

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

En Banc Resolution No. 05-14
(Series of 2014)

**INTRODUCING NEW PROVISIONS AND AMENDMENTS TO
THE 2011 NLRC RULES OF PROCEDURE, AS AMENDED**

Pursuant to Article 218 (a) of the Labor Code, as amended, the National Labor Relations Commission, sitting en banc, RESOLVED TO ADOPT AND PROMULGATE, as it hereby adopts and promulgates new provisions and amendments to the "2011 NLRC Rules of Procedure," as follows:

**RULE III
PLEADINGS, NOTICES AND APPEARANCES**

1. Sections 3, 4 and 5, Rule III of the 2011 NLRC Rules of Procedure, as amended, are hereby amended to read as follows:

SECTION 3. FILING AND SERVICE OF PLEADINGS. - All pleadings in connection with a case shall be filed with the appropriate docketing unit of the Regional Arbitration Branch or the Commission, as the case may be.

In the event that the pleadings are filed through registered mail or courier authorized by the Commission, the date of mailing shall be considered as the date of filing thereof.

The party filing a pleading shall serve the opposing parties with a copy and its supporting documents. No pleading shall be considered without proof of service to the opposing parties except if filed simultaneously during a schedule set before the Labor Arbiter.

SECTION 4. SERVICE OF NOTICES, RESOLUTIONS, ORDERS AND DECISIONS. - a) Notices and copies of resolutions or orders, shall be served personally upon the parties by the bailiff or duly authorized public officer within three (3) days from his/her receipt thereof or by registered mail or *courier authorized by the Commission;*

b) In case of decisions and final awards, copies thereof shall be served on both parties and their counsel or representative by *personal service,* registered mail or *courier authorized by the Commission;* Provided that, in cases where a party to a case or his/her counsel on record personally seeks service of the decision upon inquiry thereon, service to said party shall be deemed effected as herein provided. Where parties are numerous, service shall be made on counsel and upon such number of complainants, as may be practicable and shall be considered substantial compliance with Article 224 (a) of the Labor Code, as amended.

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For purposes of appeal, the period shall be counted from receipt of such decisions, resolutions, or orders by the counsel or representative of record.

c) The bailiff or officer serving the notice, order, or resolution shall submit his/her return within two (2) days from date of service thereof, stating legibly in his/her return his/her name, the names of the persons served and the date of receipt, which return shall be immediately attached and shall form part of the records of the case. In case of service by registered mail or by courier authorized by the Commission, the name of the addressee and the date of receipt of the notice, order or resolution shall be written in the return card or in the proof of service issued by the private courier. If no service was effected, the reason thereof shall be so stated.

SECTION 5. PROOF AND COMPLETENESS OF SERVICE. - The return is prima facie proof of the facts indicated therein. Service by registered mail or by courier authorized by the Commission is complete upon receipt by the addressee or his/her agent. If the addressee fails to claim his/her mail from the post office within five (5) days from the date of first notice of the postmaster, service shall take effect after such time.

RULE V PROCEEDINGS BEFORE LABOR ARBITERS

2. Sections 4, 8, 9 and 21 Rule V of the 2011 NLRC Rules of Procedure, as amended, are hereby supplemented to read as follows:

SECTION 4. SERVICE OF SUMMONS - Summons shall be served personally upon the parties by the bailiff or a duly authorized public officer within three (3) days from his/her receipt thereof, or by registered mail, or by courier authorized by the Commission; Provided that in special circumstances, service of summons may be effected in accordance with the pertinent provisions of the Rules of Court. The bailiff or officer serving the summons shall submit his/her return within two (2) days from date of service thereof, stating legibly in his/her return his/her name, the names of the persons served and the date of receipt, which return shall be immediately attached to the records and shall be part thereof. If no service was effected, the reason thereof shall be stated in the return.

In case of service by registered mail or by courier authorized by the Commission, the names of the addressees and the dates of receipt of the summons shall be written in the return card or in the proof of service issued by the private courier. If no service was effected, the reason thereof shall be so stated.

