



***En Banc* Resolution No. 09-25** (Series of 2025)

WHEREAS, pursuant to Article 225 [218], paragraph (a) of the Labor Code of the Philippines, as amended, the National Labor Relations Commission, sitting *en banc*, is vested with the power and authority to promulgate rules and regulations governing the hearing and disposition of cases before it and its Regional Arbitration Branches, those pertaining to its internal functions, as well as such rules and regulations as may be necessary to carry out the purposes of the said Code;

WHEREAS, pursuant to Administrative Order Nos. 07-03 (Series of 2025) and 07-03-A (Series of 2025), issued on 18 July 2025, the Committee on the Revision of the 2011 NLRC Rules of Procedure was created and directed to submit its report/recommendation for amendments to the 2011 NLRC Rules of Procedure, as it considers necessary, for discussion and approval during sessions *en banc*;

WHEREAS, on 13-14 December 2023, 25 January 2024, 02 to 03 July 2025, 23 to 26 September 2025, 25 to 26 November 2025 and 01 December 2025, the Commission *en banc*, pursuant to its statutory mandate to provide a fair, speedy, and equitable disposition of labor cases at the least possible cost, revisited the 2011 NLRC Rules of Procedure, as amended;

WHEREAS, on even dates, the Commission *en banc* approved the new provisions and amendments to the 2011 NLRC Rules of Procedure, as amended;

WHEREFORE, RESOLVED, AS IT IS HEREBY RESOLVED, that the 2011 NLRC Rules of Procedure is amended and shall be known as "**THE 2025 NLRC RULES OF PROCEDURE**", to read as follows:

THE 2025 NLRC RULES OF PROCEDURE

Pursuant to the provisions of Article 225 [218] of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, the following Revised Rules of Procedure governing the hearing and disposition of cases before the Commission and its Regional Arbitration Branches are hereby adopted and promulgated:

**RULE I
TITLE AND CONSTRUCTION**

SECTION 1. TITLE OF THE RULES. – These Rules shall be known as "The 2025 NLRC Rules of Procedure".

SECTION 2. CONSTRUCTION. – These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines, as amended, and other relevant legislation, and to assist the parties in obtaining just, expeditious and inexpensive resolution and settlement of labor disputes.

SECTION 3. SUPPLETORY APPLICATION OF THE RULES OF COURT. – In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Labor Code of the Philippines, as amended, the pertinent provisions of the Rules of Court of the Philippines, as amended, in the interest of the expeditious dispensation of labor justice and whenever practicable and convenient, may be applied by analogy or in a suppletory character and effect.

**RULE II
DEFINITION OF TERMS**

SECTION 1. DEFINITIONS. – The terms and phrases defined in Article 219 [212] of the Labor Code of the Philippines, as amended, shall be given the same meanings when used herein. As used herein, "Regional Arbitration Branch" shall mean any of the regional arbitration branches or sub-regional arbitration branches of the Commission.

**RULE III
PLEADINGS, NOTICES AND APPEARANCES**

SECTION 1. COMPLAINT/PETITION. – (a) A complaint or petition is a pleading alleging the cause or causes of action of the complainant or petitioner. The names and addresses of all complainants or petitioners and respondents must be stated in the complaint or petition. All complainants or petitioners shall sign the complaint or petition, and shall execute a verification and certification of non-forum shopping.

(b) A party having more than one cause of action against the other party, arising from the same relationship, shall include all of them in one complaint or petition.

SECTION 2. CAPTION AND TITLE. – In all cases filed with the Regional Arbitration Branches or the Commission, the party initiating the action shall be called the "Complainant" or "Petitioner," and the opposing party the "Respondent".

The full names of all the real parties-in-interest, whether natural persons or juridical entities authorized by law, shall be stated in the caption of the complaint or

petition, as well as in the decisions, resolutions, awards or orders of the Labor Arbiter or of the Commission.

SECTION 3. PLEADINGS; FILING AND SERVICE. – Filing is the act of submitting the pleading or any other paper to the appropriate docketing unit of the Regional Arbitration Branch or the Commission, as the case may be.

Service is the act of providing the opposing party with a copy of the pleading or any other paper.

Filing and service of pleadings shall be proved by the following:

- (a) For personal filing and service – the written or stamped acknowledgment of the party served, the Regional Arbitration Branch or the Commission, as the case may be; or the return of the server, containing a statement of the date, place, and manner of service;
- (b) For registered mail – the registry receipt issued by the mailing office; and
- (c) For courier service – the courier's official receipt or tracking document.

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

No pleading or any other paper shall be given due course without proof of service to the opposing party, except if filed simultaneously during the scheduled setting before the Labor Arbiter.

SECTION 4. NOTICES, RESOLUTIONS, ORDERS AND DECISIONS; SERVICE AND PROOF. – (a) Service of notices and copies of resolutions or orders to parties shall be made:

- (i) personally, by the bailiff or duly authorized public officer within three (3) working days from receipt thereof;
- (ii) by registered mail; or
- (iii) by courier authorized by the Commission.

(b) Regarding decisions and final awards, copies thereof shall be served on both parties and their counsel or authorized representative in the same manner as provided above. Where parties are numerous, service shall be made on counsel and upon such number of complainants as may be practicable, and the same shall be considered substantial compliance with Article 230 [224] (a) of the Labor Code, as amended.

(c) Where a party to a case or the counsel of record personally seeks service of the notice, resolution, order or decision upon inquiry thereon, and was given a copy thereof, service to said party shall be deemed effected, without prejudice to proof of prior service.

(d) The bailiff or duly authorized officer shall submit the return within two (2) working days from the date of service, stating legibly in the return the server's name,

the name/s of the person/s served, and the date of receipt. The return shall be immediately attached to and shall form part of the record of the case.

(e) In case of service by registered mail or by courier authorized by the Commission, the name of the addressee and the corresponding date of receipt of the notice and copies of decisions, resolutions, awards or orders shall be written in the return card or in the proof of service issued by the authorized courier. If no service was effected, the reason thereof shall be so stated.

(f) Proof of service shall be established through any of the following:

- (i) For personal service – the written or stamped acknowledgment of the party served or the return of the server, containing a statement of the date, place, and manner of service;
- (ii) For registered mail – the registry receipt issued by the post office concerned; and
- (iii) For authorized courier service – the courier's official receipt or tracking document;

SECTION 5. COMPLETENESS OF SERVICE. – Personal service is complete upon actual delivery. Service by registered mail is complete upon receipt by the addressee, or after five (5) calendar days from the date of receipt of the first notice of the postmaster, whichever date is earlier. Service by courier authorized by the Commission is complete upon receipt by the addressee, or after at least two (2) attempts to deliver by the courier service, or upon the expiration of five (5) calendar days after the first attempt to deliver, whichever is earlier.

SECTION 6. APPEARANCES. – (a) A lawyer appearing before the NLRC shall, at all times, respect the law, the institution, its officials, employees, and processes, and act with courtesy, civility, fairness, and candor.

A lawyer shall not delegate to or permit a non-lawyer, including a paralegal personality, to:

- (i) accept cases on behalf of the said lawyer;
- (ii) give legal advice or opinion;
- (iii) act independently without the lawyer's supervision or direction;
- (iv) hold himself/herself out as a lawyer, or be named in association with a lawyer in any pleading or submission to the NLRC;
- (v) appear before the NLRC or actively participate in formal legal proceedings on behalf of a client, except when allowed by the law or rules;
- (vi) conduct negotiations with third parties unless under a lawyer's supervision or direction;
- (vii) sign correspondence containing a legal opinion; or
- (viii) perform any of the duties that only lawyers may undertake.

A lawyer shall not share, split or divide or stipulate to divide, directly or indirectly, a fee for legal services with persons or organizations not licensed or authorized to practice law.

(b) A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, the lawyer shall indicate in the pleadings and motions the Attorney's Roll Number, as well as the details of the attorney's current professional tax receipt, membership in the Integrated Bar of the Philippines (IBP) and compliance with the Mandatory Continuing Legal Education.

(c) Non-lawyers may appear before a Labor Arbiter or the Commission only under the following conditions:

- (1) If they represent themselves;
- (2) If they represent their legitimate labor organization, as defined under Article 219 [212] and 251 [242] of the Labor Code, as amended, which is a party to the case, *provided* that, the representatives submit to the Labor Arbiter or the Commission during the mandatory conference or initial hearing:
 - (i) a certification from the Bureau of Labor Relations or Regional Office of the Department of Labor and Employment (DOLE) attesting that the organization represented is duly registered and listed in the roster of legitimate labor organizations;
 - (ii) a verified certification issued by the secretary and attested to by the president of the said organization stating that they are authorized to represent the said organization in the said case; and
 - (iii) a copy of the resolution of the board of directors of the said organization granting such authority;
- (3) If they represent a member/s of a legitimate labor organization that is existing within the employer's establishment, who is a/are party/ies to the case, *provided* that, they submit:
 - (i) a verified certification attesting that they are authorized by such member/s to represent them in the case; and
 - (ii) a verified certification issued by the secretary and attested to by the president of the said organization stating that the person/s they are representing is a/are member/s of their organization which is existing in the employer's establishment; and
- (4) If they are authorized under any legal aid program certified by the Supreme Court or the IBP, *provided* that, they (i) submit the certification; and (ii) proof of authority to represent the party.

(d) An appearance by a non-lawyer in contravention of this Section shall not be recognized in any proceedings before the Labor Arbiter or the Commission, without

prejudice to being cited in contempt, as well as to prosecution for civil, criminal, and administrative complaints. The appearance of non-lawyers as contemplated in this section shall not in any way entitle said non-lawyers to attorney's fees or any other contingency or similar fees.

(e) Appearances may be made orally or in writing. In both cases, the complete name and postal address, which should not be a post office box address, of counsel or the authorized representative shall be made of record. The adverse party or counsel or authorized representative shall be notified thereof.

In the event a post office box address is used, service of all notices, decisions, resolutions, awards or orders, as well as pleadings, upon the party represented shall be deemed service to the counsel or authorized representative.

(f) In case of change of address, the party, counsel or authorized representative shall file a notice of such change, and shall furnish the adverse party, and counsel or authorized representative a copy thereof.

(g) Any change or withdrawal of counsel or authorized representative shall be made in accordance with the Rules of Court, as amended.

(h) A corporation or entity which is a party to the case may be represented by the owner or its president or any other authorized person upon submission of:

- (i) a verified certification attesting to such authority to represent said corporation or entity; and
- (ii) a copy of the resolution of the board of directors of said corporation, or other similar resolution or instrument issued by said entity, granting such authority.

SECTION 7. AUTHORITY TO BIND PARTY. – The counsel or other authorized representative of party/ies shall have the authority to bind the party/ies they represent in all matters of procedure; but they cannot enter into a compromise agreement with the opposing party in full or partial discharge of a client's claim, without a specific authority for such purpose.

RULE IV VENUE, ASSIGNMENT AND DISPOSITION OF CASES AT THE REGIONAL ARBITRATION BRANCH

SECTION 1. VENUE. – (a) All cases which Labor Arbiters have authority to hear and decide may be filed in the Regional Arbitration Branch having jurisdiction over the workplace or residence of the complainant, at the option of the latter.

(b) For this purpose, workplace shall include:

- (i) where the employee is assigned;

- (ii) where the employee is supposed to report back after a temporary detail, assignment, or travel;
- (iii) where the field employees, as well as mobile, ambulant, intermittent or itinerant workers are assigned, or where they are supposed to regularly receive their salaries/wages or work instructions, and report the results of their assignment; and
- (iv) the alternative workplace of telecommuting workers, or those under other similar work arrangements;

(c) Where a complaint or petition is cognizable by two or more Regional Arbitration Branches, the Regional Arbitration Branch where the complaint or petition was first filed shall exclude the others.

(d) When venue is not objected to on or before the first scheduled mandatory conference, such issue shall be deemed waived.

(e) The venue of an action may be changed or transferred to a different Regional Arbitration Branch other than where the complaint or petition was filed upon motion by any party in meritorious cases or upon written agreement of the parties, and when the Labor Arbiter before whom the case is pending so orders.

(f) Cases involving Overseas Filipino Workers may be filed before the Regional Arbitration Branch where the complainant resides or where the principal office of any of the respondents is situated, at the option of the complainant.

