



Republic of the Philippines
Supreme Court
 Manila

EN BANC

CRISPIN S. FRONDOZO,*
DANILO M. PEREZ, JOSE A. ZAFRA,
ARTURO B. VITO, CESAR S. CRUZ,
NAZARIO C. DELA CRUZ, and
LUISITO R. DILOY,
 Petitioners,

G.R. No. 178379

Present:

SERENO, *C.J.*,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,**
 PERLAS-BERNABE,**
 LEONEN,
 JARDELEZA,***
 CAGUIOA,***
 MARTIRES,
 TIJAM,
 REYES, JR., and
 GESMUNDO, *JJ.*

- versus -

MANILA ELECTRIC COMPANY,
 Respondent.

Promulgated:
 August 22, 2017

x-----
[Signature]-----x

DECISION

CARPIO, J.:

The Case

Before the Court is a petition for review on certiorari¹ assailing the 6 March 2007 Decision² and the 14 June 2007 Resolution³ of the Court of Appeals in CA-G.R. SP No. 95747. The Court of Appeals affirmed the 28

* Also referred to in some parts of the records as Crispin S. Frondoza, Jr.

** No part.

** No part.

*** On official leave.

*** On official leave.

¹ Under Rule 45 of the 1997 Rules of Civil Procedure.

² *Rollo*, pp. 45-59. Penned by Associate Justice Martin S. Villarama, Jr. (a retired member of this Court), with Associate Justices Rosmari D. Carandang and Mariflor P. Punzalan Castillo concurring.

³ *Id.* at 61.

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February 2006 Resolution⁴ and the 26 May 2006 Resolution⁵ of the National Labor Relations Commission (NLRC) which granted the prayer for preliminary injunction of respondent Manila Electric Company (MERALCO) and denied therein petitioners' motion for reconsideration.

The Antecedent Facts

The case originated from a Notice of Strike (first strike) filed on 16 May 1991 by the MERALCO Employees and Workers Association (MEWA), composed of MERALCO's rank-and-file employees, on the ground of Unfair Labor Practice (ULP). Conciliation conferences conducted by the National Conciliation and Mediation Board (NCMB) failed to settle the dispute and resulted to a strike staged by MEWA on 6 June 1991. In an Order dated 6 June 1991,⁶ then Acting Secretary Nieves R. Confesor of the Department of Labor and Employment (DOLE) certified the labor dispute to the NLRC for compulsory arbitration, ordered all the striking workers to return to work, and directed MERALCO to accept the striking workers back to work under the same terms and conditions existing prior to the work stoppage.

On 26 July 1991, MERALCO terminated the services of Crispin S. Frondoza (Frondoza), Danilo M. Perez (Perez), Jose A. Zafra (Zafra), Arturo B. Vito (Vito),⁷ Cesar S. Cruz (Cruz), Nazario C. dela Cruz (N. dela Cruz), Luisito R. Diloy (Diloy), and Danilo D. Dizon (Dizon) for having committed unlawful acts and violence during the strike.

On 25 July 1991, MEWA filed a second Notice of Strike (second strike) on the ground of discrimination and union busting that resulted to the dismissal from employment of 25 union officers and workers. Then DOLE Secretary Ruben D. Torres issued an Order dated 8 August 1991⁸ that certified the issues raised in the second strike to the NLRC for consolidation with the first strike and strictly enjoined any strike or lockout pending resolution of the labor dispute. The Order also directed MERALCO to suspend the effects of termination of the employees and re-admit the employees under the same terms and conditions without loss of seniority rights.

The labor dispute resulted to the filing of two complaints for illegal dismissal:

⁴ Id. at 260-268. Penned by Presiding Commissioner Benedicto Ernesto R. Bitonio, Jr., with Commissioners Perlita B. Velasco and Romeo L. Go concurring.

⁵ Id. at 269-274

⁶ Id. at 75-76.

⁷ *Rollo*, p. 41. His son, Arnaldo A. Vito, signed the Verification and Certification of Non-Forum Shopping due to the death of Arturo B. Vito as shown in the death certificate attached to the petition.

