

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
Senate Bill No. 1773

SEP 15 1998  
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Introduced by Senator JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

In the case of *St. Martin Funeral Homes vs. NLRC*, dated September 16, 1998, the Supreme Court came out with a ruling that from then on, "judicial review" over decisions of the NLRC shall first be lodged before the Court of Appeals. Consequently, the mandate of providing speedy labor justice was thereby negated particularly to the lowly workers who could ill afford a protracted, costly and frustrating litigation before another level of appellate body. This additional layer of appeal affects the whole workforce in the country, including the overseas contract workers, agricultural workers and domestic helpers.

While the obvious purpose of the Supreme Court was to de-clog its docket, such ruling was clearly a case of "judicial legislation" since the Court itself acknowledged in the same aforesaid case that:

"In fine, Congress did intend to provide for judicial review of the adjudications of the NLRC in labor cases by the Supreme Court, but there was an inaccuracy in the term used for the intended mode of review. x x x.

Thus, this Bill now intends to CLEARLY put into law the accurate "intended mode of review" of the NLRC decisions directly to the Supreme Court via *Petition for Certiorari* under Rule 65 of the Rules of Court.


For enacting the Labor Code as special social legislation, it is the intent of Congress to afford speedy labor justice to the party-litigants. Thus, under Article 223 thereof, the law provides that decisions of the Labor Arbiters, who act as labor judges, are appealable to the National Labor Relations Commission and that: "The decisions of the Commission shall be final and executory after ten (10) calendar days from receipt thereof by the parties". Clearly, Congress, has intended not to allow any further appeal from the decision of the Commission.

However, considering the constitutional review power of the Supreme Court over all decisions of the regular courts and quasi-judicial bodies, such as the NLRC, it has long been the practice by the Supreme Court to entertain petitions filed by the aggrieved parties in labor cases via *Petition for Certiorari*. This practice is pursuant to paragraph three (3), Section 9 of B.P. 129, reiterated

in R.A. 7902, which specifically excepts the decisions of the National Labor Relations Commission from the appellate jurisdiction of the Court of Appeals.

It is therefore clear that the Legislature has intended not to provide for an appeal from the decisions of the Commission. However, an aggrieved party may still avail of the Petition for Certiorari only on questions of law and/or jurisdiction by filing the same directly with the Supreme Court under Rule 65 of the Rules of Court as practiced before the St. Martin ruling. **This is what this Bill intends to put into law.**

For these reasons, approval of this Bill is urgently sought.

  
JINGGOY EJERCITO ESTRADA  
Senator



issued by a reputable bonding company duly accredited by the Commission in the amount equivalent to the monetary award in the judgment appealed from.

In any event, the decision of the Labor Arbiter reinstating a dismissed or separated employee, insofar as the reinstatement aspect is concerned, shall immediately be executory, even pending appeal. The employee shall either be admitted back to work under the same terms and conditions prevailing prior to his dismissal or separation or, at the option of the employer, merely reinstated in the payroll. **THE EMPLOYER SHALL SO INFORM THE DISMISSED EMPLOYEE OF ITS OPTION WITHIN FIVE (5) DAYS FROM RECEIPT OF THE LABOR ARBITER'S DECISION. IN CASE THE EMPLOYER OPTS FOR PAYROLL REINSTATEMENT, THE DISMISSED EMPLOYEE SHALL BE PAID HIS SALARIES/WAGES AND OTHER BENEFITS DURING THE PENDENCY OF THE APPEAL IN THE COMMISSION.** The posting of a bond by the employer shall not stay the execution of the reinstatement provided herein.

To discourage frivolous or dilatory appeals, the Commission or the Labor Arbiter shall impose reasonable penalty, including fines or censures, upon the erring parties.

In all cases, the appellant shall furnish a copy of the memorandum of appeal to the other party who shall file an answer not later than ten (10) calendar days from receipt thereof.

The Commission shall decide all cases within twenty (20) calendar days from receipt of the answer of the appellee.

The decision of the Commission shall be final and executory after ten (10) calendar days from receipt thereof by the parties; **PROVIDED, HOWEVER, THAT DECISIONS, RESOLUTIONS OR AWARDS OF THE COMMISSION SHALL BE REVIEWABLE BY THE SUPREME COURT ONLY ON PETITION FOR CERTIORARI UNDER RULE 65 OF THE RULES OF COURT.**

**SEC. 2.** *Separability Clause.* - If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

**SEC. 3.** *Repealing Clause.* - Sec. 223 of P.D. 442, as amended, otherwise known as the Labor Code of the Philippines, and all other acts, laws, executive orders, presidential issuances, rules and regulations or any part thereof which are inconsistent herewith are hereby deemed repealed or modified accordingly.

**SEC. 4.** *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,

Done in