(g) The venue for an independent action for revival of judgment shall be governed by Section 3(c) of Rule XI of these Rules.

SECTION 2. RAFFLE AND ASSIGNMENT OF CASES. – (a) All complaints and petitions filed with the docket unit of the Regional Arbitration Branch shall be immediately raffled off and assigned to a Labor Arbiter from receipt thereof.

(b) Unless simultaneous filing is required, pleadings and motions filed subsequent to the complaint or petition shall be transmitted to the Labor Arbiter before whom the case is pending within twenty-four (24) hours from receipt thereof.

SECTION 3. CONSOLIDATION OF COMPLAINTS AND CASES. – Where there are two or more complaints and cases pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and common principal causes of action, or the same parties with different causes of action, the subsequent complaints and cases shall be consolidated with the first to avoid unnecessary costs or delay. Such consolidated complaints and cases shall be disposed of by the Labor Arbiter to whom the first complaint was assigned.

If there is an objection to the consolidation, the same shall be immediately resolved by the Executive Labor Arbiter. An order resolving a motion or objection to consolidation shall be unappealable.

SECTION 4. DISPOSITION OF CASES. – Subject to the provisions of Article 278 [263] (g) of the Labor Code of the Philippines, as amended, when a case is assigned to a Labor Arbiter, it shall include the entire case and any or all incidents thereto, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.

Pursuant to Section 3(b) of Rule VIII of this Rules, when the Secretary of the DOLE assumes jurisdiction over a strike or lockout or certifies the same to the Commission, the parties to the said dispute shall immediately inform the Secretary or the Commission, as the case may be, of all cases related to any dispute between them pending before any Regional Arbitration Branch. The parties shall also inform the Labor Arbiters handling the same of such assumption or certification. Within two (2) working days from notice, the Labor Arbiter concerned shall transmit the entire record/s of the case/s to the Secretary or to the Commission, as the case may be, for proper disposition.

RULE V PROCEEDINGS BEFORE THE LABOR ARBITER

SECTION 1. JURISDICTION OF THE LABOR ARBITERS. – Labor Arbiters shall exercise original and exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

- (a) Unfair labor practice cases;
- (b) Termination disputes;
- (c) If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rates of pay, hours of work and other terms and conditions of employment;
- (d) Claims for actual, moral, exemplary and other forms of damages arising from employer-employee relations;
- (e) Cases arising from any violation of Article 279 [264] of the Labor Code, as amended, including questions involving the legality of strikes and lockouts;
- (f) All other claims arising from employer-employee relations involving an amount exceeding Five Thousand Pesos (P5,000.00), whether or not accompanied by a claim for reinstatement, except claims for employees compensation, social security and maternity benefits.
- (g) Wage distortion disputes in unorganized establishments not voluntarily settled by the parties pursuant to Republic Act No. 6727;
- (h) Issues involving non-compliance with compromise agreements or if there is *prima facie* evidence that the settlement was obtained through fraud,

misrepresentation or coercion, pursuant to Article 233 [227] of the Labor Code, as amended;

(i) Money claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment, including claims for actual, moral, exemplary and other forms of damages as provided in Section 10 of Republic Act No. 8042, as amended by Republic Act Nos. 10022 and 12021; and

(j) Other cases as may be provided by law.

Cases arising from the interpretation or implementation of collective bargaining agreements and those arising from the interpretation or enforcement of company personnel policies shall be disposed of by the Labor Arbiter by referring the same to the grievance machinery and voluntary arbitration, as may be provided in said agreements.

SECTION 2. NATURE OF PROCEEDINGS. – The proceedings before the Labor Arbiter shall be non-litigious in nature. Subject to the requirements of due process, the technicalities of law and procedure, and the rules obtaining in the courts of law shall not strictly apply thereto. The Labor Arbiter may avail of all reasonable means to ascertain the facts of the controversy speedily, including ocular inspection and examination of well-informed persons.

SECTION 3. ISSUANCE OF SUMMONS. – Within two (2) working days from receipt of a complaint or amended complaint, the Labor Arbiter shall issue the required summons, attaching thereto a copy of the complaint or amended complaint, and its annexes, if there be any.

The summons shall specify the date, time and place of the mandatory conciliation and mediation conference in two (2) settings.

SECTION 4. SERVICE OF SUMMONS. – (a) Summons shall be served upon the respondent/s:

- (i) Personally, by the bailiff or by a duly authorized public officer within three (3) working days from receipt thereof;
- (ii) By registered mail; or
- (iii) By courier authorized by the Commission.

(b) Such service may be effected:

- (i) by handing a copy of the summons to the respondent/s in person, or upon refusal to receive and/or to sign for it, by leaving a copy of the summons with the respondent/s after such refusal;
- (ii) by leaving a copy of the summons at the respondent/s' residence to a person of at least eighteen (18) years of age and of sufficient discretion residing therein;
- (iii) by leaving a copy of the summons at the respondent/s'

- regular/registered office or place of business with a competent person in charge thereof. A competent person includes, but is not limited to, one who customarily receives correspondences for the respondent/s; or
- (iv) by leaving a copy of the summons with any of the officers of the homeowners' association or condominium corporation, or a security officer in charge of the community or the building where the respondent/s may be found, if entry is refused upon making the server's authority and purpose known.

The bailiff or officer serving the summons shall submit a return within two (2) working days from date of service thereof, stating legibly therein the name/s of the person/s served and the date of receipt, which return shall be immediately attached to the record and shall form part thereof. If service was effected upon a person other than the respondent/s, the return shall state the said fact and the name/s of the person/s to whom summons was served.

In case of service by registered mail or by courier authorized by the Commission, the names of the addressees and the corresponding dates of receipt of the summons shall be written on the return card or in the proof of service issued by the authorized courier.

In all cases, if no service was effected, the reason shall be stated in the return.

In special circumstances, service of summons may be effected in accordance with the applicable provisions of the Rules of Court, as amended.

(c) Where the summons is improperly served and a lawyer makes a special appearance on behalf of the respondent/s to, among others, question the validity of the service of summons, the Labor Arbiter shall issue an order deputizing the said counsel to serve the summons upon the respondent/s.

SECTION 5. PROHIBITED PLEADINGS AND MOTIONS. – The following pleadings and motions shall neither be given due course nor elevated to the Commission:

(a) Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter, improper venue, *res judicata*, prescription and forum shopping;

(b) Motion for a bill of particulars;

(c) Motion for new trial;

(d) Petition for relief from judgment;

(e) Motion to declare respondent in default;

(f) Motion for reconsideration of any decision or any order of the Labor Arbiter;

(g) Motion to Quash and/or Motion to Lift Garnishment if a Petition had been filed under Rule XII;

(h) Appeal from any interlocutory order of the Labor Arbiter, such as but not limited to, an order denying:

- (i) a motion to dismiss;
- (ii) a motion to inhibit;
- (iii) a motion for issuance of writ of execution; or
- (iv) a motion to quash writ of execution;

(i) Appeal from the issuance of a certificate of finality of decision by the Labor Arbiter;

(j) Appeal from orders issued by the Labor Arbiter in the course of execution proceedings; and

(k) Such other pleadings, motions and petitions of similar nature intended to circumvent this Section.

SECTION 6. MOTION TO DISMISS. – On or before the date set for the mandatory conciliation and mediation conference, the respondent/s may file a motion to dismiss on the ground/s provided under Section 5(a) of this Rule. Such motion shall be acted upon by the Labor Arbiter before the issuance of an order requiring the submission of position papers. An order denying the motion to dismiss, or suspending its resolution until the final determination of the case, is not appealable.

SECTION 7. EFFECT OF FAILURE TO TIMELY FILE A MOTION TO DISMISS. – A motion to dismiss filed after the lapse of the period provided in Section 6 hereof shall not be given due course.

SECTION 8. MANDATORY CONCILIATION AND MEDIATION CONFERENCE. – (a) The mandatory conciliation and mediation conference shall be called for the purpose of amicably settling the case under a fair compromise agreement.

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 conference may be conducted by a Labor Arbitration Associate, any other personnel of the NLRC with sufficient training and knowledge on conciliation and mediation, authorized by the Chairperson or a duly authorized personnel of the DOLE 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 to writing and signed by the parties and their counsel or the parties' authorized representatives, if there be any.

(c) In any case, the compromise agreement shall be approved by the Labor Arbiter, if after explaining to the parties, particularly to the complainant/s, the terms, conditions and consequences thereof, and 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) If the parties fail to agree on an amicable settlement, either in whole or in part, the Labor Arbiter shall proceed to:

- (i) determine the real parties-in-interest;
- (ii) determine the necessity of amending the complaint and including all causes of action;
- (iii) define and simplify the issues in the case;
- (iv) encourage them to enter into admissions or stipulations of facts; and
- (v) thresh out all other preliminary matters.

(f) 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.

(g) No motion for postponement shall be given due course, except on meritorious grounds and when filed at least three (3) calendar days before the scheduled hearing.

SECTION 9. NON-APPEARANCE OF PARTIES. – (a) The non-appearance of the complainant or petitioner during the two (2) settings for mandatory conciliation and mediation conference as stated in the summons, despite due notice thereof, shall be a ground for the dismissal of the case without prejudice. Where by motion, proper justification is shown to warrant the re-opening of the case, the Labor Arbiter shall call another hearing and continue the proceedings until the case is finally decided. Dismissal of the case for the second time due to the unjustified non-appearance of the complainant or petitioner who was duly notified thereof shall be with prejudice.

(b) In case of non-appearance by the respondent during the first scheduled mandatory conciliation and mediation conference, the second conference as stated in the summons shall proceed. The failure of the respondent to appear at the second conference despite being duly served with summons shall be deemed a waiver of the right to file position paper. In such an eventuality, the Labor Arbiter shall immediately terminate the mandatory conciliation and mediation conference, and direct the complainant or petitioner to file their respective verified position papers and submit

evidence in support of their respective causes of action, and thereupon, render decision on the basis of the evidence on record.

SECTION 10. AMENDMENT OF COMPLAINT/PETITION. – A complaint or petition may be amended at any time before the filing of the position paper or answer, as the case may be.

After the filing of position paper or answer, no amendment shall be allowed, unless with leave of the Labor Arbiter or of the Commission.

If the amendment of the complaint or petition involves impleading additional respondent/s, service of another summons in accordance with Section 3 hereof is necessary to acquire jurisdiction over the person of the said respondent/s.

Amendment involving causes of action shall only be effected upon proof of service of a copy of the amended complaint or petition to the opposing party/ies.

SECTION 11. SUBMISSION OF POSITION PAPER AND REPLY. – (a) Subject to Sections 9 and 10 of this Rule, the Labor Arbiter shall direct the parties to submit simultaneously their verified position papers with supporting documents and affidavits, if any, on a date set by him/her within ten (10) calendar days from the date of termination of the mandatory conciliation and mediation conference.

(b) The position papers of the parties shall cover only those claims and causes of action stated in the complaint or amended complaint, accompanied by all supporting documents, including the affidavits of witnesses, which shall take the place of their direct testimony, excluding those that may have been amicably settled.

(c) Within ten (10) calendar days from receipt of the position paper of the adverse party, a reply may be filed on a date agreed upon and during a schedule set before the Labor Arbiter. The reply shall not allege and/or prove facts and any cause or causes of action not referred to or included in the original or amended complaint or petition or raised in the position paper.

SECTION 12. EFFECT OF FAILURE TO FILE POSITION PAPER. – (a) If the complainant fails to file position paper while the respondent files the same, the complaint may be dismissed without prejudice, unless declared otherwise by the Labor Arbiter.

(b) If the complainant, in a second complaint filed against the same respondent and involving the same cause/s of action, again fails to file a position paper notwithstanding the absence of any position paper from the respondent, the complaint shall be dismissed with prejudice.

(c) If the respondent fails to file a position paper, such failure shall be deemed a waiver of the right to submit the same, and the Labor Arbiter shall render decision on the basis of the evidence on record.

SECTION 13. DETERMINATION OF NECESSITY OF HEARING OR CLARIFICATORY CONFERENCE. – Immediately after the submission by the parties of their position paper or reply, as the case may be, the Labor Arbiter shall, *motu proprio*, determine whether there is a need for a hearing or clarificatory conference. To further elicit facts or information, the Labor Arbiter may ask clarificatory questions and/or issue *subpoena*.