⁸ Id. at 93-94.

- (1) NLRC NCR Case No. 00-08-04146-92 filed by Dizon, Diloy, Patricio Maniacop, Wilfredo Lagason, Venancio Arguzon, Jr., Rogelio Antonio, Lauro Garcia, Alfredo Badilla, Jr., and Reynaldo Javier; and
- (2) NLRC NCR Case No. 00-12-06878-92 filed by MEWA, Reynaldo M. Caberte (Caberte), Alfredo dela Cruz (A. dela Cruz), Nataner F. Pingol (Pingol), Vincent G. Rallos, Enrique T. Barrientos (Barrientos), Melchor E. Banaga (Banaga), Zafra, Perez, Vito, N. dela Cruz, Cruz, and Frondozo.

The NLRC consolidated the two illegal dismissal cases with NLRC NCR CC No. 000021-91 (*In the Matter of the Labor Dispute at the Manila Electric Company*) and NLRC NCR Case No. 00-05-03381-93 (*MEWA v. MERALCO*). On 23 January 1998, the NLRC's First Division rendered a Decision,⁹ the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered:

1. denying the motion for reconsideration of Patricio Maniacop, et al. [the nine (9) quitclaiming complainants] in NLRC Case No. 00-08-04146-92;
2. upholding Meralco's dismissal of Jose A. Zafra, Alfredo dela Cruz, Reynaldo M. Caberte, Nataner F. Pingol, Vincent G. Rallos, Enrique Barrientos, Danilo M. Perez, Arturo B. Vito, Nazario C. dela Cruz, Melchor E. Banaga, Cesar S. Cruz, and Crispin S. Frondozo in view of the illegal acts they committed during the subject strike;
3. directing complainants Danilo Dizon and Luisito Diloy as well as respondent Meralco to submit a memorandum of arguments relative to NLRC NCR Case No. 00-08-04146-92; and
4. directing MEWA and Meralco to submit memorandum of arguments in support of their respective position in NLRC NCR CC No. 000021-91.

Labor Arbiter Adolfo C. Babiano is directed to continue handling this case and to submit periodic report[s] thereon.

SO ORDERED.¹⁰

However, in a Decision promulgated on 14 December 2001,¹¹ the NLRC First Division modified the 23 January 1998 Decision and ruled:

WHEREFORE, premises considered, the Decision of January 23, 1998 is hereby MODIFIED:

⁹ *Rollo*, pp. 142-178. Signed by Presiding Commissioner Raul T. Aquino and Commissioners Vicente S.E. Veloso and Alberto R. Quimpo.

¹⁰ *Id.* at 176-178.

¹¹ *Id.* at 179-204. Penned by Presiding Commissioner Roy V. Señeres, with Commissioner Alberto R. Quimpo concurring. Commissioner Vicente S.E. Veloso inhibited.



1. Declaring the illegality of the strike of June 6-8, 1991 on the basis of the uncontested facts and allegations of the respondent;
2. As a matter of consequence, the officers and members who participated therein and who committed the illegal acts performed are hereby deemed to have lost their employment status;
3. The dismissal of complainants Jose Zafra, Vicente G. Rallos, Enrique T. Barrientos, Reynaldo M. Caberte, Cesar S. Cruz, Nazario C. dela Cruz, Arturo B. Vito, Melchor E. Banaga, Alfredo dela Cruz, Nataner F. Pingol, Danilo M. Perez, and Crispin S. Frondoza [is] hereby declared unjustified, their participation in the commission of the prohibited and illegal acts not having been proved;
4. Accordingly, respondent is hereby ordered to reinstate the twelve (12) complainants, without however, payment of backwages, complainants themselves having admitted participation in the strike.