SECTION 8. MANDATORY CONCILIATION AND MEDIATION CONFERENCE.- (a) The mandatory conciliation and mediation conference shall be called for the purpose of: (1) amicably settling the case upon a fair compromise; (2) determining the real parties in interest; (3) determining the necessity of amending the complaint and including all causes of action; (4) defining and

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simplifying the issues in the case; (5) entering into admissions or stipulations of facts; and (6) threshing out all other preliminary matters. The Labor Arbiter shall personally preside over and take full control of the proceedings and may be assisted by the Labor Arbitration Associate in the conduct thereof. Provided that, in areas where there is no Labor Arbiter assigned, conciliation and mediation may be conducted by a Labor Arbitration Associate, any other NLRC personnel with sufficient training and knowledge on conciliation and mediation, authorized by the Chairman or a duly authorized personnel of the Department of Labor and Employment pursuant to any Memorandum of Agreement executed for this purpose.

(b) Conciliation and mediation efforts shall be exerted by the Labor Arbiters or the said authorized personnel all throughout the mandatory conferences.

Any agreement entered into by the parties whether in partial or full settlement of the dispute shall be reduced into writing and signed by the parties and their counsel or the parties' authorized representatives, if any.

(c) In any case, the compromise agreement shall be approved by the Labor Arbiter, if after explaining to the parties, particularly to the complainants, the terms, conditions and consequences thereof, he/she is satisfied that they understand the agreement, that the same was entered into freely and voluntarily by them, and that it is not contrary to law, morals, and public policy.

(d) A compromise agreement duly entered into in accordance with this Section shall be final and binding upon the parties and shall have the force and effect of a judgment rendered by the Labor Arbiter.

(e) The mandatory conciliation and mediation conference shall, except for justifiable grounds, be terminated within thirty (30) calendar days from the date of the first conference.

(f) No motion for postponement shall be entertained except on meritorious grounds and when filed at least three (3) days before the scheduled hearing.

SECTION 9. EFFECT OF FAILURE OF SETTLEMENT. - If the parties fail to agree on an amicable settlement, either in whole or in part, during the mandatory conciliation and mediation conference, the Labor Arbiter or the said duly authorized personnel shall proceed to the other purposes of the said conference as enumerated in Section 8(a) hereof.

SECTION 21. FINALITY OF THE DECISION OR ORDER AND ISSUANCE OF CERTIFICATE OF FINALITY.

(a) Finality of the Decision or Order of the Labor Arbiter. - If no appeal is filed with the Regional Arbitration Branch of origin within the time provided under Article 223 of the Labor Code, as amended, and Section 1, Rule VI of these Rules, the decision or order of the Labor

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Arbiter shall become final and executory after ten (10) calendar days from receipt thereof by the counsel or authorized representative or the parties if not assisted by counsel or representative.

(b) Certificate of Finality. - Upon expiration of the period provided in paragraph (a) of this Section, the Labor Arbiter shall issue a certificate of finality.

In the absence of return cards, certifications from the post office or *courier authorized by the Commission* or other proofs of service to the parties, the Labor Arbiter may issue a certificate of finality after sixty (60) calendar days from date of mailing.

RULE VI APPEALS

3. Section 9 of Rule VI of the 2011 NLRC Rules of Procedure, as amended, is hereby supplemented to read as follows:

SECTION 9. FILING OF APPEAL; EFFECT. - Without prejudice to immediate reinstatement pending appeal under Section 3 of Rule XI, once an appeal is filed, the Labor Arbiter loses jurisdiction over the case. All pleadings and motions pertaining to the appealed case shall thereafter be addressed to and filed with the Commission.