SECTION 14. ROLE OF THE LABOR ARBITER IN HEARING AND CLARIFICATORY CONFERENCE. – (a) The Labor Arbiter shall take full control and personally conduct the hearing or clarificatory conference and may ask questions for the purpose of clarifying points of law or facts involved in the case. The Labor Arbiter may allow the presentation of testimonial evidence with an opportunity for cross-examination by the opposing party and shall limit the presentation of evidence to matters relevant to the issue/s and necessary for a just and speedy disposition of the case.

(b) The Labor Arbiter shall make a written summary of the proceedings, including the substance of the evidence presented, in consultation with the parties. The written summary shall be signed by the parties and their counsel and authorized representatives, and shall form part of the record.

SECTION 15. NON-APPEARANCE OF PARTIES, AND POSTPONEMENT OF HEARINGS OR CLARIFICATORY CONFERENCES. – (a) The parties and their counsel appearing before the Labor Arbiter shall be prepared for continuous hearing or clarificatory conference. No postponement or continuance shall be allowed by the Labor Arbiter, except upon meritorious grounds and subject to the requirement on the expeditious disposition of cases. The hearing or clarificatory conference shall be terminated within thirty (30) calendar days from the date of the initial clarificatory conference.

(b) In case of non-appearance of any of the parties during the hearing or clarificatory conference despite due notice, proceedings shall be conducted *ex-parte*. Thereafter, the case shall be deemed submitted for decision.

(c) Paragraph (a) of this Section notwithstanding, in cases involving overseas Filipino workers, the aggregate period for conducting the mandatory conciliation and mediation conference, including hearing or clarificatory conference, shall not exceed sixty (60) calendar days, which shall be reckoned from the date of acquisition of jurisdiction by the Labor Arbiter over the person of the respondent/s.

SECTION 16. SUBMISSION OF THE CASE FOR DECISION. – Upon the submission by the parties of their position papers or replies, or the lapse of the period to submit the same, the case shall be deemed submitted for decision unless the Labor Arbiter calls for a hearing or clarificatory conference in accordance with Sections 13 and 14(a) of this Rule, in which case, notice of hearing or clarificatory conference shall be immediately sent to the parties. Once the said hearing or clarificatory conference is terminated, the case is deemed submitted for decision.

SECTION 17. INHIBITION. – No Labor Arbiter shall sit in any case in which he/she is pecuniarily interested as heir, legatee, creditor or otherwise, or is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the Civil Code, or in which he/she has been an executor, administrator, guardian, trustee or counsel, without the written consent of all parties-in-interest, signed by them and entered in the record.

A Labor Arbiter may, in the exercise of sound discretion or upon motion of a party, inhibit from further participation in a case, for just or valid reasons other than those mentioned above. Such motion shall be resolved within five (5) working days from the filing thereof.

In any case, the Labor Arbiter shall state in writing the legal justifications for the inhibition. An order denying or granting a motion for inhibition is unappealable.

SECTION 18. PERIOD TO DECIDE CASE. – The Labor Arbiter shall render decision within thirty (30) calendar days, without extension, after the submission of the case by the parties for decision, even in the absence of stenographic notes: *Provided, however,* that cases involving overseas Filipino workers shall be decided within ninety (90) calendar days after the filing of the complaint.

SECTION 19. CONTENTS OF DECISIONS. – The decisions and orders of the Labor Arbiter shall be clear and concise, and shall include a statement of the:

- (a) facts of the case;
- (b) issues involved;
- (c) applicable laws or rules;
- (d) conclusions and the reasons thereof; and
- (e) specific remedy or relief granted.

In cases involving monetary awards, the decisions or orders of the Labor Arbiter shall state the amount awarded.

In case the decision of the Labor Arbiter includes an order of reinstatement, it shall likewise contain:

- (a) a statement that the reinstatement aspect is immediately executory; and
- (b) a directive for the employer to submit a report of compliance within ten (10) calendar days from receipt of the said decision.

SECTION 20. DEATH OF PARTIES. – In case any of the parties dies during the pendency of the proceedings, such party may be substituted by the heirs. Enforcement of a final and executory judgment obtained by any of the parties shall be in accordance with Section 12, Rule XI of these Rules.

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 229 [223] of the Labor Code, as amended, and Section 1, Rule VI of these Rules, the decision or order of the Labor Arbiter shall become final and executory after ten (10) calendar days from receipt thereof by the counsel or authorized representative, or the parties if the latter are not assisted by counsel or authorized 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 the date of mailing.

SECTION 22. REVIVAL AND RE-OPENING OR RE-FILING OF DISMISSED CASE AND LIFTING OF WAIVER. – A party may file a motion to revive or re-open a case dismissed without prejudice, within ten (10) calendar days from receipt of notice of the order dismissing the same; otherwise, the only remedy shall be to re-file the case.

A party declared to have waived the right to file position paper may, at any time after notice thereof and before the case is submitted for decision, file a motion under oath to set aside the order of waiver upon proper showing that the failure was due to justifiable and meritorious grounds.

RULE VI APPEALS

SECTION 1. PERIODS FOR APPEALS. – Decisions, resolutions, awards or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt thereof; and in case of decisions, resolutions, awards or orders of the Regional Director of the DOLE pursuant to Article 129 of the Labor Code, as amended, within five (5) calendar days from receipt thereof. If the tenth or fifth day, as the case may be, falls on a Saturday, Sunday or holiday, the last day to perfect the appeal shall be the first working day following such Saturday, Sunday or holiday.

No motion or request for extension of the period within which to perfect an appeal shall be given due course.

SECTION 2. GROUNDS FOR APPEALS. – The appeal will be given due course only on any of the following grounds -

(a) If there is *prima facie* evidence of abuse of discretion on the part of the Labor Arbiter or DOLE Regional Director;

(b) If the decision, resolution, award or order was secured through fraud or coercion, including graft and corruption;

(c) If the decision, resolution, award or order is based purely on questions of law; or

(d) If serious errors in the findings of facts are raised which, if not corrected, will cause grave or irreparable damage, prejudice or injury to the appellant/s.

SECTION 3. REQUISITES FOR PERFECTION OF APPEAL. – The Appeal shall be deemed perfected only upon compliance with the following requirements -

(a) The Appeal shall be filed within the reglementary period provided in Section 1 of this Rule;

(b) It shall be verified in accordance with the Rules of Court, as amended;

(c) It shall be in the form of a Memorandum of Appeal, which shall state the grounds relied upon by the appellant/s and the arguments in support thereof, the specific relief/s prayed for; and a statement of the material dates, including the date when the appellant/s received the decision, resolution, award or order subject of the appeal; and

(d) The Memorandum of Appeal and its attachments, if there be any, shall be filed in two (2) legibly written or printed copies, and shall be accompanied by the following -

- (i) Proof of payment of the required appeal fee, legal research fee and such other lawful fees;
- (ii) An appeal bond as provided under this Rule; and
- (iii) Proof of service thereof on the other party/ies.

SECTION 4. EFFECT OF NON-COMPLIANCE. – Non-compliance with any of the requisites stated in Section 3 above shall result in the dismissal of the appeal for non-perfection.

A mere Notice of Appeal without complying with the requisites stated in Section 3 shall not stop the running of the period for perfecting an appeal.

SECTION 5. APPEAL, WHERE FILED. – The appeal shall be filed only with the Regional Arbitration Branch or DOLE Regional Office of origin. Otherwise, the same shall not stop the running of the period for perfecting an appeal.

SECTION 6. ANSWER/REPLY OR OPPOSITION. – The appellee/s may file with the Regional Arbitration Branch or DOLE Regional Office where the appeal was filed an Answer/Reply or Opposition to the Memorandum of Appeal, not later than ten (10) calendar days from receipt thereof. Failure on the part of the appellee/s who

was/were properly furnished with a copy of the appeal to file an answer/reply or opposition within the said period may be construed as a waiver to file the same.

SECTION 7. SCOPE OF REVIEW BY THE COMMISSION. – Subject to the provisions of Article 225 of the Labor Code of the Philippines, as amended, once the appeal is perfected, the Commission shall limit itself to resolving only the specific issues elevated on appeal.

SECTION 8. FEES. – The appellant/s shall pay the appeal fee, legal research fee, and other lawful fees, to the Regional Arbitration Branch or DOLE Regional Office of origin, or through the banking institution/s duly authorized by the NLRC to receive such payment.

The original copy of the official receipt corresponding to such payment, or the corresponding deposit slip, shall form part of the record of the case.

Payment of fees under this Rule shall be made in cash, postal money order, certified checks or manager's or cashier's checks payable to the NLRC.

SECTION 9. APPEAL BOND. – Where the judgment of the Labor Arbiter or the DOLE Regional Director involves a monetary award, an appeal therefrom by the employer shall include an appeal bond duly posted, which shall be in the form of a cash deposit or a surety bond equivalent to the total monetary award, exclusive of damages and attorney's fees.

No motion to reduce bond shall be given due course 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 paragraph shall not stop the running of the period for perfecting an appeal.

SECTION 10. CASH BOND. – The appellant/s may post the bond in cash with the Regional Arbitration Branch or DOLE Regional Office of origin, or through any of the banking institution/s duly authorized by the NLRC to receive the same.

The original copy of the official receipt pertaining to such cash bond or the corresponding deposit slip, shall form part of the record of the case.

SECTION 11. SURETY BOND. – The surety bond shall be issued by a reputable bonding company duly accredited by the NLRC, and shall be accompanied by original or certified true copies of the following:

(a) A joint declaration under oath by the employer, counsel and the bonding company attesting that the bond posted is genuine and shall be valid and effective from the date of posting until the Commission shall have finally decided, resolved or terminated the appeal, or the award shall have been satisfied;

(b) A notarized board resolution or corporate secretary's certificate from the bonding company showing its authorized signatories and their specimen signatures.

Moreover, the appellant/s shall furnish the appellee/s a certified true copy of the surety bond accompanied by the aforementioned supporting documents.

SECTION 12. VALIDITY, EFFECTIVITY AND LIABILITY OF APPEAL BOND. – The cash or surety bond shall be valid and shall take effect from the date of posting, until the case is finally decided, resolved or terminated, or the award is satisfied.

In the event that the appeal is withdrawn or is dismissed for non-perfection or other analogous causes, the cash or surety bond shall remain liable. The appellee/s shall be entitled to proceed against the same to satisfy the judgment award. For surety bonds, these conditions shall be deemed incorporated in the terms and conditions of the same, and shall be binding on both the appellant/s and the bonding company.

SECTION 13. EFFECT OF APPEAL. – Without prejudice to immediate reinstatement of the employee/s pending appeal under Section 3 of Rule XI, once an appeal is filed, the Labor Arbiter loses jurisdiction over the case. Subject to Section 6 of this Rule, all pleadings and motions pertaining to the appeal shall, thereafter, be addressed to and filed with the Commission.

SECTION 14. NO APPEAL FROM AN INTERLOCUTORY ORDER. – No appeal from an interlocutory order issued by a Labor Arbiter shall be given due course.

SECTION 15. FRIVOLOUS OR DILATORY APPEALS. – To discourage frivolous or dilatory appeals, the Commission, after hearing, may censure or cite in contempt the erring parties and their counsel, or where appropriate, impose a fine on them.

SECTION 16. TRANSMITTAL OF CASE RECORD. – Within two (2) working days 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 record of the case shall be transmitted by the Regional Arbitration Branch or DOLE Regional Office of origin to the Commission.

SECTION 17. RECORD OF CASE ON APPEAL. – The complete record of the case brought on appeal to the Commission shall have a corresponding index of its contents, which shall include the following:

- (a) the referral slip issued by the Single Entry Approach (SEnA) conciliator-mediator;
- (b) the original copies of the Complaint, and other pleadings and motions;
- (c) minutes of the proceedings, notices, and transcripts of stenographic notes, if there be any;

- (d) the original copies of decisions, resolutions, awards and orders, as well as proof of service thereof;
- (e) the computation of the award;
- (f) the original copy of the Memorandum of Appeal, as well as the Answer/Reply or Opposition, if there be any, and proof of service of the same;
- (g) the original copy of the official receipt corresponding to the appeal fee, legal research fee and other lawful fees; and
- (h) the appeal bond, if there be any.