SO ORDERED.¹²

In an Order dated 29 May 2002,¹³ the NLRC ruled on the motions for reconsideration filed by MERALCO, Dizon and Diloy, and the 12 respondents in NLRC NCR Case No. 00-12-06878-92, as follows:

WHEREFORE, premises considered, the Decision appealed from is, as it is hereby MODIFIED: ordering respondent MANILA ELECTRIC COMPANY to reinstate to their former or equivalent positions DANILO DIZON and LUISITO DILOY, without loss of seniority rights and payment of backwages computed from the time of their dismissal.

The rest of the decretal portion of the Decision of December 14, 2001 stays.

SO ORDERED.¹⁴

From the 14 December 2001 Decision and 29 May 2002 Order of the NLRC, two petitions for certiorari were filed before the Court of Appeals:

1. CA-G.R. SP No. 72480 filed by MERALCO; and
2. CA-G.R. SP No. 72509 filed by Frondoza, Barrientos, Pingol, Caberte, Zafra, Perez, Cruz, A. dela Cruz, and Banaga.

MERALCO moved for the consolidation of the two cases but the motion was denied.

On 31 July 2002, the NLRC issued an Entry of Judgment¹⁵ stating that the 29 May 2002 NLRC Order became final and executory on 19 July 2002.

¹² Id. at 202-203.

¹³ Id. at 205-208.

¹⁴ Id. at 207-208.

¹⁵ Id. at 209.



On 3 October 2002, Labor Arbiter Veneranda C. Guerrero (Labor Arbiter Guerrero) issued a Writ of Execution¹⁶ directing the reinstatement of the 14¹⁷ respondents. In a Manifestation dated 24 January 2003,¹⁸ MERALCO informed the NLRC of the payroll reinstatement of the 14 respondents.

On 30 May 2003, the Court of Appeals' Special Second Division promulgated its Decision in CA-G.R. SP No. 72480¹⁹ in favor of MERALCO. The Court of Appeals found that the strike of 6-8 June 1991 was illegal because it occurred despite an assumption order by the DOLE Secretary and because of the commission of illegal acts marred with violence and coercion. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, petition is hereby granted. The decision of the Labor Arbiter dated 16 January 1998 and ruling of the NLRC dated 23 January 1998 are reinstated. Private respondents Jose Zafra, Vincent G. Rallos, Enrique T. Barrientos, Reynaldo M. Caberte, Cesar S. Cruz, Nazario C. [d]ela Cruz, Arturo B. Vito, Melchor E. Banaga, Alfredo dela Cruz, Nataner F. Pingol, Danilo M. Perez, Crispin S. Frondoza, Danilo Dizon and Luisito Diloy are dismissed from service.

SO ORDERED.²⁰

In view of the 30 May 2003 Decision of the Court of Appeals' Special Second Division dismissing the 14 respondents from the service, MERALCO stopped their payroll reinstatement.

On 11 June 2003, Labor Arbiter Guerrero approved the computation of backwages and ordered the issuance of a Writ of Execution for the satisfaction of the judgment award. MERALCO filed a Manifestation calling the attention of Labor Arbiter Guerrero to the 30 May 2003 Decision of the Court of Appeals' Special Second Division in CA-G.R. SP No. 72480. In an Order dated 7 October 2003, Labor Arbiter Guerrero ruled that the Court of Appeals' 30 May 2003 Decision had not attained finality and as such, respondents should be reinstated from the time they were removed from the payroll until their actual/payroll reinstatement based on their latest salary prior to their dismissal. An Alias Writ of Execution²¹ was issued on 10 October 2003 for the satisfaction of the judgment award which resulted to the garnishment of MERALCO's funds deposited with Equitable-PCI Bank.

Dizon, Diloy, and the other respondents filed their respective motions for reconsideration in CA-G.R. SP No. 72480, which the Court of Appeals'

¹⁶ Id. at 210-211.

¹⁷ Erroneously stated as 12. The 14 respondents are the 12 complainants in NLRC NCR Case No. 00-12-06878-92 and the two complainants in NLRC NCR Case No. 00-08-04146-92.

¹⁸ *Rollo*, pp. 212-213.