RULE VII PROCEEDINGS BEFORE THE COMMISSION

4. Sections 7 and 14, Rule VII of the 2011 NLRC Rules of Procedure, as amended, are hereby supplemented to read as follows:

SECTION 7. INHIBITION. - No motion to inhibit the entire Division of the Commission shall be entertained. However, any Commissioner may inhibit himself/herself from the consideration and resolution of any case or matter before the Division and shall so state in writing the legal or justifiable grounds therefor. In the event that a member inhibits himself/herself, the case shall be raffled by the Executive Clerk or Deputy Executive Clerk to either of the two (2) remaining Commissioners. In case two (2) Commissioners in a Division inhibit themselves in a case or matter before it, the Chairman shall, as far as practicable, *designate* two (2) Commissioners from other Divisions representing the *respective* sector of the Commissioners who inhibited themselves.

SECTION 14. FINALITY OF DECISION OF THE COMMISSION AND ENTRY OF JUDGMENT. - a) Finality of the Decisions, Resolutions or Orders of the Commission. - Except as provided in Section 9 of Rule X, the decisions, resolutions or orders of the Commission shall become final and executory after ten (10) calendar days from receipt thereof by the counsel or authorized representative or the parties if not assisted by counsel or representative.

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b) Entry of Judgment. - Upon the expiration of the ten (10) calendar day period provided in paragraph (a) of this Section, the decision, resolution, or order shall be entered in a book of entries of judgment.

In the absence of return cards, certifications from the post office or the courier authorized by the Commission or other proofs of service to the parties, the Executive Clerk or Deputy Executive Clerk shall consider the decision, resolution or order as final and executory after sixty (60) calendar days from date of mailing.

RULE XI EXECUTION PROCEEDINGS

5. Sections 1, 9, 18 Rule XI of the 2011 NLRC Rules of Procedure, as amended, is hereby amended to read as follows:

SECTION 1. EXECUTION UPON FINALITY OF DECISION OR ORDER.- (a) A writ of execution may be issued *motu proprio* or on motion, upon a decision or order that has become final and executory.

(b) If an appeal has been duly perfected and finally resolved by the Commission, a motion for execution may be filed before the Labor Arbiter, when the latter has possession of the case records or upon submission of certified true copies of the decisions or final order/s sought to be enforced including notice of decision or order and the entry of judgment, copy furnished the adverse party.

(c) Except that, as provided for in Section **19** of Rule V in relation to Section 9 of this Rule, and in those cases where partial execution is allowed by law, the Labor Arbiter shall retain duplicate original copies of the decision to be implemented and proof of service thereof for the purpose of immediate enforcement.

SECTION 9. MANNER OF EXECUTION OF MONETARY JUDGMENT.

-a) Upon the issuance of a writ of execution by the Labor Arbiter or the Commission, the Sheriff shall immediately furnish the losing party with a copy thereof by registered mail or by courier authorized by the Commission and enforce the judgment award in the following order;

- (1) Cash bond
- (2) Bank deposits
- (3) Surety bond

(4) Should the cash bond or surety bond be insufficient, the Sheriff shall execute the monetary judgment by levying on the personal property, and if insufficient, the real property of the losing party not exempt from execution, sufficient to cover the judgment award, which may be disposed of for value at a public auction to the highest bidder.

(5) If the losing party has no properties or his/her properties are insufficient and the bonding company refuses to comply with the writ of execution, the sheriff shall proceed to levy on the personal property, and if insufficient, the real property of

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the bonding company, without prejudice to contempt proceedings against its president, officers or authorized representatives. Moreover, the bonding company shall be barred from transacting business with the Commission;

(b) If the bonding company refuses to pay or the bank holding the cash deposit of the losing party refuses to release the garnished amount despite the order or pertinent processes issued by the Labor Arbiter or the Commission, the president or the responsible officers or authorized representatives of the said bonding company or the bank who resisted or caused the non-compliance shall be either cited for contempt, or held liable for resistance and disobedience to a person in authority or the agents of such person as provided under the pertinent provision of the Revised Penal Code. This rule shall likewise apply to any person or party who unlawfully resists or refuses to comply with the break open order issued by the Labor Arbiter or the Commission.

For this purpose, the Labor Arbiter or the Commission may issue an order directing the sheriff to request the assistance of law enforcement agencies to ensure compliance with the writ of execution, orders or processes.