The record shall be chronologically arranged and paginated prominently.

SECTION 18. APPEALS FROM DECISIONS OF OTHER AGENCIES. – The rules provided herein governing appeals from the decisions, resolutions, awards and orders of the Labor Arbiters shall apply to appeals to the Commission from the decisions, resolutions, awards and orders of other offices and agencies appealable to the Commission under any existing law.

RULE VII PROCEEDINGS BEFORE THE COMMISSION

SECTION 1. JURISDICTION OF THE COMMISSION. – The Commission shall exercise exclusive, original and appellate jurisdiction in accordance with law.

SECTION 2. POWERS OF THE COMMISSION. – The Commission shall exercise the powers vested in it by law, particularly the Labor Code of the Philippines, as amended, and other applicable laws.

SECTION 3. COMPOSITION AND INTERNAL FUNCTIONS OF THE COMMISSION EN BANC AND ITS DIVISIONS. – (a) *Composition.* – Unless otherwise provided by law, the Commission shall be composed of the Chairperson and twenty-three (23) Commissioners.

(b) *The Commission en banc.* – The Commission shall sit *en banc* only for the purpose of promulgating rules and regulations governing the hearing and disposition of cases before its Divisions and Regional Arbitration Branches, and for the formulation of policies affecting its administration and operations. It may, on a temporary or emergency basis, allow cases within the jurisdiction of any Division to be heard and decided by another Division whose docket allows the additional workload and such transfer will not expose litigants to unnecessary additional expense.

(c) *Divisions.* – Unless otherwise provided by law, the Commission shall exercise its adjudicatory power and all other powers, functions and duties through its eight (8) Divisions. Each Division shall consist of one member from the public sector who shall be the Presiding Commissioner, and one member each from the workers and employers sectors, respectively.

Of the eight (8) Divisions, the First, Second, Third, Fourth, Fifth and Sixth Divisions shall have exclusive territorial jurisdiction over appealed cases from Luzon; the Seventh Division, over appealed cases from the Visayas; and the Eighth Division, over appealed cases from Mindanao.

(d) *Headquarters.* – As provided by law, the Commission and its First, Second, Third, Fourth, Fifth and Sixth Divisions for Luzon shall have their main offices in the National Capital Region, and the Seventh and Eighth Divisions for the Visayas and Mindanao, in the cities of Cebu and Cagayan de Oro, respectively.

SECTION 4. THE CHAIRPERSON. – The Chairperson shall be the head of the Commission and shall preside over all sessions of the Commission *en banc*. In addition, the Chairperson, assisted by the Executive Clerk of the Commission, shall exercise administrative supervision over the Commission and its Regional Arbitration Branches, and over all the personnel of the Commission, including all Executive Labor Arbiters and Labor Arbiters.

In case of the effective absence or incapacity of the Chairperson, or when there is a vacancy in the Office of the Chairperson, the Presiding Commissioner of the Second Division shall serve as the Acting Chairperson.

In the same eventuality, each of the Presiding Commissioners of the Third, Fourth, Fifth, Sixth, Seventh, or Eighth Division, in sequential order, shall serve as the Acting Chairperson.

The Chairperson shall be the Presiding Commissioner of the First Division.

SECTION 5. SESSIONS EN BANC; QUORUM. – (a) *Sessions.* – The Chairperson shall call the Commission to a session *en banc* at least twice a year to deliberate and decide on any matter pending before it. However, a majority of all the members of the Commission may call a special session *en banc* to discuss and decide on urgent and vital matters which need immediate action.

(b) *Quorum.* – The presence of a majority of all the members of the Commission shall be necessary to constitute a *quorum*. The vote or concurrence of the majority of the members constituting a *quorum* shall be the decision or resolution of the Commission *en banc*.

SECTION 6. DIVISIONS. – (a) *Quorum and Majority Opinion.* – The presence of at least two (2) members of a Division shall constitute a *quorum*. The concurrence of at least two (2) members of a Division shall be necessary for the promulgation of a judgment or resolution.

Whenever a majority opinion cannot be obtained to arrive at a judgment or resolution, the Chairperson shall designate, through an equitable process, such number of member/s belonging to the same sector/s from the other divisions, to sit in the Division concerned.

Whenever the required membership in a division is not complete and the concurrence of two (2) members cannot be obtained to arrive at a judgment or resolution, the Chairperson shall designate, through an equitable process, such number of additional member/s belonging to the same sector from the other divisions as may be necessary, to sit in the Division. In the event that all the members of a division shall have inhibited themselves from resolving a case, the Chairperson may create a Special Division or assign the case to any of the other divisions.

(b) *Role of the Chairperson in the Division.* – The Chairperson of the Commission may convene and preside over the session of any Division to consider any case pending before it and participate in its deliberations if, in the judgment of the Chairperson, such presence will best serve the interests of labor justice. However, the Chairperson shall not participate in the voting in the Division, except when acting as the Presiding Commissioner of the Division in the absence of the regular Presiding Commissioner.

(c) *Consultation.* – The conclusions of a Division in any case or matter submitted to it for decision shall be reached in consultation before the case is assigned to a member of the Division for the writing of the opinion. It shall be mandatory for the Division to meet for the purpose of the consultation ordained herein.

A certification to this effect signed by the Presiding Commissioner of the Division shall be issued and a copy thereof attached to the record of the case and served upon the parties.

(d) *Dissenting opinion.* – A member of a Division who disagrees with the decision, resolution, award or order of the Division shall register a dissenting vote and the same shall be indicated in the decision. The dissenting member shall write a separate dissenting opinion and the same shall be attached to the record of the case within the period prescribed for deciding or resolving the appeal.

(e) *Inhibition.* – A motion to inhibit the entire Division of the Commission shall be not given due course.

No member shall sit in any case in which he/she is pecuniarily interested as heir, legatee, creditor or otherwise, or is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the Civil Code, or in which he/she has been an executor, administrator, guardian, trustee or counsel, without the written consent of all parties in interest, signed by them and entered upon the record.

A member may, in the exercise of sound discretion or upon motion of a party, inhibit from sitting in a case, for just or valid reasons other than those mentioned above. Such motion shall be resolved within five (5) working days from the filing thereof.

In any case, the member shall state in writing the legal justifications for the inhibition.

In the event that the member to whom the case was assigned inhibits, the case shall be raffled off by the Executive Clerk or Deputy Executive Clerk to either of the two (2) remaining members. Should two (2) members in a Division inhibit themselves in a case or matter before it, two (2) members from the other divisions representing the respective sectors of the members who inhibited shall be designated in accordance with paragraph (a) of this Section.

SECTION 7. CONSOLIDATION OF CASES. – Appealed and injunction cases involving the same parties, issues, or related questions of fact or law shall be consolidated before the Commissioner to whom the case with the lowest docket number is assigned. Notice of the consolidation shall be given by the Executive Clerk or Deputy Executive Clerk to the other members of the concerned Divisions.

SECTION 8. TECHNICAL RULES NOT BINDING. – The rules of procedure and evidence prevailing in courts of law and equity shall not be controlling and the Commission shall use every and all reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law or procedure, all in the interest of due process.

In any proceeding before the Commission, the parties may be represented by legal counsel but it shall be the duty of the Chairperson, any Presiding Commissioner or Commissioner to exercise complete control of the proceedings at all stages.

SECTION 9. CONCILIATION AND MEDIATION. – In the exercise of its exclusive, original and appellate jurisdiction, the Commission may exert all efforts towards the amicable settlement of a labor dispute.

The settlement of cases on appeal, to be valid and binding between the parties, shall be approved by the Commission.

SECTION 10. ROLE OF THE LABOR ARBITER AND COMMISSION ATTORNEYS ASSIGNED TO THE COMMISSION. – In the resolution of cases on appeal, and those mentioned in Rules VIII (Certified Cases) and X (Injunction), the Commission, in the exigency of the service, shall be assisted by a Labor Arbiter or Commission Attorney who may be directed to study, review, conduct conciliation and mediation conferences, hear and receive evidence, and submit reports thereon.

SECTION 11. FORM OF DECISION, RESOLUTION, AWARD AND ORDER.
– The decision, resolution, award and order of the Commission shall state clearly and distinctly the findings of fact, issues, and conclusions of law on which it is based, and the relief/s granted, if there be any. If the decision, resolution or order involves any monetary awards, the same shall state the specific amount awarded as close to or as of the date the decision is rendered.

SECTION 12. MOTIONS FOR RECONSIDERATION. – A motion for reconsideration of any decision, resolution, award or order of the Commission shall not be given due course except when based on palpable or patent errors; *provided*

that, the motion is filed within ten (10) calendar days from receipt of the decision, resolution, award or order, with proof of service thereof to the adverse party; and *provided, further*, that only one such motion from the same party shall be given due course.

SECTION 13. FINALITY OF DECISION OF THE COMMISSION AND ENTRY OF JUDGMENT. – (a) *Finality of the Decisions, Resolutions, Awards or Orders of the Commission.* – Except as provided in Section 9 of Rule X, the decisions, resolutions, awards 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 by the parties if the latter are not assisted by counsel or representative.

(b) *Entry of Judgment.* – Upon the expiration of the ten (10)-calendar day period provided in paragraph (a) of this Section, the decision, resolution, award 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 duly authorized by the Commission, or other proof of service to the parties, the Executive Clerk or Deputy Executive Clerk shall consider the decision, resolution, award or order as final and executory after sixty (60) calendar days from the date of mailing.

RULE VIII CERTIFIED CASES

SECTION 1. POLICY. – It is the declared policy of certification of labor disputes for compulsory arbitration to ensure and maintain industrial peace based on social justice and national interest by having a full, complete and immediate settlement or adjudication of all labor disputes between the parties, as well as issues that are relevant to or incidents of the certified issues.

SECTION 2. CERTIFIED LABOR DISPUTES. – Certified labor disputes are cases certified to the Commission for compulsory arbitration under Article 278 [263] (g) of the Labor Code, as amended.

SECTION 3. EFFECTS OF CERTIFICATION. – (a) Upon certification, the intended or impending strike or lockout is automatically enjoined, notwithstanding the filing of any motion for reconsideration of the certification order or the pendency of any such motion which may have been duly submitted to the Secretary of the DOLE. If a work stoppage has already taken place at the time of the certification, all striking or locked out employees shall immediately return to work, and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout.

(b) All cases between the same parties, including issues submitted for arbitration, which are already filed or may be filed and are relevant to or are proper

incidents of the certified case, shall be considered subsumed or absorbed by the certified case, unless the certification order provides otherwise, and shall be decided by the appropriate Division of the Commission.

In relation to the second paragraph of Section 4 of Rule IV, the parties to a certified case, under pain of contempt, shall inform their counsel and the Division concerned of all cases pending with the Regional Arbitration Branches and the Voluntary Arbitrators relevant to or are proper incidents to the certified case before it.

(c) Unless the certification order provides otherwise, when a certified labor dispute involves a business entity with several workplaces located in different regions, the Division having territorial jurisdiction over the principal office of the business entity shall exercise jurisdiction to decide such labor dispute.

SECTION 4. EFFECTS OF DEFIANCE. – Non-compliance with the certification order of the Secretary of the DOLE shall be considered as an illegal act committed in the course of the strike or lockout, and shall authorize the Commission to enforce the same order under pain of immediate disciplinary action, including dismissal or loss of employment status or payment by the locking-out employer of backwages, damages, and/or other affirmative relief including the criminal prosecution of the liable parties.

The Commission may also seek the assistance of law enforcement agencies to ensure compliance and enforcement of its orders and resolutions.

SECTION 5. PROCEDURE AND PERIOD TO DECIDE A CERTIFIED CASE.
– (a) Upon receipt by the assigned Commissioner of the complete record of the certified case, which shall include the position papers of the parties and the order of the Secretary of the DOLE denying the motion for reconsideration of the certification order, if there be any, the Commission shall resolve the certified case within thirty (30) calendar days, unless a clarificatory hearing shall be conducted.

(b) If there is a need to conduct a clarificatory hearing, the Commission shall issue a notice which shall be served within five (5) calendar days from receipt of the record directing the parties to appear before the Commission at the place, and on the date/s and at the time specified therein, and to submit additional evidence, if necessary.