¹⁹ Id. at 216-243. Penned by Associate Justice Buenaventura J. Guerrero, with Associate Justices Mariano C. Del Castillo (now a member of this Court) and Amelita G. Tolentino concurring.

²⁰ Id. at 243.

²¹ Id. at 245-246.



(Former) Special Second Division denied in its 18 December 2003 Resolution.

On 27 January 2004, the Court of Appeals' Fourteenth Division promulgated its Decision in CA-G.R. SP No. 72509²² as follows:

WHEREFORE, in view of the foregoing, the petition is PARTIALLY GIVEN DUE COURSE. The assailed Decision of December 14, 2001 and the Order of May 29, 2002 of public respondent National Labor Relations Commission are hereby MODIFIED in that respondent MERALCO is ordered to pay the petitioners full backwages computed from July 26, 1991, when they were illegally dismissed, up to the date of their actual reinstatement in the service.

SO ORDERED.²³

MERALCO filed a motion for reconsideration but it was denied in the Resolution of 17 August 2004.

The respondents moved for the issuance of an Alias Writ of Execution for the satisfaction of their accrued wages arising from the recall of their payroll reinstatement. On 10 June 2004, Labor Arbiter Guerrero granted the motion. On 14 June 2004, a Second Alias Writ of Execution²⁴ was issued directing the Sheriff to cause the reinstatement of the respondents and to collect the amount of ₱2,851,453 representing backwages from 14 December 2001 to 15 January 2003 and from 1 June 2003 to 1 June 2004.²⁵ MERALCO filed a motion to quash the Second Alias Writ of Execution but it was denied on 2 July 2004. On 20 July 2004, the Sheriff reported that the amount of ₱2,879,967.53 garnished funds had been delivered to and deposited with the NLRC Cashier for the satisfaction of the monetary award.²⁶ However, the reinstatement portion of the judgment remained unimplemented due to the failure of MERALCO to reinstate the respondents.

On 6 February 2004, Dizon and Diloy filed a petition before this Court assailing the 30 May 2003 Decision and 18 December 2003 Resolution of the Court of Appeals' Special Second Division in CA-G.R. SP No. 72480. The case was docketed as G.R. No. 161159.

On 12 February 2004, Frondoza, Barrientos, Pingol, Caberte, Perez, Cruz, A. dela Cruz, and Banaga filed a petition before this Court assailing the same 30 May 2003 Decision and 18 December 2003 Resolution of the Court of Appeals' Special Second Division in CA-G.R. SP No. 72480. The

²² Id. at 249-254. Penned by Associate Justice Sergio L. Pestaño, with Associate Justices Marina L. Buzon and Jose C. Mendoza concurring.

²³ Id. at 253.

²⁴ Id. at 255-257.

²⁵ Id. at 257.

²⁶ Id. at 420.

case was docketed as G.R. No. 161311.

On 11 October 2004, MERALCO filed a petition before this Court questioning the 27 January 2004 and 17 August 2004 Decision of the Court of Appeals' Fourteenth Division promulgated in CA-G.R. SP No. 72509. The case was docketed as G.R. No. 164998.

In a Resolution dated 23 February 2004,²⁷ this Court's Third Division denied the petition in G.R. No. 161159 on the ground that the petitioners failed to show that a reversible error had been committed by the Court of Appeals in rendering its Decision.

In a Resolution dated 3 March 2004, the Court's Second Division referred G.R. No. 161311 for consolidation with G.R. No. 161159.²⁸

In a Resolution dated 24 May 2004,²⁹ the Court's Third Division denied with finality the petitioners' motion for reconsideration of the 23 February 2004 Resolution denying the petition in G.R. No. 161159 on the ground that no substantial arguments were raised to warrant a reconsideration of the Court's Resolution. In the same Resolution, the Court denied the petition in G.R. No. 161311 for failure of petitioners therein to show that a reversible error had been committed by the appellate court.