A bonding company cited for contempt, or for an offense defined and punishable under the pertinent provision of the Revised Penal Code shall be barred from transacting business with the Commission.

(c) Proceeds of execution shall be deposited with the Cashier of the concerned Division or Regional Arbitration Branch, or with an authorized depository bank. Where payment is made in the form of a check, the same shall be payable to the Commission.

(d) For monetary judgment on cases involving overseas Filipino workers, the manner of execution shall be in accordance with Republic Act No. 10022.(5a) (As amended by En Banc Resolution No. 11-12, Series of 2012)

(e) In case of voluntary tender of payment by the losing party and –
(1) in the presence of the prevailing party, it shall be effected before the Labor Arbiter or the Commission, as the case may be;
(2) In the absence of the prevailing party, it shall be effected by immediately depositing the same, in cash or in check, with the Cashier of the NLRC or authorized depository bank and shall be released only upon order of the Commission or Labor Arbiter who issued the writ.

Payment in the form of check shall be in the name of the Commission.

SECTION 18. RESTITUTION. – When the executed judgment is totally or partially reversed or annulled by the Court of Appeals or the Supreme Court with finality and restitution is so ordered, the Labor Arbiter shall, on motion, issue such order of restitution of the executed

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award, except reinstatement wages paid pending appeal.

6. New Sections 19 and 20, Rule XI of the 2011 NLRC Rules of Procedure, as amended, are hereby introduced as follows:

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 be entitled to an order from the labor arbiter who rendered the said judgment, requiring such losing party to appear and be examined concerning his/her property and income before such Labor Arbiter, at a specified time and place; and proceedings may thereupon be had for the application of the property and income of the losing party towards the satisfaction of the judgment.

SECTION 20. ENFORCEMENT OF ATTENDANCE AND CONDUCT OF EXAMINATION. - A party or other person may be compelled, by an order or subpoena, to attend before the Labor Arbiter to testify as provided in the preceding section (examination of losing party's property/income), and upon failure to obey such order or subpoena or to be sworn and subscribe, or to answer as a witness, may be punished for contempt as in other cases in accordance with Section 2 of Rule IX. Examinations shall not be unduly prolonged, but the proceedings may be adjourned from time to time, until the same are completed. All examinations and answers before the Labor Arbiter must be under oath, and when a corporation or other juridical entity answers, it must be on the oath of an authorized officer or agent thereof.

RULE XII EXTRAORDINARY REMEDIES

7. Sections 2, 9 and 13 Rule XII of the 2011 NLRC Rules of Procedure, as amended, are hereby supplemented to read as follows:

SECTION 2. GROUNDS. - The petition filed under this Rule may be entertained only if there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law, and based on any of the following grounds:

- (a) If there is prima facie evidence of abuse of discretion on the part of the Labor Arbiter;
- (b) If serious errors in the findings of facts are raised which, if not corrected, would cause grave or irreparable damage or injury to the petitioner;
- (c) If a party by fraud, accident, mistake or excusable negligence has been prevented from taking an appeal;
- (d) If made purely on questions of law; or
- (e) If the order or resolution will cause injustice if not rectified.

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SECTION 9. EFFECT OF FILING OF PETITION. - Upon filing of the petition, the proceedings before the Labor Arbiter shall continue unless restrained. In case of execution, the proceedings in accordance with Rule XI of these Rules shall not be suspended, but no money collected or credit garnished may be released or properties levied upon be sold by public auction within fifteen (15) calendar days from the filing of the petition. If no temporary restraining order or writ of preliminary injunction is issued within the said period, the money collected or credit garnished shall be released and/or the properties levied upon sold by public auction and the proceeds of the sale applied, to satisfy the judgment.

In case of execution proceedings, the Labor Arbiter shall immediately inform in writing the Commission or the Division where the petition is pending of the satisfaction of the judgment, and, if circumstances warrant, the Commission shall dismiss the petition for being moot.