Thereafter, the certified case and all the cases and issues subsumed therein shall be decided within sixty (60) calendar days from receipt of the complete record of the case by the assigned Commissioner.

(c) No motion for extension or postponement shall be given due course.

SECTION 6. EXECUTION OF JUDGMENT IN CERTIFIED CASE. – Upon finality of the judgment and issuance of the entry of judgment, the Commission, *motu proprio* or upon motion by the proper party, shall cause the execution of the judgment in the certified cases.

RULE IX CONTEMPT

SECTION 1. DIRECT CONTEMPT. – Any person may be summarily adjudged guilty of direct contempt for any misbehavior committed near, or in the presence of, whether physical or virtual, the Chairperson or any member of the Commission, or any Labor Arbiter, as to obstruct or interrupt the proceedings before the same.

a. *Punishable Acts, Omissions, or Remarks.* – Any of the following may be punished for direct contempt:

- (i) Disrespect towards the Chairperson or any of the Commissioners or Labor Arbiters;
- (ii) Offensive acts towards the said officials;
- (iii) Use of intemperate language during the proceedings before the said officials;
- (iv) Refusal to be sworn or to answer as a witness;
- (v) Refusal to subscribe an affidavit or a deposition when lawfully required to do so;
- (vi) Refusal to sign, without any justifiable reason, the minutes of the proceedings even if present or the person concerned participated in the discussion/deliberation; and
- (vii) Other circumstances analogous to the foregoing.

b. *Punishment for Direct Contempt.* – A person cited for direct contempt by the Commission may be punished with a fine not exceeding Five Hundred Pesos (P500.00) or imprisonment not exceeding five (5) days, or both.

If the citation is done by the Labor Arbiter, the punishment shall be a fine not exceeding One Hundred Pesos (Php100.00) or imprisonment not exceeding one (1) day, or both.

Where a fine is imposed and the person adjudged guilty of direct contempt refuses to pay the same, subsidiary imprisonment of one (1) day for every One Hundred Pesos (P100.00) of fine shall be imposed.

c. *Deputization of Security Personnel and Police Assistance.* – Where imprisonment is imposed, any security personnel of the NLRC may be deputized to detain the guilty person, or when necessary, police assistance shall be secured. Upon issuance of the Order of Contempt and the Commitment Order, the guilty person shall be brought to the nearest police station and be detained therein for a period specified in the Order of Contempt.

d. *Order of Direct Contempt.* – The Order of Direct Contempt, which must be immediately issued, shall:

- (i) indicate the name and address of the respondent;
- (ii) state clearly and distinctly the facts and the law

- on which the finding of guilt is based;
- (iii) provide the penalty imposed upon the respondent; and
- (iv) state that there shall be subsidiary imprisonment in case of non-payment of fine.

e. *Remedy.* – The person adjudged guilty of direct contempt by a Labor Arbiter may appeal to the Commission by filing a Memorandum of Appeal within five (5) calendar days from the date of the order.

The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the required appeal fee, legal research fee and such other lawful fees.

The execution of the judgment shall be suspended pending the resolution of the appeal upon the posting by such person adjudged guilty of a bond equivalent to Five Hundred Pesos (P500.00) on the condition that the appellant will abide by and comply with the judgment of the Commission.

The appeal shall be resolved by the Commission with dispatch.

f. *Finality of the Order of Direct Contempt; Commitment Order.* – The Order of Direct Contempt issued by the Commission is immediately executory and unappealable.

The Order of Direct Contempt issued by the Labor Arbiter shall become final and executory when no appeal is filed or after the said order is affirmed by the Commission with finality.

Upon such finality, an order to pay a penalty of fine shall be issued and in cases where a penalty of imprisonment is imposed, a Commitment Order shall be issued, when proper.

SECTION. 2. INDIRECT CONTEMPT. – Any person adjudged guilty of any of the following may be punished for indirect contempt:

- (i) Misbehavior by any official or employee of the NLRC in the performance of official duties or in carrying out official transactions;
- (ii) Disobedience or resistance to a writ, order, or judgment of the Commission or Labor Arbiter and other processes issued pursuant to said writ, order or judgment;
- (iii) Any abuse of or any unlawful interference with the processes or proceedings not constituting direct contempt as provided in Section 1 of this Rule;
- (iv) Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice;

- (v) Misrepresenting oneself to be an attorney and acting as such; or assuming to be the counsel or representative of a party without authority;
- (vi) Failure to obey a subpoena duly served;
- (vii) Use of derogatory, offensive, malicious, or false statements in the pleadings submitted before the Commission or its Regional Arbitration Branches where the proceedings are pending;
- (viii) Making any public, baseless and malicious statements tending to undermine the administration of justice against the Commission, any member thereof or any Labor Arbiter, by any party or counsel who has a case, pending or otherwise, before the officials concerned; and
- (ix) Other acts, omissions or utterances analogous to the foregoing.

(a) *How proceedings commence.* – The Commission or any Labor Arbiter may, *motu proprio* or upon motion by a party, issue an Order directing the respondent to show cause why no punishment shall be imposed for the acts, omissions, or remarks constituting indirect contempt.

Otherwise, an action for indirect contempt may only be commenced through a verified petition.

(b) *Answer/Comment.* – The respondent may file a verified Answer/Comment within ten (10) calendar days from receipt of the Show Cause Order or verified petition.

(c) *Period to Resolve.* – The motion or petition, as the case may be, shall be resolved within a non-extendible period of fifteen (15) calendar days from receipt of the verified Answer/Comment or upon the lapse of the period to submit the same.

(d) *Punishment for Indirect Contempt.* – The person adjudged guilty of indirect contempt may be punished:

- (i) By a fine of One Thousand Pesos (P1,000.00) for every act of indirect contempt, if committed against the Commission or any member thereof; or,
- (ii) By a fine of Five Hundred Pesos (P500.00) for every act of indirect contempt, if committed against any Labor Arbiter.
- (iii) If the contemptuous behavior consists of a violation of an injunction or an omission to do an act which is within the power of the respondent to perform, the respondent shall, in addition, be made liable for damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by

reason of the acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.

- (iv) In the event that the contemptuous behavior constitutes a series of acts or a continuing refusal/defiance to a decision, resolution, order or award, the fine shall be imposed for every contemptuous act or omission, or per day of continuing refusal/defiance.

(e) *Remedy. – Appeal from the Order of the Labor Arbiter.* – An appeal from the Order of Indirect Contempt issued by the Labor Arbiter may be made by the following:

- (i) the person adjudged guilty thereof;
- (ii) the movant/petitioner who was not awarded damages; or
- (iii) the movant/petitioner who is not satisfied with the award of damages

The appeal shall be filed with the Commission within five (5) calendar days from receipt of the Order of Indirect Contempt.

The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the required appeal fee, legal research fee and such other lawful fees.

The execution of the judgment shall be suspended pending the resolution of the appeal provided that such person adjudged guilty posts a bond equivalent to the fine and amount of damages awarded by the Labor Arbiter pursuant to Section 2, paragraph d (iii) hereof, and on the condition that should an adverse decision be rendered, the appellant shall abide by and comply with the judgment of the Commission.

(f) *Issuance of a writ of execution.* – A writ of execution shall be issued to enforce the decision imposing such fine and/or the consequent damages as punishment for indirect contempt.

RULE X INJUNCTION

SECTION 1. INJUNCTION DEFINED. – An injunction, pursuant to the provisions of paragraph (e) of Article 225 [218] and Article 279 [264] of the Labor Code, as amended, is an order to enjoin or restrain any ongoing or threatened commission of any or all prohibited or unlawful acts, or to require the performance of a particular act, which, if not restrained or performed forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party.

SECTION 2. FORMAL REQUISITES OF THE APPLICATION. – The application for injunction shall:

- (a) indicate the arbitral docket number and appeal docket number, if there be any;
- (b) state the ground/s relied upon, the argument/s in support thereof, and the relief/s prayed for;
- (c) be in two (2) legibly written or printed copies; and,
- (d) be accompanied by:
 - (i) affidavits of the applicant and the witnesses;
 - (ii) relevant evidence for the proper understanding of the issue/s involved;
 - (iii) a verification and a certification against forum shopping executed in accordance with the Rules of Court, as amended;
 - (iv) proof of payment of the required fees; and
 - (v) an affidavit of undertaking that should the application be granted, the bond to be posted shall recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction.

SECTION 3. SUBSTANTIVE REQUISITES OF THE APPLICATION. – The application for injunction shall establish that:

- (a) it is based only on any of the grounds provided under the Rules of Court, as amended;
- (b) the property of the applicant will suffer substantial and irreparable injury;
- (c) as to each item of relief to be granted, greater injury will be inflicted upon the applicant by the denial of relief than will be inflicted upon the respondent by the granting of the same;
- (d) the applicant has no adequate remedy at law; and,
- (e) if applicable, the public officers charged with the duty to protect the applicant's property are unable or unwilling to furnish adequate protection.

SECTION 4. SUMMONS, WHEN ISSUED. – Upon receipt of the petition for injunction, the same shall be raffled off among the Divisions of the Commission. Within twenty-four (24) hours from receipt of the record, the Executive Clerk of Court/Deputy Executive Clerk of Court or in their absence, the Board Secretary, by authority of the Division concerned, shall issue the summons. Within forty-eight (48) hours from receipt thereof, the sheriff/bailiff/designated personnel of the Commission, shall serve the same, together with a copy of the petition and all the documents attached thereto, upon the respondent/s.

SECTION 5. COMMENT ON THE PETITION. – Within a non-extendible period of five (5) calendar days from the receipt of the summons and the petition, the private respondent shall file a comment thereon stating the ground/s why the petition should be dismissed. Failure on the part of the private respondent to file a comment within the said period shall be construed as a waiver of the right to file the same.

SECTION 6. INJUNCTION, AGAINST WHOM ISSUED. – In labor disputes, or during strikes or lockouts, an injunction may be issued against any person, association or organization:

- (a) threatening to commit any prohibited or unlawful act;
- (b) actually committing any prohibited or unlawful act;
- (c) omitting the performance of a particular required act; or
- (d) actually authorizing or ratifying any of the foregoing after actual knowledge thereof.

SECTION 7. HEARING; NOTICE THEREOF. – A hearing on the application for injunctive relief shall be conducted after personal notice thereof has been served, in such manner as the Commission shall direct, to all those against whom the relief is sought, and also to the Chief Executive and other public officials of the province or city/municipality within which the unlawful acts have been threatened or committed charged with the duty to protect the applicant's property.

SECTION 8. RECEPTION OF EVIDENCE; DELEGATION. – The reception of evidence for the application for an injunction may be delegated by the Commission to any of the Labor Arbiters/Commission Attorneys who may be assigned to conduct such hearings in such places as may be determined accessible to the parties and their witnesses, and thereafter submit a report and a recommendation to the Commission within fifteen (15) calendar days from such delegation.

SECTION 9. OCULAR INSPECTION. – The Chairperson, any Commissioner, Labor Arbiter or their duly authorized representatives, may, at any time during working hours, conduct an ocular inspection on any establishment, building, ship or vessel, place or premises, including any work, material, implement, machinery, appliance or any object therein, and ask any employee, laborer, or any person, as the case may be, for any information or data concerning any matter or question relative to the object of the investigation.

The ocular inspection reports shall be submitted to the Division concerned within twenty-four (24) hours from the conduct thereof.

SECTION 10. ISSUANCE OF INJUNCTION. – The issuance of an injunction requires a finding of fact by the Commission that the substantive requisites are established, and that the formal requisites are complied with.

SECTION 11. TEMPORARY RESTRAINING ORDER; REQUISITES. – If the applicant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to the applicant's property will be unavoidable, a temporary restraining order may be issued upon testimony under oath or by affidavits of the applicant and the witnesses, sufficient to justify the Commission in the issuance thereof.

SECTION 12. CASH BOND. – No temporary restraining order or writ of preliminary injunction shall be issued and take effect except on the condition that the

applicant shall first post a cash bond in the amount of Fifty Thousand Pesos (P50,000.00) or such higher amount as may be determined by the Commission.

A corresponding notice to post a cash bond shall be issued by the Executive Clerk/Deputy Executive Clerk which shall state that the cash bond shall be posted within forty-eight (48) hours from receipt of the notice.