Petitioners in G.R. No. 161311 filed a motion for reconsideration of the 24 May 2004 Resolution denying their petition. In its 28 July 2004 Resolution,³⁰ the Court's Third Division denied the motion with finality as no substantial arguments were raised to warrant a reconsideration of the Resolution.

The 23 February 2004 Resolution became final and executory on 15 July 2004.³¹ The 24 May 2004 Resolution became final and executory on 2 September 2004.³²

In a Resolution dated 15 June 2005,³³ the Court's First Division denied the petition in G.R. No. 164998 for MERALCO's failure to file a reply, amounting to failure to prosecute. MERALCO filed a motion for reconsideration but it was denied in the Resolution of 22 August 2005. The 15 June 2005 Resolution became final and executory on 4 October 2005.³⁴

²⁷ Id. at 399.

²⁸ Id. at 400.

²⁹ Id. at 401.

³⁰ Id. at 402.

³¹ Id. at 475.

³² Id. at 390.

³³ Id. at 404.

³⁴ Id. at 391.



Meanwhile, MERALCO filed two motions before the NLRC: (1) a motion for reconsideration and/or appeal filed on 5 July 2004 assailing the 10 June 2004 Order of Labor Arbiter Guerrero granting the issuance of the Second Alias Writ of Execution and directing the payment of backwages of ₱2,851,453 to respondents and ordering their reinstatement actually or in the payroll, which was accompanied by a bond equivalent to the amount of the accrued backwages; and (2) an urgent motion for the issuance of a temporary restraining order and/or preliminary injunction filed on 13 July 2004 directed against the Second Alias Writ of Execution pending the resolution of its first motion.

The Resolutions of the NLRC

In a Resolution dated 28 February 2006,³⁵ the NLRC granted the prayer for preliminary injunction of MERALCO. The NLRC considered the difficulty in proceeding with the execution given the conflicting decisions of the Court of Appeals' Special Second Division in CA-G.R. SP No. 72480 and the Court of Appeals' Fourteenth Division in CA-G.R. SP No. 72509 that were also passed upon by this Court, respectively, in G.R. Nos. 161159 and 161311 and in G.R. No. 164998. The NLRC ruled:

At the outset, it must be stated that while this Commission has broad powers within its sphere of jurisdiction, it cannot encroach on judicial power which is the exclusive domain of the courts. The Court of Appeals has two contrasting rulings, one upholding the legality of complainants' dismissal, and the other declaring such dismissal illegal. This Commission has no power to overrule what has been decided by the courts. This is especially true with respect to judgments that have become final and executory not only at the level of the Court of Appeals, but also of the Supreme Court.

Indeed, there is an insurmountable obstacle in the execution of the decision favoring complainants. If We let execution proceed, We will disregard the Court of Appeals' ruling in the MERALCO petition. On the other hand, We cannot declare complainants to have been legally dismissed as this will contravene the Court of Appeals' ruling in the Frondoza petition.

Confronted with this dilemma, and in deference to the exercise of the judicial power as the courts may find appropriate, this Commission has no recourse but to enjoin all proceedings until the parties would have exhausted all available judicial remedies toward the possible reconciliation of the contrasting decisions.

WHEREFORE, there being no speedy or adequate remedy in the ordinary course of law, MERALCO's prayer for preliminary injunction is GRANTED. All proceedings with this Commission as well as with the Labor Arbiter are hereby enjoined and suspended until further orders

³⁵ Id. at 260-268. Penned by Presiding Commissioner Benedicto Ernesto R. Bitonio, Jr., with Commissioners Perlita B. Velasco and Romeo L. Go concurring.

from the appropriate court.

SO ORDERED.³⁶

Two sets of respondents filed their respective motions for reconsideration. In its Resolution promulgated on 26 May 2006,³⁷ the NLRC denied the motions.

Frondozo, Perez, Zafra, Vito, Cruz, N. dela Cruz, and Diloy filed a petition for certiorari before the Court of Appeals assailing the 28 February 2006 and 26 May 2006 Resolutions of the NLRC.