The records of the case shall not be elevated to the Commission unless otherwise ordered, **in which case the execution proceeding shall continue pursuant to the first paragraph hereof, with the Labor Arbiter retaining copies of documents relevant and necessary for this purpose.**

SECTION 13. RESOLUTION OF PETITION. - If the Commission finds that the allegations of the petition are true, it shall:

- (a) render judgment for the relief prayed for or to which the petitioner is entitled; and/or
- (b) grant a final injunction perpetually enjoining the Labor Arbiter or any person acting under his/her authority from the commission of the act/s or confirming the preliminary injunction.

However, the Commission may dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, that the questions raised therein are too unsubstantial to require consideration, **or when an appeal or any other plain, speedy and adequate remedy in the ordinary course of law is available.**

**RULE XIII
COMMISSION SEAL AND RECORDS, AND POWERS
AND DUTIES OF COMMISSION OFFICIALS**

8. Section 4, Rule XIII of the 2011 NLRC Rules of Procedure, as amended, is hereby amended to read as follows:

SECTION 4. DUTIES AND FUNCTIONS OF THE EXECUTIVE CLERK AND DEPUTY EXECUTIVE CLERKS. - (a) Custody of Seal and Books. -He/she shall keep in his/her care and custody the Seal of the Commission, together with all the books necessary for the recording of the proceedings of the Commission, including the records, files and exhibits;

(b) Filing of Pleadings. - He/she shall receive and file all cases and pleadings and documents indicating thereon the date and time

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filed. All pleadings shall be filed in three (3) legibly typewritten copies in legal size;

- (c) Raffle and Assignment of Cases. - He/she shall assign appealed cases for study or report strictly by raffle or as directed by the Chairman. In this connection, the raffle of cases for study or report must be attended by the duly designated representative of the Members of the appropriate Division;
- (d) Service of Processes, Orders and Decisions. - He/she shall serve parties and counsel processes, notices of hearings, copies of decisions, resolutions or orders issued by the Commission by registered mail, by courier **authorized by the Commission** or by personal service and immediately attach the returns or proofs of delivery thereof to the records;
- (e) Commission Calendar and Minutes Book. - He/she shall prepare the Commission or Division calendars of sessions, attend such sessions personally and immediately prepare the minutes thereof. For this purpose, he/she shall keep a minutes book;
- (f) General Docket. - The Executive Clerk shall keep a general docket for the Commission, each page of which shall be numbered and prepared for receiving all the entries in a single page, and shall enter therein all original and appealed cases before it, numbered consecutively in the order in which they were received and, under the heading of each case, the date and hour of each pleading filed, of each order, decision or resolution entered, and of each other step or action taken in the case; so that, by reference to any single page, the history of the case may be known;
- (g) Promulgation and Promulgation Book. - He/she shall promulgate decisions and final resolutions on the same date the same is filed with his/her office and indicate the date and time of promulgation and attest the same by his/her signature on the first page thereof. He/she shall immediately furnish the Chairman with a copy of such decision, resolution, or order with a summary of the nature thereof and the issue involved therein. He/she shall keep a promulgation book which indicates the date and time of promulgation, the case number, title of the case, the ponente, the nature of the decision or final resolution and the action taken by the Commission by quoting the dispositive portion thereof. Notices of said decisions, resolutions or orders shall be sent in sealed envelopes to parties and their counsel within forty-eight (48) hours from promulgation;
- (h) Entry of Judgment. - He shall keep a book of entries of judgment, decisions, resolutions and orders containing in chronological order the entries of all final decisions, resolutions and orders of the Commission;

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- (i) Disposition and Remand of Records. - Upon entry of judgment, he/she shall immediately remand the records of the case to the Regional Arbitration Branch of origin, Regional Director or his/her duly authorized officer, as the case may be. The Records Unit shall immediately post said records without delay within two (2) working days;
- (j) Monthly Accomplishment Reports. - He/she shall submit a monthly accomplishment report of the Commission or Division not later than the 7th day of the following month;
- (k) Other Functions. - He/she shall perform other functions as directed by the Chairman or the Commission En Banc.