Should the applicant fail to post the bond within the prescribed period, the temporary restraining order or writ of preliminary injunction shall not take effect.

SECTION 13. PERIOD OF EFFECTIVITY OF TEMPORARY RESTRAINING ORDER. – A temporary restraining order shall be valid for a maximum period of twenty (20) days reckoned from the posting of the cash bond required under the preceding Section. During the said twenty (20)-day period, the parties shall be required to present evidence to determine whether the applicant is entitled to a preliminary or a final injunction, as the case may be.

SECTION 14. EFFECTIVITY AND EFFECTS OF DEFIANCE. – Subject to Section 12 of this Rule, the temporary restraining order, or a resolution or judgment granting the application for injunction shall be immediately executory in accordance with the terms thereof.

In case of non-compliance, the Commission shall impose such sanctions and issue such directives as may be necessary to implement the said order, resolution or judgment, including the enlistment of law enforcement agencies having jurisdiction over the area for the purpose of enforcing the same.

SECTION 15. DISSOLUTION OR MODIFICATION OF THE TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION. – A temporary restraining order or a writ of preliminary injunction may be dissolved upon a verified motion, if:

- (i) it will cause substantial and irreparable damage to those enjoined; and
- (ii) the applicant can be fully compensated for the damages that may be suffered.

No order of dissolution shall be issued and take effect except on the condition that the oppositor posts a counterbond within three (3) working days from notice of the order of dissolution. The counterbond, which shall be in cash and in an amount to be fixed by the Commission, shall in no case be less than the amount of the bond posted by the applicant and on the condition that all damages which the latter will suffer by the dissolution of the injunction shall be compensated. In case of failure to post the counterbond, the order of dissolution is automatically vacated.

The temporary restraining order or preliminary injunction shall remain in force pending the posting of the counterbond.

If it appears that the temporary restraining order or preliminary injunction

granted is insufficient or too onerous, it may be modified or limited, as the case may be. Such modification or limitation may not necessarily warrant an automatic increase or reduction in the amount of the bond.

SECTION 16. WHEN FINAL INJUNCTION GRANTED. – If after the proceedings it appears that the applicant is entitled to permanently enjoin the act complained of, the Commission shall issue a final injunction permanently restraining those enjoined from the commission or continuance of the act or confirming the preliminary mandatory injunction.

RULE XI EXECUTION PROCEEDINGS

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

(b) If an appeal has been filed and the same is resolved with finality by the Commission, a motion for execution may be filed before the Labor Arbiter when the latter is in possession of the record of the case. Otherwise, the motion shall be accompanied by a certified true copy of the decision, resolution, award or order sought to be enforced, and including the original or certified true copy of the notice of decision, resolution, award or order, and the entry of judgment. The adverse party shall be furnished a copy thereof.

(c) In case the decision of the Labor Arbiter includes an order of reinstatement, or in those cases where partial execution is allowed by the law, the Labor Arbiter shall retain a duplicate original copy of the decision to be implemented and proof of service thereof for the purpose of immediate enforcement.

SECTION 2. EXECUTION BY MOTION. – A decision, resolution, award or order may be executed on motion within five (5) years from the date it becomes final and executory.

SECTION 3. EXECUTION BY INDEPENDENT ACTION. – After the lapse of the period stated in the immediately preceding section, the same decision, resolution, award or order shall become dormant, and may be enforced only by filing an independent action within a period of ten (10) years from the date it becomes final and executory.

(a) The Regional Arbitration Branch of origin or the Commission, through the Division concerned, as the case may be, shall exercise jurisdiction over the petition.

(b) *Petition.* – The Petition shall be accompanied by:

(i) original or certified true copies of the relevant decision, resolution, award or order;

- (ii) original or certified true copies of the corresponding certificate of finality or entry of judgment; and
- (iii) original or certified true copies of Sheriff's Returns or other relevant documents from the Regional Arbitration Branch or Division concerned to prove that the judgment awards have not been satisfied or were only partially satisfied, or an affidavit of partial/non-satisfaction of judgment.

(c) *Venue.* – The complaint shall be filed before the Regional Arbitration Branch of origin. The complainant may course the complaint through the Regional Arbitration Branch exercising jurisdiction over the place where the said party resides, and the same shall be endorsed to the RAB of origin within two (2) working days from receipt thereof.

In case the decision, resolution, order or award was issued by the Commission in the exercise of its original jurisdiction, the petition may be filed before the Division concerned. The petitioner may course the complaint through the Division exercising jurisdiction over the place where the said party resides, and the same shall be endorsed to the Division concerned within two (2) working days from receipt thereof.

(d) *Issuance of Summons.* – Within two (2) working days from receipt of the complaint/petition and its annexes, if there be any, the Regional Arbitration Branch of origin or the Division concerned shall issue summons.

(e) *Service of Summons.* – Summons shall be served in accordance with Rule V of this Rules.

(f) *Verified Answer.* – The Respondent/s may file a verified Answer within ten (10) calendar days from receipt of the summons with the petition and its annexes, if there be any.

Prohibited pleadings and motions under Rule V of these Rules shall not be given due course.

(g) *Necessity for Clarificatory Hearing.* – The Labor Arbiter or Division concerned may set the case for a clarificatory hearing, if necessary.

(h) *Decision.* – The Labor Arbiter or Division concerned shall decide the case within fifteen (15) calendar days from receipt of the Respondents' Answer or from the lapse of the period for filing the same, whichever is earlier.

In case a clarificatory hearing is conducted, the Labor Arbiter or Division concerned shall decide the case within fifteen (15) calendar days from the termination of the clarificatory hearing.

If the complaint/petition is meritorious, the Labor Arbiter or Division concerned shall render a decision reviving the dormant decision, resolution, award or order.

(i) *Remedies.* – A party aggrieved by the decision of the Labor Arbiter may

file an appeal in accordance with Rule VI of this Rules.

A party aggrieved by the decision of the Division concerned may file a motion for reconsideration in accordance with Rule VII of this Rules.

SECTION 4. EFFECT OF FILING OF APPEAL ON EXECUTION. – The filing of an appeal shall stay the execution of the decision of the Labor Arbiter except execution for reinstatement pending appeal.

SECTION 5. EFFECT OF PETITION WITH THE COURT OF APPEALS OR THE SUPREME COURT. – A petition with the Court of Appeals or the Supreme Court shall not stay the execution of the assailed decision, resolution, award or order unless a restraining order is issued by said courts.

SECTION 6. EFFECT OF A MOTION TO LIFT ENTRY OF JUDGMENT. – In case a motion to lift Entry of Judgment is filed, the execution proceedings shall not be suspended and the record of the case shall not be elevated to the Commission, unless ordered otherwise.

SECTION 7. PRE-EXECUTION CONFERENCE. – When necessary, the Commission or the Labor Arbiter may conduct a pre-execution conference to thresh out matters relevant to execution including the final computation of the monetary award. The pre-execution conference shall not exceed fifteen (15) calendar days from the initial schedule, unless the parties agree to an extension.

Any order issued by the Labor Arbiter in the pre-execution conference is not appealable.

SECTION 8. 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 members of the Division or the Labor Arbiter ordering the Sheriff to execute the decision, resolution, 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 to be demanded, if there be any, and all legal fees to be collected from the losing party or any other person required by law to obey the same.

The writ of execution may be served at the address of the losing party or anywhere in the Philippines where the said party may be located.

It shall be valid for a period of five (5) years from the date of entry of judgment or issuance of certificate of finality.

SECTION 9. ENFORCEMENT OF WRIT OF EXECUTION. – In executing a decision, resolution or order, the Sheriff or a duly deputized officer of the Commission, shall serve the writ, within three (3) working days from receipt of the same, to the losing party by personal service, registered mail or courier authorized by the Commission in accordance with these Rules and the Manual on Execution of Judgment,

which shall form part of these Rules.

SECTION 10. EXECUTION OF MONETARY JUDGMENT. – (a) The satisfaction of the judgment award shall be enforced against cash, surety bond or bank deposits of the losing party.

(b) Should the cash, surety bond or bank deposits be insufficient, the Sheriff shall execute the monetary judgment by levying on other 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 to the highest bidder at a public auction.

(c) If the losing party has no properties or their properties are insufficient and the bonding company refuses to comply with the writ of execution, the sheriff shall proceed against the bonding company's escrow deposit. If the escrow deposit is also insufficient, the sheriff shall then levy upon the bonding company's personal property, and if necessary, its real property. This is without prejudice to contempt proceedings against the bonding company's president, officers or authorized representatives. Moreover, the bonding company's certificate of accreditation may be suspended or revoked pursuant to existing regulations.

(d) 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 that refused to comply shall be either cited in contempt, or held liable for disobedience to a person in authority or the agents of such person as provided under the pertinent provisions of the Revised Penal Code. This rule shall likewise apply to any person or party who unlawfully refuses to comply with any break open order issued by the Labor Arbiter or the Commission as provided in Section 11 below.

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 in contempt, or whose officers are found guilty of an offense defined and punishable under the pertinent provisions of the Revised Penal Code shall be barred from transacting business with the Commission.

(e) For monetary judgments in cases involving overseas Filipino workers, the manner of execution shall be in accordance with Republic Act No. 8042, as amended by Republic Act No. 10022 and Republic Act No. 12021, as the case may be.

(f) Voluntary tender of payment by the losing party may be effected as follows:

- (i) in case the prevailing party is present, it shall be before the Labor Arbiter or the Commission, as the case may be;
- (ii) in the absence of, or if the prevailing party refuses to accept the tender

of payment, the payment shall be immediately deposited with the Cashier of the NLRC or authorized depository bank and shall be released only upon the order of the Commission or the Labor Arbiter who issued the writ.

(g) 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 "National Labor Relations Commission".

SECTION 11. BREAK OPEN ORDER; WHEN ISSUED. – In the event that the Sheriff or duly deputized officer is refused entry to the place where the property subject of execution is located or kept, the prevailing party may file a motion for the issuance of a break open order with the Commission or Labor Arbiter. After due notice and hearing, the motion shall be resolved within three (3) days therefrom.

SECTION 12. EXECUTION IN CASE OF DEATH OF PARTY. – Where the complainant or respondent dies after the issuance of entry of judgment or certificate of finality, the said party may be substituted by the heirs. However, the liability of the substitute heirs of the respondent shall be limited to the extent of the assets left by the decedent. Execution may be enforced in accordance with the applicable provisions of these Rules.

For this purpose, the counsel of record or any party-in-interest shall notify the Labor Arbiter or Commission, as the case may be, of the death of the party within thirty (30) calendar days therefrom, and provide the name/s and address/es of the heirs and legal representative/s of the deceased.

SECTION 13. EXECUTION OF ORDER OF REINSTATEMENT PENDING APPEAL. – In case the decision includes an order of reinstatement, the Labor Arbiter shall immediately issue a writ of execution even pending appeal under any of the following circumstances:

(a) The employer fails to submit a compliance report or disobeys the directive under the second paragraph of Section 19 of Rule V, or

(b) The employer disobeys, or fails to reinstate the employee.

The writ of execution shall direct the employer to immediately reinstate the dismissed employee either physically or in the payroll, and to pay the accrued salaries as a consequence of non-reinstatement in the amount specified in the decision.

The Sheriff shall serve the writ of execution on the employer or any other person required by law to obey the same. In case of disobedience, such employer or person may be cited in contempt in accordance with Rule IX.

The Labor Arbiter shall *motu proprio* issue a corresponding writ to satisfy the reinstatement wages as they accrue until actual reinstatement or reversal of the order of reinstatement.

SECTION 14. RESOLUTION OF MOTION TO QUASH THE WRIT OF EXECUTION. – A motion to quash the writ of execution shall be resolved by the Labor Arbiter or Commission within ten (10) working days from receipt of the said motion. The mere filing of a motion to quash shall not stay the execution proceedings.

SECTION 15. THIRD-PARTY CLAIM. – (a) *Requisites.* – If the ownership of the property levied is claimed by any person other than the losing party, a third-party claim may be filed not later than five (5) calendar days from the last day of posting the notice of execution sale, in case of personal property, or posting and publication, in case of real property, otherwise the claim shall be barred. The third-party claim shall comply with the following requirements:

- (i) An affidavit stating ownership over the property or right to the possession thereof and the property's fair market value with supporting evidence;
- (ii) Payment of the required fee/s; and
- (iii) In case the subject matter of the third-party claim is a real property, posting of a refundable cash deposit in the amount of Thirty Thousand Pesos (P30,000) for the payment of republication of notice of auction sale.