The Decision of the Court of Appeals

In its 6 March 2007 Decision, the Court of Appeals affirmed the 28 February 2006 and 26 May 2006 Resolutions of the NLRC. According to the Court of Appeals, MERALCO's recourse was due to the two separate petitions before it (CA-G.R. SP No. 72480 and CA-G.R. SP No. 72509) that resulted in two contradictory rulings on the matter of petitioners' dismissal. The Court of Appeals acknowledged that the execution of a final judgment is a matter of right on the part of the prevailing party and is mandatory and ministerial on the part of the court or tribunal issuing the judgment. However, the Court of Appeals stated that a suspension or refusal of execution of judgment or order on equitable grounds can be justified when there are facts or events transpiring after the judgment or order had become final and executory, thus materially affecting the judgment obligation.

The Court of Appeals stated:

In the case at bar, finality of the CA Decision in SP No. 72480 on May 24, 2004, is a supervening event which transpired *after the CA Decision* in SP 72509 (which was in favor of petitioners) had become final and executory, and which decision directly contradicts the ruling in the said case. It may also be noted that the Resolution of the Supreme Court's Third Division in G.R. No. 161311 categorically declared that the petition filed by herein petitioners is being denied for their failure to show that a reversible error has been committed by the appellate court in rendering the decision in CA-G.R. SP No. 72480. Hence, with the denial with finality of the petition for review in G.R. No. 161159 (161311) the CA Decision in SP 72480 *upholding the dismissal of petitioners* has clearly become a legal obstacle to the enforcement of the final and executory decision in SP 72509 which in effect declared petitioners to have been illegally dismissed and upheld their right to back wages computed from December 14, 2001 and up to the date of their actual reinstatement.

³⁶ Id. at 266-267.

³⁷ Id. at 269-274.



In fine, no grave abuse of discretion was committed by the NLRC in granting preliminary injunction to private respondent MERALCO and enjoining or suspending all proceedings for the implementation of the 2nd alias writ of execution earlier issued by Labor Arbiter Guerrero with respect to the back wages/monetary award and reinstatement of petitioners pursuant to the May 29, 2002 Decision of the NLRC as affirmed/modified by the CA Decision in SP No. 72509.

As to the contention of petitioners that the NLRC should have instead proceeded to reconcile or harmonize the conflicting decisions rendered by the two (2) divisions of the Court, We find the same untenable and runs against established principles of immutability of final judgments in this jurisdiction. In fact, nothing is more settled in law than that once a judgment attains finality it thereby becomes immutable and *unalterable*. It may no longer be modified in any respect, even if modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.

We cannot but concur with the NLRC's pronouncement that MERALCO has no speedy and adequate remedy in the ordinary course of law for the preservation of its rights and interests, at least insofar only and solely as to avoid the injurious consequences of the 2nd *alias writ of execution* relative to the reinstatement aspect of the final decision in CA-G.R. No. SP 72509.³⁸

The dispositive portion of the Court of Appeals' Decision reads:

WHEREFORE, premises considered, the present petition is hereby DENIED DUE COURSE and accordingly DISMISSED for lack of merit. The challenged Resolutions dated February 28, 2006 and May 26, 2006 of the National Labor Relations Commission are hereby AFFIRMED.

No pronouncement as to costs.

SO ORDERED.³⁹ (Italicization in the original)

The petitioners in CA-G.R. SP No. 95747 filed a motion for reconsideration. In its 14 June 2007 Resolution, the Court of Appeals denied the motion for lack of merit.

Hence, the petition for review filed before this Court by Frondoza, Perez, Zafra, Vito, Cruz, N. dela Cruz, and Diloy.⁴⁰

Petitioners alleged that the Court of Appeals committed grave abuse of discretion in upholding the 28 February 2006 and 26 May 2006 Resolutions of the NLRC, in not passing upon the issues of reinstatement

³⁸ Id. at 58.

³⁹ Id. at 58-59.

⁴⁰ Dizon did not join the other petitioners in the present case before this Court.



and release of the garnished amount against MERALCO, and in ruling that the Decision in CA-G.R. SP No. 72480 is considered a bar in the implementation of the Decision in CA-G.R. SP No. 72509.