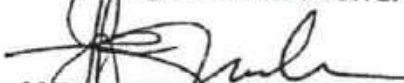
The Chairman may authorize any personnel in the Division to perform functions as stated in paragraph (g) hereof.

Signed this 11TH day of March 2014 at Aklan, Philippines.


GERARDO C. NOGRALES
 Chairman


RAUL T. AQUINO
 Presiding Commissioner


ALEX A. LOPEZ
 Presiding Commissioner


HERMINIO V. SUELO
 Presiding Commissioner


GRACE M. TAN
 Presiding Commissioner


JOSEPH GERARD E. MABILOG
 Presiding Commissioner


VIOLETA O. BANTUG
 Presiding Commissioner


BARLO-ROD M. DALON
 Presiding Commissioner


PERLITA B. VELASCO
 Commissioner


ROMEO L. GO
 Commissioner


TERESITA D. CASTILLON-LORA
 Commissioner


ERLINDA T. AGUS
 Commissioner


GREGORIO O. BILOG III
 Commissioner

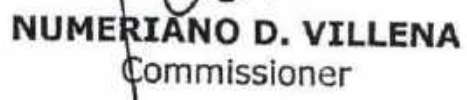
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PABLO C. ESPIRITU, JR.
Commissioner


ISABEL G. PANGANIBAN-ORTIGUERRA
Commissioner


NIEVES E. VIVAR-DE CASTRO
Commissioner


NUMERIANO D. VILLENA
Commissioner


ANGELO ANG PALAÑA
Commissioner

ON LEAVE
MERCEDES R. POSADA-LACAP
Commissioner


DOLORES M. PERALTA-BELEY
Commissioner

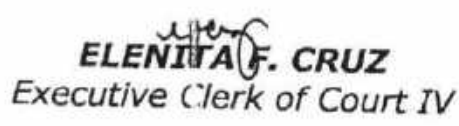

JULIE C. RENDOQUE
Commissioner


JOSE G. GUTIERREZ
Commissioner


ON LEAVE
PROCULO T. SARMEÑAN
Commissioner


DOMINADOR B. MEDROSO, JR.
Commissioner

Attested by:


ELENITA F. CRUZ
Executive Clerk of Court IV

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Landco Pacific boosts capex to P9B for next 5 years

IFPSCALEisure developer Landco Pacific Corp. (Landco) said it has set aside capital expenditure (capex) of P9 billion for the next five years to fund its expansion.

In 2013, the company's capex stood at P1 billion.

"I have our capex requirement for the next five years. We're looking at spending about P9 billion, including the finishing of all our existing projects and launching new ones," Alfred Xerez-Burgos, president and chief executive officer of Landco, told *The Manila Times* on the sidelines of the CEO Awards on Thursday.

"There are several [challenges for the business]. It depends on the area where we are operating, such as for example, in Davao, the challenge for us is to buy more land for expansion because the inventory is going too fast and our problem is we're not able to cope with demand. So that's the challenge—to buy more properties," Burgos said.

Landco sales in 2012 rose 17 percent to P3.09 billion from P2.65 billion in 2011.

The company said sales were driven by earnings from the Urban and Visayas-Mindanao Communities, which reached P1.63 billion, Hometown Communities which netted P760 million, and Leisure Communities which made P703 million.

Tribera Private Residences in Sucat, Muntinlupa City remained its biggest sales driver, posting P1.01 billion in sales. Playa Azalea in Samal, Davao del Norte is second, earning P373 million.

Landco recently launched Nautilus, the first tower of its upcoming seaside condominium development called Playa Calatagan Residences. A total of three buildings are set to rise in Playa Calatagan Residences.

Landco's beach resort amenity, Aquaria, is expected to rise in Calatagan, Batangas.

ROSALIE C. PERIARAS

LandBank Q1 net income drops 44% to P2.9B

BY MAVELIN U. CARABALLO REPORTER

THE Land Bank of the Philippines posted a sharp 44 percent fall in net income for the first quarter of 2014 due to reduced profits from investments as interest rates increased from historically low levels in the first half of last year.

