



En Banc Resolution No. 06-18
 (Series of 2018)

WHEREAS, pursuant to Article 225 [218], paragraph (a) of the Labor Code of the Philippines, as amended, the Commission has the power to promulgate rules and regulations governing hearing and disposition of cases;

WHEREAS, the Commission en banc revisited the Rules pursuant to its mandate to provide the fairest, quickest, least expensive and most effective way to resolve labor disputes;

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED, that the 2011 NLRC Rules of Procedure is further amended to read as follows:

SECTION 6. RULE V:

Rule VI

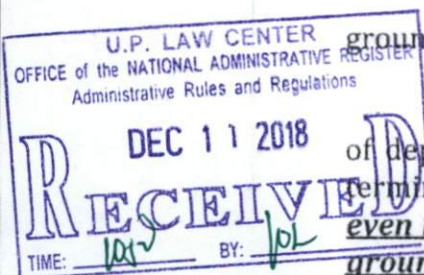
SECTION 6. BOND. - In case the decision of the Labor Arbiter or the Regional Director involves a monetary award, an appeal by the employer may be perfected only upon the posting of a bond, which shall either be in the form of cash deposit or surety bond **in an amount equivalent** to the monetary award, exclusive of damages and attorney's fees.

In case of surety bond, the same shall be issued by a reputable bonding company duly accredited by the Commission, and shall be accompanied by original or certified true copies of the following:

- (a) a joint declaration under oath by the employer, his/her counsel, and the bonding company, attesting that the bond posted is genuine, and shall be **effective** until final disposition of the case;
- (b) an indemnity agreement between the employer-appellant and bonding company;
- (c) proof of security deposit or collateral securing the bond: *provided*, that a check shall not be considered as an acceptable security; and,
- (d) notarized board resolution or secretary's certificate from the bonding company showing its authorized signatories and their specimen signatures.

The Commission through the Chairman may on justifiable grounds blacklist an accredited bonding company.

A cash or surety bond shall be valid and effective from the date of deposit or posting, until the case is finally decided, resolved or terminated, or the award satisfied. **The bond shall still be liable even if the appeal is dismissed for non-perfection or for whatever ground. These conditions** shall be deemed incorporated in the terms and conditions of the surety bond, and shall be binding on the appellants and the bonding company.



The appellant shall furnish the appellee with a certified true copy of the said surety bond with all the above-mentioned supporting documents. The appellee shall verify the regularity and genuineness thereof and immediately report any irregularity to the Commission.

Upon verification by the Commission that the bond is irregular or not genuine, the Commission shall cause the immediate dismissal of the appeal, and censure the responsible parties and their counsels, or subject them to reasonable fine or penalty, and the bonding company may be blacklisted.

No motion to reduce bond shall be entertained except on meritorious grounds, and only upon the posting of a bond in a reasonable amount in relation to the monetary award.

The mere filing of a motion to reduce bond without complying with the requisites in the preceding paragraphs shall not stop the running of the period to perfect an appeal.

SECTION 8, RULE VI:

SECTION 8. TRANSMITTAL OF RECORDS OF CASE ON APPEAL. - Within forty-eight (48) hours from receipt of the answer/reply or opposition to the appeal, or upon the lapse of the period within which to file the same, the entire records of the case shall be transmitted by the Regional Arbitration Branch or office of origin to the Commission.

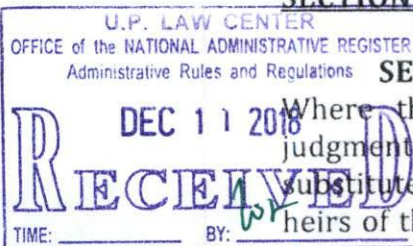
SECTION 7, par. (2), RULE XI:

SECTION 7. ISSUANCE, CONTENTS AND EFFECTIVITY OF A WRIT OF EXECUTION. - The writ of execution shall issue in the name of the Republic of the Philippines signed by the Commission or Labor Arbiter ordering the Sheriff to execute the decision, order, or award of the Commission or Labor Arbiter, and must contain the complete name of the party, whether natural or juridical, against whom the writ of execution was issued, the dispositive portion thereof, the amount, if any, to be demanded, and all legal fees to be collected from the losing party or any other person required by law to obey the same.

A writ of execution shall be effective for a period of five (5) years from date of entry of judgment or issuance of certificate of finality.

5

SECTION 11, RULE XI:



SECTION 11. EXECUTION IN CASE OF DEATH OF PARTY. - Where the complainant or respondent dies after the entry of judgment or issuance of certificate of finality, he/she may be substituted by his/her heirs. However, the liability of the substituting heirs of the respondent shall be up to the extent of the assets left by the decedent. Execution thereon may issue or one already issued may be enforced in accordance with the applicable provisions of this Rules. **(As amended by En Banc Resolution No. 01-17, Series of 2017)**



SECTION 15, RULE XI:

SECTION 15. SHERIFF'S RETURN AND REPORT. – The writ of execution shall be returned to the Commission or Labor Arbiter immediately after the full satisfaction of the judgment award. The Sheriff enforcing the writ shall submit a report updating the Commission or Labor Arbiter who issued the writ of execution, whenever there is partial satisfaction or any development in the status of enforcement thereof.


Failure on the part of the Sheriff to submit the report or return required under this Rule shall subject him/her to administrative fine under Rule XIV of this Rules.


Signed this 26th day of September 2018 at Quezon City, Philippines.


GERARDO L. NOGRALES
Chairman


JULIA CECILY COCHING-SOSITO
Presiding Commissioner



ALEX A. LOPEZ
Presiding Commissioner


GRACE M. VENUS
Presiding Commissioner


GRACE M. TAN
Presiding Commissioner


JOSEPH GERARD E. MARLLOG
Presiding Commissioner


VIOLETA O. BANTUG
Presiding Commissioner

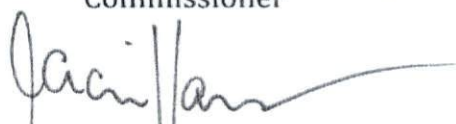

BARIO-ROD M. TALON
Presiding Commissioner


GINA F. CEMIT-ESCOTO
Commissioner

ON LEAVE
DOMINADOR B. MEDROSO, JR.
Commissioner


ERLINDA T. AGUS
Commissioner


PABLO C. ESPIRITU, JR.
Commissioner


CECILIO ALEJANDRO C. VILLANUEVA
Commissioner

U.P. LAW CENTER
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations
RECEIVED
DEC 11 2018
TIME: _____ BY: _____

Certified Xerox Copy
PARDEX P.A. ...
LAA / U.C. Res each information and


MERCEDES R. POSADA-LACAP
Commissioner


DOLORES M. PERALTA-BELEY
Commissioner


MARY ANN F. PLATA-DAYTIA
Commissioner



LEONARD VINZ O. IGNACIO
Commissioner


ISABEL G. BANGANIBAN-ORTIGUERRA
Commissioner


AGNES ALEXIS A. LUCERO-DE GRANO
Commissioner


JULIE C. RENDOQUE
Commissioner



NENDELL HANZ L. ABELLA
Commissioner


ELBERT C. RESTAUERO
Commissioner


ROSARIO L. BERNARDO-SAGADAL
Commissioner

Attested by:


ELENITA F. CRUZ
Labor Arbiter
Acting Executive Clerk of Court IV

U.P. LAW CENTER
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations
RECEIVED
DEC 11 2018
TIME: _____ BY: 

Certified Xerox Copy
PURDYNE PEREZ
LA / OIC, Research Information and
Publication Division