The Issue

Whether the Court of Appeals committed a reversible error in upholding the NLRC in issuing the writ of preliminary injunction prayed for by MERALCO.

The Ruling of this Court

The petition has no merit.


The Court of Appeals cited the 2005 Revised Rules of Procedure of the NLRC which provides that “[u]pon issuance of the entry of judgment, the Commission, *motu proprio* or upon motion by the proper party, may cause the execution of the judgment in the certified case.” According to the Court of Appeals, the 2005 Revised Rules of Procedure of the NLRC did not make a distinction between decisions or resolutions decided by the Labor Arbiter and those decided by the Commission in certified cases when an order of reinstatement is involved. Thus, even when the employer had perfected an appeal, the Labor Arbiter must issue a writ of execution for actual or payroll reinstatement of the employees illegally dismissed from the service. The Court of Appeals also cited Article 223 of the Labor Code which provides that the reinstatement aspect of the Labor Arbiter’s Decision is immediately executory.

In this case, the applicable rule is Article 263 of the Labor Code and the NLRC Manual on Execution of Judgment, as amended by Resolution No. 02-02, series of 2002. Section 1, Rule III of the NLRC Manual on Execution of Judgment provides:

Section 1. Execution Upon Final Judgment or Order. Execution shall issue only upon a judgment or order that finally disposes of an action or proceeding, except in specific instances where the law provides for execution pending appeal.

Article 263(i) of the Labor Code, on the other hand, provides:

(i) The Secretary of Labor and Employment, the Commission or the voluntary arbitrator shall decide or resolve the dispute within thirty (30) calendar days from the date of the assumption of jurisdiction or the certification or submission of the dispute, as the case may be. The decision of the President, the Secretary of Labor and Employment, the Commission or the voluntary arbitrator shall be final and executory ten (10) calendar days after receipt thereof by the parties.



A judicial review of the decisions of the NLRC may be filed before the Court of Appeals *via* a petition for certiorari under Rule 65 of the Rules of Court but the petition shall not stay the execution of the assailed decision unless a restraining order is issued by the Court of Appeals.⁴¹

In this case, the NLRC issued an Entry of Judgment stating that the 29 May 2002 NLRC Order became final and executory on 19 June 2002; a Writ of Execution was issued; and MERALCO complied with the payroll reinstatement of petitioners. However, with the promulgation of the 30 May 2003 Decision of the Court of Appeals' Special Second Division, finding that the 6-8 June 1991 strike was illegal, illegal acts marred with violence and coercion were committed, and dismissing petitioners from the service, MERALCO stopped the payroll reinstatement. This prompted petitioners to move for the issuance of an Alias Writ of Execution for the satisfaction of their accrued wages arising from the recall of their payroll reinstatement which Labor Arbiter Guerrero granted on 10 June 2004. Later, a second Alias Writ of Execution was issued.

As both the NLRC and the Court of Appeals stated, they were confronted with two contradictory Decisions of two different Divisions of the Court of Appeals. The petitions questioning these two Decisions of the Court of Appeals were both denied by this Court and the denial attained finality. The Court of Appeals sustained the NLRC that the 30 May 2003 Decision of the Court of Appeals' Special Second Division is a subsequent development that justified the suspension of the Alias Writs of Execution.

There are instances when writs of execution may be assailed. They are:

- (1) the writ of execution varies the judgment;
- (2) there has been a change in the situation of the parties making execution inequitable or unjust;
- (3) execution is sought to be enforced against property exempt from execution;
- (4) it appears that the controversy has been submitted to the judgment of the court;
- (5) the terms of the judgment are not clear enough and there remains room for interpretation thereof; or
- (6) it appears that the writ of execution has been improvidently issued, or that it is defective in substance, or issued against the wrong party, or that the judgment debt has been paid or otherwise satisfied, or the writ was issued without authority.⁴²

The situation in this case is analogous to a change in the situation of the parties making execution unjust or inequitable. MERALCO's refusal to reinstate petitioners and to pay their backwages is justified by the 30 May

⁴¹ *Philippine Transmarine Carriers, Inc. v Legaspi*, 710 Phil. 838 (2013).