In a statement on Thursday, the state-owned bank reported that its first-quarter net income slid to P2.9 billion from last year's income of P5.1 billion.

"Notwithstanding these low Q1 results, we are encouraged, as income from loans remains strong.

We are well positioned for sustained growth this year as we continue to expand our deposits and increase revenue from traditional and non-traditional sources," LandBank President and Chief Executive Officer Gilda Pico said.

The bank's return on equity

stood at 11.9 percent, while its Basel III capital adequacy ratio was at 13.68 percent. LandBank's deposits grew by a hefty 28 percent to P733.8 billion, based on figures at end-March, from P574.7 billion in the same period last year.

Loans expanded 13.4 percent to P310.9 billion from P274.1 billion. Total assets increased by 18 percent to P873.7 billion from P737.4 billion in March 2013, while capital stood at P67.6 billion.

Alongside fortifying its universal banking operations, LandBank said it remains the biggest lender to the agricultural sector.

The bank's priority sectors comprise small farmers and fishermen, micro-enterprises and

small and medium enterprises, aqua related projects of local governments and government-owned and -controlled corporations, socialized to medium-cost housing, and utilities. The bank also reported that it has a presence in 80 provinces of the country with a nationwide network of 344 branches and 1,256 automated teller machines. It also plays a significant role in major government programs such as the Conditional Cash Transfer, the Food Supply Chain Program, and the Overseas Filipino Workers Reintegration Program.

LandBank is also one of the four local banks upgraded to investment grade rating by Moody's in 2013.

3 Report is the report of Land Bank in the name of the Commission.

SECTION 18, RESTRICTIONS. When the executed project is partially completed or approved by the Court of Appeals or the Supreme Court, the contractor shall be held liable for the completion of the project. The contractor shall be held liable for the completion of the project.

SECTION 19, ESTABLISHMENT OF A FIDUCIARY ACCOUNT. The contractor shall establish a fiduciary account for the project.

SECTION 20, ESTABLISHMENT OF A FIDUCIARY ACCOUNT. The contractor shall establish a fiduciary account for the project.

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SECTION 22, ESTABLISHMENT OF A FIDUCIARY ACCOUNT. The contractor shall establish a fiduciary account for the project.

En Banc Resolution No. 02-13

Series of 2014

WHEREAS on November 2013, the Commission issued its Resolution No. 25-13, Series of 2013, allowing the Labor Arbiter to issue a writ of amparo in cases involving labor disputes and writ of amparo for the safety of laborers.

WHEREAS the Commission is of the opinion that the writ of amparo is a remedy available to laborers in cases involving labor disputes and writ of amparo for the safety of laborers.

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Republic of the Philippines

Department of Labor and Employment

NATIONAL LABOR RELATIONS COMMISSION

En Banc Resolution No. 02-13

REGULATING NEW PROVISIONS AND AMENDMENTS TO THE 2011 NLRB RULES OF PROCEDURE, AS AMENDED

Approved on May 27, 2014 by the Labor Code, as amended, the National Labor Relations Commission, sitting on En Banc Resolution No. 02-13

FROM PAGE A1

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ownership to foreigners nor full ownership to industries but is open to give majority ownership to 51 percent to most sectors including mining and utilities and except those that involve national security.

"Utilities prices might even go down if allow foreigners," Angara said. On leasehold he said, "I am not in favor of outright free alienation especially if we look at big investors... if we look at the country's neighbors like Indonesia (which allow lease of land) for 70 years."

On land ownership, Angara also is not favor of outright 100 percent land ownership to foreigners because "it is hard to sell also to people."

The senator expressed confidence of passing the fiscal harmonization bill which would continue supporting export-oriented industries through incentives.

"The view is that export industries deserve the incentives because they are operating in a highly competitive environment and can pack up and leave any time. But if the incentives would be used (by sectors) for profit maximization, they should not be given incentives," Angara said.