(b) *Where to File.* – The third-party claim shall be filed with the Commission or Labor Arbiter where the execution proceeding is pending, with proof of service of copies thereof to the Sheriff and the prevailing party.

(c) *Effect of Filing and Posting of Bond.* – The filing of a third-party claim shall not suspend the execution proceedings with respect to the property subject of the third-party claim, unless the third-party claimant posts a cash or surety bond equivalent to the value of the levied property or judgment award, whichever is lower, and in accordance with Section 6 of Rule VI. The cash or surety bond shall be in lieu of the property subject of the third-party claim.

The cash or surety bond shall be valid and effective from the date of deposit or posting, until the third-party claim is decided, resolved or terminated. This condition shall be deemed incorporated in the terms and conditions of the surety bond, and shall be binding on the third-party claimant and the bonding company.

The Commission or Labor Arbiter may require the posting of an additional bond upon a showing by the prevailing party that the bond is insufficient.

Upon approval of the bond, the Commission or the Labor Arbiter shall issue an order releasing the levied property or a part thereof subject of the claim.

(d) *Proceedings.* – The propriety of the third party-claim shall be resolved within ten (10) working days from submission of the claim for resolution. The decision

of the Labor Arbiter is not appealable but may be elevated to the Commission and resolved in accordance with Rule XII hereof.

In the event that the resolution of the third-party claim is elevated to the Commission, the release of the bond shall be suspended. Pending resolution thereof, execution shall proceed against all other properties not subject of the third-party claim.

Where the third-party claim is denied with finality, the bond shall be made answerable in lieu of the property subject of the third-party claim.

SECTION 16. 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 to submit the report or return required under this Rule shall subject the Sheriff to an administrative fine under Rule XIV of these Rules.

SECTION 17. EFFECT OF REVERSAL DURING EXECUTION PROCEEDINGS. – In the event that the judgment of the Commission is totally set aside or modified by the Court of Appeals, the execution proceedings shall be suspended insofar as consistent with the ruling of the Court of Appeals notwithstanding the pendency of a motion for reconsideration directed at such judgment.

The execution of the remaining portions of the judgment which are neither assailed nor affected by the reversal shall continue without delay.

However, where the judgment of the Court of Appeals is reversed by the Supreme Court, execution proceedings shall commence or resume upon presentation of a certified true copy of the decision and the entry of judgment of the decision of the Supreme Court.

SECTION 18. RESTITUTION. – Where the executed judgment is set aside, reversed, or modified with finality by the Court of Appeals or the Supreme Court, the Labor Arbiter shall upon motion, issue the order of restitution of the executed award.

Restitution shall not apply to reinstatement wages paid pending appeal.

SECTION 19. EXAMINATION OF LOSING PARTY WHEN JUDGMENT UNSATISFIED. – When the report or return of a writ of execution issued against the property of a losing party shows that the judgment remains unsatisfied, either in whole or in part, the prevailing party, at any time after such return is made, shall be entitled to an order to be issued by the Labor Arbiter requiring such losing party to appear at a specified date, time and place, and be examined concerning the said party's property and income. Proceedings may thereupon be undertaken for the

application of the property and income of the losing party towards the satisfaction of the judgment.

SECTION 20. EXAMINATION OF ANY PERSON IN POSSESSION OF MONEY OR PROPERTY OF THE LOSING PARTY. – When the report or return of a writ of execution shows that the judgment remains unsatisfied, the prevailing party may, upon a verified motion, obtain an order or subpoena from the Commission or Labor Arbiter to require any person, natural or juridical, in possession of money or property of the losing party, to appear, to be sworn, to subscribe, or to answer as a witness before the Commission or Labor Arbiter and be examined concerning such money or property. Upon the service of the order of examination, said person to be examined shall not transfer or dispose of such money or property until the final resolution of the issue.

The examination shall be terminated by the Commission or Labor Arbiter within ten (10) working days from the service of the order of examination.

Except for meritorious and justifiable reasons, the examination of all parties and their witnesses shall be completed within (1) one day.

All examinations and answers before the Labor Arbiter shall be under oath.

The person who fails to appear, to comply with the order or subpoena, to be sworn to and subscribed, or to answer as a witness, may be cited in contempt in accordance with Rule IX of these Rules.

If the Commission or Labor Arbiter finds that the money or property belongs to the losing party, execution shall proceed.

SECTION 21. PIERCING THE VEIL OF CORPORATE FICTION. – (a) The prevailing party may file a verified motion to pierce the veil of corporate fiction during execution proceedings when the writ of execution cannot be enforced or satisfied against the losing party and there is evidence that:

- (i) The corporate fiction is used as a vehicle to evade payment or satisfaction of a judgment award;
- (ii) The corporation is a mere alter ego or business conduit of the losing party, or was organized to make it an instrumentality, agency or adjunct of another corporation which is the losing party in a labor case;
- (iii) The corporate entity is used to justify a wrong, protect a fraud, or defend a crime; or
- (iv) Other analogous cases.

(b) The verified motion under this Section shall:

- (i) state the circumstances and ground/s relied upon;

- (ii) be supported by evidence that clearly warrants the piercing of the veil of corporate fiction; and
- (iii) be accompanied by proof of service thereof upon all parties and the corporation sought to be pierced.

(c) *Proceedings.* – Within five (5) calendar days from receipt of the verified motion, the losing party and the corporation the corporate fiction of which is sought to be pierced shall file their verified comment or opposition as to why the motion should be denied. Failure to do so shall be deemed as a waiver to file the same.

A hearing may be called within five (5) calendar days from receipt of the comment or opposition, or after the lapse of the period to file the same, to determine the propriety of the motion. The motion shall be resolved within twenty (20) working days from the date of last hearing.

If the Commission or the Labor Arbiter finds that piercing of corporate fiction is warranted, the corresponding writ shall be issued against the corporation in order to satisfy the judgment award.

SECTION 22. PROCEDURE IN CASE OF TRANSFER TO AN INDIVIDUAL TO EVADE PAYMENT OR SATISFACTION OF JUDGMENT AWARD. – The procedure set forth in the preceding section shall likewise apply in the event that the money or properties of the losing party were transferred to an individual to evade payment or satisfaction of the judgment award.

SECTION 23. ENFORCEMENT POWERS OF THE CHAIRPERSON. – The Chairperson of the Commission may designate special Sheriffs and take any measure, under existing laws, to ensure compliance with the decisions, resolutions or orders of the Commission and those of Labor Arbiters.

RULE XII EXTRAORDINARY REMEDY

SECTION 1. VERIFIED PETITION. – A party aggrieved by any order or resolution of the Labor Arbiter, including a writ of execution and other orders issued during execution proceedings, may file a verified petition to annul or modify the same. The petition may be accompanied by an application for the issuance of a temporary restraining order and/or writ of preliminary or permanent injunction to enjoin the Labor Arbiter, or any person acting under the latter's authority, to desist from enforcing said resolution, order or writ.

The petition shall include all objections available at the time of filing, and all objections not so included shall be deemed waived.

SECTION 2. GROUNDS. – The petition filed under this Rule shall be entertained only when the order or resolution will cause injustice if not rectified,

provided that there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law, and based only 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, will 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; or
- (d) If made purely on questions of law.

SECTION 3. WHEN AND WHERE FILED. – Not later than ten (10) calendar days from receipt of the order or resolution of the Labor Arbiter, the aggrieved party shall file the petition with the Commission, furnishing a copy thereof to the adverse party and the office of the Labor Arbiter.

When the last day for filing the petition falls on a Saturday, Sunday or holiday, the petition shall be filed on the first working day following such Saturday, Sunday or holiday. This shall also apply to the filing of subsequent pleadings under this Rule.

SECTION 4. SERVICE AND FILING OF PLEADINGS. – The party filing any pleading subsequent to the petition shall serve the other parties copies thereof in accordance with Rules III and VI of these Rules.

SECTION 5. REQUISITES OF THE PETITION. – The petition filed under this Rule shall:

- (a) be accompanied by a clear original or certified true copy of the order or resolution assailed, together with clear copies of relevant documents for the proper understanding of the issue/s involved;
- (b) contain the arbitral docket number and appeal docket number, if there be any;
- (c) state the material dates showing the timeliness of the filing of the petition;
- (d) be verified by the petitioner in accordance with the Rules of Court, as amended;
- (e) be in the form of a memorandum which shall state the ground/s relied upon, the argument/s in support thereof, and the relief/s prayed for;
- (f) be in two (2) legibly written or printed copies; and
- (g) be accompanied by:

- (i) a certification against forum shopping;
- (ii) an affidavit of service to the adverse party and the Labor Arbiter who issued the assailed order or resolution; and
- (iii) proof of payment of the required fees.

Non-compliance with any of the above-mentioned requisites shall result in the dismissal of the petition.

SECTION 6. THE PUBLIC AND PRIVATE RESPONDENTS IMPLEADED IN THE PETITION. – The Labor Arbiter shall be jointly impleaded with the private respondent as a public respondent in a nominal capacity. As used in this Rule, the private respondent refers to the party interested in sustaining the order or resolution issued by the Labor Arbiter.

It shall be the obligation of the private respondent to appear and defend the assailed order or resolution. The costs awarded in such proceedings in favor of the petitioner shall be against the private respondent only. The public respondent shall not appear or file a comment on the petition or any pleading therein.

SECTION 7. COMMENT ON THE PETITION. – Within a non-extendible period of five (5) calendar days from the receipt of the petition, the private respondent shall file a comment thereon stating the ground/s as to why the petition should be dismissed. Failure on the part of the private respondent to file a comment within the said period shall be construed as a waiver of the right to file the same.

SECTION 8. OPPOSITION TO THE INJUNCTIVE RELIEF; WHEN FILED.
– In case the petitioner also applies for an injunctive relief, the private respondent may file a verified opposition thereto not later than five (5) calendar days from receipt of a copy of the petition. Failure on the part of the private respondent to file a verified opposition within the said period shall be construed as a waiver of the right to file the same.

SECTION 9. EFFECT OF FILING OF PETITION. – Notwithstanding the filing of the petition and unless restrained by the Commission, the proceedings before the Labor Arbiter shall continue.

In case of execution, no money collected or credit garnished shall be released or personal properties levied upon be sold by public auction within fifteen (15) calendar days from the filing of the petition. The Labor Arbiter shall immediately inform in writing the Commission of the satisfaction of the judgment during execution proceedings, if there be any, and if circumstances warrant, the Commission shall dismiss the petition for being moot.

If no temporary restraining order is issued by the Commission or when no injunction is issued after the lapse of the effectivity of the temporary restraining order, the money collected or credit garnished shall be released and/or the personal

properties levied upon shall be sold by public auction and the proceeds thereof shall be applied to satisfy the judgment.

The record of the case shall not be elevated to the Commission unless otherwise required, in which case, the execution proceeding shall nonetheless continue pursuant to the preceding paragraphs hereof, with the office of the Labor Arbiter retaining copies of documents relevant to and necessary for this purpose.

If a subsequent petition involving the same issue/s is filed under this Rule, the suspension of the release of money collected or credit garnished or the suspension of auction sale over personal properties levied upon, as provided herein, shall not apply.

SECTION 10. VERIFIED APPLICATION, ISSUANCE OF TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION. – Upon the filing of a verified application for injunctive relief, together with supporting affidavits and documents, the Commission may issue a writ of preliminary injunction based on any of the applicable grounds provided in the Rules of Court, as amended, for the preservation of the rights of the parties pending adjudication of the petition. The writ of preliminary injunction shall be valid for a non-extendible period of sixty (60) calendar days.

If it shall appear from the facts shown by the verified application, affidavits and documents that great and irreparable damage and/or injury will result to the petitioner before the petition can be resolved, the Commission may issue *ex parte* a temporary restraining order valid for a non-extendible period of twenty (20) calendar days.

SECTION 11. BOND FOR PRELIMINARY INJUNCTION OR TEMPORARY RESTRAINING ORDER. – In the issuance of a temporary restraining order or writ of preliminary injunction, the Commission shall require the posting of a cash bond in the sum of Fifty Thousand Pesos (P50,000.00), or such higher amount as may be determined by the Commission, to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs.

