



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



MILA BASANES PLANTA, ET. AL.,
Complainant(s),

-versus-

NLRC-NCR CASE NO. 01-00797-18

**ASHPOR TRADING and SHIRLEY
S. ABRIL,**

Respondent(s).

x ----- x

NOTICE OF LEVY/SALE ON EXECUTION OF PERSONAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by virtue of a Writ of Execution issued by the **Honorable Labor Arbiter MARVIN R. OSIAS** on 03 October 2019 for the above-entitled case, copy of which is hereto attached for ready reference, for the recovery by way of distraint the sum of **P247,112.93** representing the complainant's **Judgment Award** plus **Execution Fee** of **P1,971.13** and **Deposit Fee** of **P1,255.56** and other expenses that may be incurred in connection with this execution, **LEVY** was made on **04 November 2020** upon the personal property/ies of the respondent(s) **ASHPOR TRADING and SHIRLEY SURATOS ABRIL**, more particularly described as follows:

Plate Number	MV File No.	Make / Series / Type / Year	Registered Owner
SHW-394	0386-142743	ISUZU / ALUM. WING VAN / TRUCK / 1995	ASHPOR TRADING
SHH-834	0386-112133	ISUZU / ELF/ CAB & CHASSIS / 1989	
SHP-210	1312-337350	MITSUBISHI/ L300 / AMBULANCE / 2005	
SEP-550	1312-54624RP	MITSUBISHI/ L300 / VAN / 1997	
SFN-655	1308-214977A	MITSUBISHI/ ADVENTURE / WAGON / 2000	SHIRLEY SURATOS ABRIL

(Mode of Sale "AS IS WHERE IS BASIS")

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 **10 November 2020 at 10:00 A.M.** or soon thereafter, at **The Sheriffs' Office, NLRC, G/F, Bookman Building, 373 Quezon Avenue, Lourdes, Quezon City** the above-described property/ies in order to satisfy said Writ of Execution, together with interests, costs and expenses of sale.

Quezon City, Philippines, 04 November 2020.

BY AUTHORITY OF THE COMMISSION:



CHRISTIANSEN S. CASTEN
Sheriff III

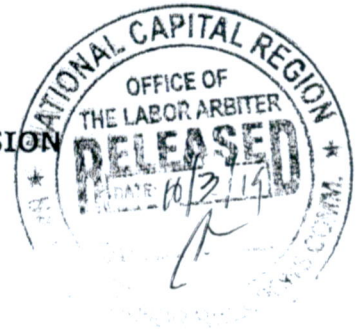
Tel. No. 8740-7736
Sheriffs' Office, NLRC, Ground Floor, Bookman Building
373 Quezon Avenue, Lourdes
Quezon City

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.



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- versus -

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**ASHPOR TRADING and SHIRLEY
S. ABRIL,**
Respondents.

X ----- X

WRIT OF EXECUTION

TO: MR. CHRISTIANSEN S. CASTEN
Sheriff
NLRC-NCR

Casten
10/8/19

GREETINGS:

WHEREAS, on September 20, 2018 a Decision was rendered in the above – captioned case, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered **DISMISSING** the complaint for illegal dismissal filed by complainants Mila B. Planta and Mark R. Agarin, and ordering the respondent SHIRLEY S. ABRIL doing business under the name ASHPOR TRADING to pay complainant Mila Basanes Planta, the following:

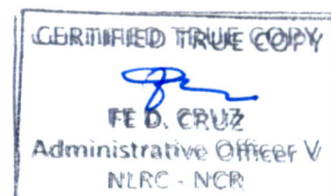
a. Separation Pay	P	133,120.00	(as of date of this decision)
b. 13 th Month Pay	P	37,102.35	
c. Salary Differentials	P	51,671.36	
d. S I L P	P	<u>25,219.23</u>	
Total Judgment Award	P	<u>247,112.93</u>	

A copy of the computation of the monetary award is hereto attached as an integral part hereof.

All other claims are dismissed for lack of merit.

SO ORDERED."

MLC



WHEREAS, on October 24, 2018, complainants through counsel filed a partial appeal and a Decision was rendered by the Second Division on December 28, 2018, the dispositive portion of which reads:

"WHEREFORE, premises considered, the instant Partial Appeal is **DISMISSED** for lack of merit.

The Decision of the Labor Arbiter dated September 20, 2018 is **AFFIRMED**.

SO ORDERED."

WHEREAS, on January 31, 2019, complainants filed a Motion For Reconsideration, and the Commission rendered a Resolution dated February 26, 2019, the dispositive portion of which reads:

"WHEREFORE, premises considered, the Motion For Reconsideration is **DENIED** for lack of merit.

No further motion of similar nature shall be entertained by the Commission.

SO ORDERED."

WHEREAS, on May 15, 2019, the Second Division issued an Entry of Judgment certifying that the resolution became final and executory on April 1, 2019.

WHEREAS, on July 3, 2019, the complainants filed a Motion for Issuance of Writ of Execution. Thus, this case was set for formal hearing on August 7, 2019. The counsel for respondents requested for a resetting to August 15, 2019 in order to discuss with his client the Motion for Execution however the respondents failed to appear on the said date.

WHEREAS, in the absence of any restraining order being issued by the Commission or the appellate courts enjoining the implementation of the judgment award and the issuance of a writ of execution, and considering that the Decision sought to be enforced has already attained its finality, there is no legal impediment for the issuance of the writ of execution.

ACW

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 **TWO HUNDRED FORTY SEVEN THOUSAND, ONE HUNDRED TWELVE PESOS and NINETY THREE CENTAVOS (P 247,112.93)** from respondent **SHIRLEY S. ABRIL** doing business under the name **ASHPOR TRADING** at its given address: No. 1068 Batangas Street, Tondo, Manila 1000 or anywhere in the Philippines where it may be located, representing complainant **MILA BASANES PLANTA's** judgment award pursuant to the Labor Arbiter's Decision dated September 20, 2018, as affirmed by the Commission in its Decision dated December 28, 2018.

Further collect from the respondent the execution fee in the amount of P **1,971.13** and deposit fee of P **1,255.56** pursuant to the Manual on Execution.

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.

You are commanded further to turn-over to the Cashier of this Commission whatever amounts you have collected for further disposition in accordance with law.

Lastly, you are directed to submit your monthly progress reports of the proceedings undertaken, and return this writ within the period allowed by the Rules of this Commission.

SO ORDERED.

Quezon City, Philippines. October 3, 2019.


MARVIN R. OSIAS
Labor Arbiter