Angara supports a bill filed by Sen. Ralph Recto which would give generous incentives to economic zones to be established in the 30 poorest provinces. He said the same could be extended to those setting

up in Mindanao. "The basic philosophy is to disperse development around the country, to have it more dispersed than (be concentrated) in Metro Manila and Metro Cebu," Angara said.

Angara also backs plan to reduce the income tax rate both for individuals and corporate to 25 percent from the current 32 percent and adjust the threshold to P1 million for the maximum rate.

The maximum rate is currently 32 percent on income earned over P500,000 which has been pegged since 1970s, Angara said.

Though the rate would still be on the high side compared to Asean's average of 23 percent, Angara said a tax rate lower than 25 percent might impact on revenues and the expenditure of government.

"The last time we touched the table on tax rates was in 1997 when we lowered the rate from 35 to 32. The top income rate of P500,000 for (the maximum rate of) 32 percent has been there since 1970s. Taxation should be uniform and progressive. So far we are far from progressive," Angara said.

As it is the Philippines has the highest corporate income tax rate and the third highest for individual in the region.

Based on previous experience, lowering tax rates would initially result in lower tax take but would eventually raise compliance rate, he said.

Aside from economic issues, the ADB stressed that poor sanitation also has adverse effects on people's health and the environment. According to Groff, many slums in Asian cities face huge sanitation challenges at present.

Among the challenges they faced include the absence of a pro-poor financing mechanism, lack of the realization about the need for safe sanitation, infrastructure provided without adequate planning, and toilets being perceived as nice superstructures rather than for safely managing waste, Groff reported.

Given the persisting problem on sanitation, the ADB official said wastewater management offers a huge investment potential in the region. The ADB estimates that \$71 billion worth of investments are needed to deliver improved sanitation in Asia.

"Billions of dollars are needed to clean up rivers and treat wastewater from households and industries. But let us look at the revenue side of the balance sheet. With clean rivers and environment, there will be more revenues from tourism, fisheries, and real estate development," Groff said.

"And it's not just the dollars. People will benefit from improved health and better living conditions. Children will be able to go to school more regularly. And improved dignity for women simply cannot be measured," he added.

Groff said that investing in wastewater management has now become economically viable due to technological developments and available financing mechanisms.

Groff said estimates showed that for every dollar spent on sanitation investment, it can result to \$36 savings in cleanup costs.

"Many governments and private investors consider environmental sanitation an investment dead end. Typically, many see huge upfront capital costs and unaffordable operating and maintenance costs," Groff said.

"However, technology options and financing mechanisms are available to make sanitation affordable and viable," Groff added.



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

En Banc Resolution No. 02-14

Signed this 11th day of March 2014 at Manila, Philippines.

Atty. General

SECTION 3. FILING AND SERVICE OF PLEADINGS. - All pleadings in connection with a case shall be filed with the appropriate occupying unit of the Regional Arbitration Branch of the Commission, as the case may be.

SECTION 14. RESSTITUTION. - When the executed judgment is totally or partially reversed or annulled by the Court of Appeals or the Supreme Court with finality and definitiveness, the Labor Arbiter shall, on motion, issue such order of restitution of the executed award, except reinstatement wages paid pending appeal.

SECTION 7. IMPOSITION. - No motion to refer the entire Division of the Commission shall be entertained. However, the Division and shall so advise in writing the legal or justifiable grounds therefor. In the event that a motion is filed, the case shall be referred to the Division.

SECTION 18. EXAMINATION OF LABOR PARTY MEMBERS' ACCOUNTS. - When the motion of a party to the dispute is granted, the Commission shall order the Labor Party members to submit to the Commission, in writing, a list of their names and addresses, and a list of their names and addresses of their family members, and a list of their names and addresses of their employers.

SECTION 19. REPLY TO MOTION. - Upon filing of a motion, the Labor Arbiter shall immediately assign the motion to a hearing officer. The hearing officer shall immediately file the records without delay within two (2) working days.

SECTION 20. MONTHLY ACCOMPLISHMENT REPORTS. - The Labor Arbiter shall submit a monthly accomplishment report to the Commission.