A corresponding notice to post cash bond shall be issued by the Executive Clerk/Deputy Executive Clerk which shall state that the cash bond shall be posted within forty-eight (48) hours from receipt of the notice.

An additional cash bond may be required by the Commission in the issuance of a writ of preliminary injunction.

As far as practicable, the notice to post cash bond shall be served on the parties and their respective counsel through personal service by the bailiff.

SECTION 12. ENFORCEMENT OF TEMPORARY RESTRAINING ORDER OR WRIT OF PRELIMINARY INJUNCTION. – The temporary restraining order or writ of preliminary injunction shall be enforceable only upon posting of the required cash bond within forty-eight (48) hours from receipt of the notice to post bond.

Should the petitioner fail to post the bond within the prescribed period, the temporary restraining order or writ of preliminary injunction shall not take effect.

The temporary restraining order or writ of preliminary injunction issued by the Commission shall be released only upon presentation of proof of payment of the required cash bond and as far as practicable, shall be served on the parties and their counsel through personal service by the bailiff or through private courier authorized by the Commission.

In the event that the application for the issuance of a writ of preliminary injunction is denied or not resolved within the non-extendible period of twenty (20) calendar days, the temporary restraining order is deemed automatically vacated.

The application for the issuance of a temporary restraining order or a writ of preliminary injunction may be denied, or if granted, the order or writ may be dissolved, on any ground provided in the Rules of Court, as amended.

SECTION 13. EFFECT OF INJUNCTION. – Unless otherwise declared by the Commission, the issuance of a temporary restraining order or a writ of preliminary injunction shall not suspend the proceedings before the Labor Arbiter or stay the implementation of the writ of execution, but shall only restrain or enjoin such particular act/s as therein declared to be restrained or enjoined.

SECTION 14. RESOLUTION OF PETITION. – (a) If the Commission finds merit in the petition, it shall: (i) render judgment on the relief prayed for or to which the petitioner is entitled; and/or (ii) grant a final injunction permanently enjoining the Labor Arbiter or any person acting under their authority from the commission of the act/s subject of the preliminary injunction.

(b) The Commission shall dismiss the petition if it finds that:

- (i) it is patently without merit;
- (ii) it is prosecuted manifestly for delay;
- (iii) the questions raised therein are too unsubstantial to require consideration; or
- (iv) an appeal or any other plain, speedy and adequate remedy in the ordinary course of law is available.

SECTION 15. RECOVERY FROM THE INJUNCTION BOND. – The amount of damages that may be recovered by the private respondent from the injunction bond of the petitioner shall be ascertained and awarded in the decision, resolution or order finally disposing of the issue on the application for the issuance of an injunction.

SECTION 16. PENDENCY OF A MOTION FOR RECONSIDERATION. – Unless otherwise ordered by the Commission, the execution proceedings, including the release of money collected or credit garnished and the conduct of public auction over levied personal properties, shall continue notwithstanding the pendency of a

motion for reconsideration directed at the decision or resolution of the Commission promulgated under this Rule.

SECTION 17. NO APPEAL FROM THE ORDER OR RESOLUTION OF THE LABOR ARBITER ARISING FROM EXECUTION PROCEEDINGS OR OTHER INCIDENTS. – Except by way of a petition filed in accordance with this Rule, no appeal from the order or resolution issued by the Labor Arbiter during the execution proceedings or in relation to incidents other than a decision or disposition of the case on the merits, shall be allowed or acted upon by the Commission.

SECTION 18. FRIVOLOUS, DILATORY OR MULTIPLE PETITIONS. – To ensure that the provisions of this Rule are not abused through frivolous, dilatory, and multiple petitions, the Commission may cite in contempt the erring parties and their counsel in accordance with Rule IX hereof.

RULE XIII COMMISSION SEAL AND RECORDS, AND FUNCTIONS OF COMMISSION OFFICIALS

SECTION 1. SEAL OF THE COMMISSION. – The seal of the National Labor Relations Commission shall be of standard size and circular in shape, with the inscriptions "NATIONAL LABOR RELATIONS COMMISSION" on the upper outer edge and "REPUBLIC OF THE PHILIPPINES" on the lower outer edge, with a design at the center containing the coat of arms of the DOLE symbolizing tripartism as a State policy.

SECTION 2. THE EXECUTIVE CLERK. – The Executive Clerk shall aid the Chairperson in the exercise of exclusive administrative supervision over the Commission, the Regional Arbitration Branches, and all the personnel, including the Labor Arbiters.

The Executive Clerk shall assist the Commission when sitting *en banc* and when acting through the First Division. In both cases, the Executive Clerk shall perform the functions and duties similar or equivalent to those discharged by the Clerk of Court of the Court of Appeals.

In the absence or incapacity of the Executive Clerk, the Chairperson may designate from among the Deputy Executive Clerks or other officials who shall act as such for the Commission when sitting *en banc*.

SECTION 3. THE DEPUTY EXECUTIVE CLERKS. – The Deputy Executive Clerks of the Divisions shall assist the Commission when acting through its Divisions and shall perform functions similar to those discharged by the Deputy Clerks of Court of the Court of Appeals, as well as those enumerated herein as functions of the Deputy Executive Clerk relative to their respective Divisions.

The Deputy Executive Clerks shall likewise assist the Presiding Commissioners in the exercise of administrative supervision over their respective Divisions.

SECTION 4. FUNCTIONS OF THE EXECUTIVE CLERK AND THE DEPUTY EXECUTIVE CLERKS. – The Executive Clerk and Deputy Executive Clerks shall also perform the following functions:

(a) Maintain custody over the Seal of the Commission, as well as all books necessary for recording its proceedings, including records, files, and exhibits;

(b) Receive and file records of cases indicating thereon the date and time of receipt thereof;

(c) Subject to Section 6(c) of Rule VII of this Rules, raffle off cases for assignment which shall be witnessed by the representatives of the members of the appropriate Division.

(d) Serve upon the parties and their counsel or authorized representative all notices, decisions, resolutions, awards or orders issued by the Commission and immediately attach the corresponding returns or proofs of service to the record of the case;

(e) Prepare the agenda and calendars of sessions of the Commission or Division, attend sessions, immediately prepare the minutes thereof, and keep a minutes book for this purpose;

(f) Maintain dockets for the Commission by recording all original, appealed, and other cases in chronological order of receipt, together with every pleading, order, decision, resolution, and action taken, in such manner that the complete history of each case may be traced.

(g) Promulgate decisions and final resolutions on the same date these are filed with the office, indicating the date of promulgation and attesting thereto by affixing a signature on the first page; maintain a promulgation book, indicating the date of promulgation, case number, case title and *ponente*; certify as true copies all decisions, resolutions, or orders promulgated by the respective Divisions and sign the corresponding notices; and ensure that such are placed in sealed envelopes and served as far as practicable, within ten (10) calendar days from promulgation, to the parties and their counsel or authorized representative.

The Chairperson may authorize any personnel of the Division as may be endorsed by the members to perform the foregoing functions.

(h) Maintain books of entries of judgment, decisions, resolutions and orders.

(i) Remand the record of the case, through the Records Unit of the Commission, to the Regional Arbitration Branch of origin or the Office of the DOLE Regional Director, as the case may be, within five (5) working days from the issuance of the entry of judgment. The Records Unit shall transmit the said records within three (3) working days without delay.

(j) Submit to the Office of the Chairperson a monthly accomplishment report of the Commission or Division not later than the tenth day of the following month which shall indicate, among others:

- (i) the case number and title, date of promulgation, and ponente;
- (ii) cause/s of action;
- (iii) nature and amount of award, if there be any; and
- (iv) the action taken by the Commission.

(k) Issue writs of execution by authority of the Commission.

(l) Perform such other functions as may be directed by the Chairperson, the Commission *en banc*, or the standing Committees.

SECTION 5. BOARD SECRETARIES. – The Board Secretaries of the Commission shall assist the Executive Clerk or Deputy Executive Clerks in the discharge of their functions relative to the Commission or their respective Divisions.

SECTION 6. CERTIFIED COPIES. – The Executive Clerk, Deputy Executive Clerks, and the authorized personnel of the Commission and the Regional Arbitration Branches shall, unless otherwise restricted by Section 8 hereof, upon request and after payment of the prescribed fees duly receipted by the Commission, prepare and issue, under the Seal of the Commission, certified copies of any document, record, decision, resolution, order or entry of judgment.

Nonetheless, the foregoing is subject to existing laws regarding exemption from payment of fees and other charges, and rules on imposition of liens.

SECTION 7. ADMINISTRATION OF OATH. – The Chairperson, Members of the Commission, Labor Arbiters, the Executive Clerk, the Deputy Executive Clerks, Commission Attorneys and such other personnel as may be designated by the Chairperson are authorized to administer oath in all matters or proceedings related to the discharge of their functions.

SECTION 8. ACCESS TO CASE RECORDS. – The parties to the case and their counsel of record or duly authorized representatives shall have access to the case records of the Commission during regular office hours.

Access to case records of the Commission shall be subject to existing laws, as well as rules and policies of the Commission.

Any unauthorized access, disclosure, or attempt to obtain case records or information may give rise to administrative, civil or criminal liability under applicable laws and rules.

**RULE XIV
EFFECT OF NON-PAYMENT OF LEGAL FEES**

SECTION 1. NON-PAYMENT OF LEGAL FEES. – When the required fees and charges are not paid, the Labor Arbiter shall hold in abeyance any action on the subject pleading until the same are paid, or the Commission shall dismiss the action or deny due course to the pleading filed before it.

The foregoing is subject to existing laws granting exemption from payment of fees and other charges, and rules on imposition of lien.

**RULE XV
ADMINISTRATIVE SANCTION**

SECTION 1. IMPOSITION OF FINES. – The Commission and the Labor Arbiters, by authority of the Chairperson, may, after hearing, impose administrative fines which shall neither be less than Five Hundred Pesos (P500.00) nor more than Ten Thousand Pesos (P10,000.00) to ensure compliance with decisions, orders or awards.

The imposition thereof may be enforced through issuance of a writ of execution.

**RULE XVI
EFFECTIVITY**

SECTION 1. EFFECTIVITY. – These Rules shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

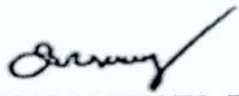
Signed this 1st day of December 2025 at Quezon City, Philippines.

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED, that the Commission *en banc* adopts and approves the proposed "The 2025 NLRC Rules of Procedure".

Signed this 1st day of December 2025 at Quezon City, Philippines.


GRACE E. MANQUIZ-TAN
Chairperson


JULIA CECILY I. COCHING-SOSITO
Presiding Commissioner



DOLORES M. PERALTA-BELEY
Presiding Commissioner


AGNES ALEXIS A. LUCERO-DE GRANO
Presiding Commissioner



AMELIA B. DOCENA
Presiding Commissioner

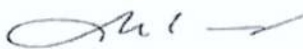

JOSE C. DEL VALLE, JR.
OIC - Presiding Commissioner


LEONARD VINZ O. IGNACIO
OIC - Presiding Commissioner


SITTIE PHAMY G. CADER-CONDONG
OIC - Presiding Commissioner


GINA F. CENIT-ESCOTO
Commissioner


MA. MINERVA S. PAEZ-COLLANTES
Commissioner


NICOLAS B. NICOLAS
Commissioner


CHARMALOU D. ALDEVERA
Commissioner


CECILIO ALEJANDRO C. VILLANUEVA
Commissioner


MARY ANN F. PLATA-DAYTIA
Commissioner


HERNAN G. NICDAO
Commissioner


ERIC ANTHONY B. TY
Commissioner


DONNA C. RAMOS
Commissioner



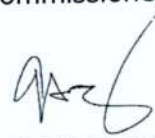
GAVINO R. MENESES, JR.
Commissioner



NENDELL HANZ L. ABELLA
Commissioner



MARIA JOYCE L. SENO-KHO
Commissioner



ABDUL-AZIS U. METMUG
Commissioner

Attested by:



PAZ EUGENIA D. NERI-DYSANGCO
Labor Arbiter
Acting Executive Clerk of Court IV