

properties in order to satisfy said Order of Execution, together with interests, costs, Sheriff's Fees and expenses of sale.

Quezon City, Philippines, June 13, 2023.

FOR THE COMMISSION

CARLOS G. MANUEL
Sheriff III

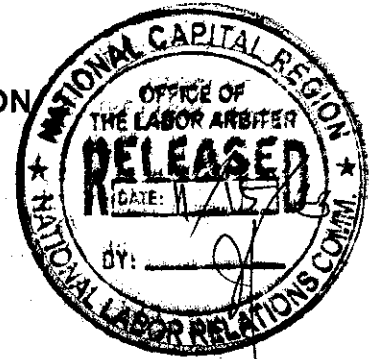
WARNING

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 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



JONATHAN DAVID A. FLAVIER,
 Complainant,

-vs-

NLRC NCR CASE NO.09-00737-19

**PHILIPPINE CENTER FOR
 POPULATION AND DEVELOPMENT /
 MIGUEL LUZ,**

Respondents,

x-----x

ORDER

This resolves respondent Phil. Center for Population and Development's ("PCPD", for brevity) "Third Party Claim" and complainant's Comment thereto.

In their Motion, respondent PCPD alleges that on the Notice of Levy, Sheriff Manuel noted several paintings and sculptures located within the premises of respondent PCPD, to wit:

Unit	Title	Description
1	Chastity Belt	Wood Sculpture, 1974, Napoleon Abueva (National Artist)
1	To Control	Wood Sculpture, 1975, Napoleon Abueva (National Artist)
1	Picnic at the Great Wall	The Joya Painting, 1973
1	Momage to Mary Bel	Marciano Galang Painting
1	Mirror Bridge	Painting by Rodolfo Samonte, 1972

1	Festival of Boats	Painting by Manuel Rodriguez Sr., 1986
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That the true and rightful owner of the subject properties is MIGUEL A. TOLENTINO and that the subject properties were merely left in trust with respondent PCPD for purposes of having them displayed in the premises.

In support thereof, respondent PDGP submitted a copy of the Deed of Trust with Special Power of Attorney executed by MIGUEL A. TOLENTINO.

On the other hand, Complainant, in his Comment, argued, among others, that the assailed Third Party Claim should be denied as it clearly failed to comply with the 2011 NLRC Rules of Procedure, to wit:

“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 Twenth Thousand Pesos (Php20,000.00) for the payment of publication 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)”

Here, respondent PCPD obviously failed to comply thereof. Clearly, the assailed Third Party Claim filed by the counsel of respondent PCPD cannot, in all

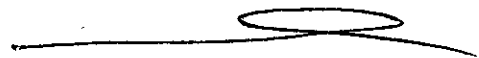
fours, take the place of the Affidavit of the Third Party Claimant required by the NLRC Rules of Procedure.

WHEREFORE, premises considered, an Order is hereby issued DENYING the "Third Party Claim" for utter lack of merit.

Accordingly, there being no restraining order issued by the Higher Court in this case, the assigned Sheriff is hereby directed to further proceed with the execution in order to fully satisfy the judgment award in this case.

SO ORDERED.

NOVEMBER 14, 2023, Quezon City, Philippines.



J. POTENCIANO F. NAPENAS JR.
Labor Arbiter

COPY FURNISHED:

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Taguig

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} mailed (LBC)
11/17/23