⁴² *Mayor Vargas v. Cajucom*, 761 Phil. 43, 56 (2015).

2003 Decision in CA-G.R. SP No. 72480. On the other hand, petitioners' insistence on the execution of judgment is anchored on the 27 January 2004 Decision of the Court of Appeals' Fourteenth Division in CA-G.R. SP No. 72509. Given this situation, we see no reversible error on the part of the Court of Appeals in holding that the NLRC did not commit grave abuse of discretion in suspending the proceedings. Grave abuse of discretion implies that the respondent court or tribunal acted in a capricious, whimsical, arbitrary or despotic manner in the exercise of its jurisdiction as to be equivalent to lack of jurisdiction.⁴³ Thus, this Court declared:

The term "grave abuse of discretion" has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility." Furthermore, the use of a petition for certiorari is restricted only to "truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void." From the foregoing definition, it is clear that the special civil action of certiorari under Rule 65 can only strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross.
x x x.⁴⁴

Clearly, the NLRC did not act in a capricious, whimsical, arbitrary, or despotic manner. It suspended the proceedings because it cannot revise or modify the conflicting Decisions of the Court of Appeals.

However, we need to resolve the issue on the conflicting Decisions in order to put an end to this litigation.

The Court of Appeals stated that "the finality of the CA Decision in SP No. 72480 on May 24, 2004, is a supervening event which transpired after the CA Decision in SP No. 72509 (which was in favor of petitioners) had become final and executory."⁴⁵ This is not accurate. The Decision in CA-G.R. SP No. 72480 was promulgated on 30 May 2003. The Decision in CA-G.R. SP No. 72509 was promulgated on 27 January 2004. Even when the cases were elevated to this Court, G.R. No. 161159 and G.R. No. 161311 were resolved first before G.R. No. 164998. The Court's 23 February 2004 Resolution and the 24 May 2004 Resolution, both favoring MERALCO, became final and executory on 15 July 2004 and 2 September 2004, respectively, while the Resolution of 15 June 2005 which denied MERALCO's petition for review became final and executory on 4 October 2005, over a year after the final resolutions in G.R. Nos. 161159 and

⁴³ *Malayang Manggagawa ng Stayfast Phils., Inc. v NLRC*, 716 Phil. 500 (2013).

⁴⁴ *Id.* at 515-516.

⁴⁵ *Rollo*, p. 58.



161311.

Further, contrary to the finding of the Court of Appeals that CA-G.R. SP Nos. 72480 and 72509 attained finality without this Court actually passing upon the merits of the illegal dismissal aspect, this Court actually ruled on the merits of CA-G.R. SP No. 72480. The Court's Third Division denied the petition in G.R. No. 161159 in its 23 February 2004 Resolution on the ground that the petitioners failed to show that a reversible error had been committed by the Court of Appeals in rendering its Decision in CA-G.R. SP No. 72480. The Court's Third Division also denied the petition in G.R. No. 161311 in its 24 May 2004 Resolution for failure of the petitioners to show that a reversible error had been committed by the appellate court in the same case, CA-G.R. SP No. 72480.

In *Agoy v. Araneta Center, Inc.*,⁴⁶ this Court explained that “[w]hen the Court does not find any reversible error in the decision of the CA and denies the petition, there is no need for the Court to fully explain its denial, since it already means that it agrees with and adopts the findings and conclusions of the CA. The decision sought to be reviewed and set aside is correct.” Hence, the Court's Third Division adopted the findings and conclusions reached by the Court of Appeals in CA-G.R. SP No. 72480 which dismissed petitioners from the service. The finality of the denial of the petitions in G.R. Nos. 161159 and 161311 should be given greater weight than the denial of the petition in G.R. No. 164998 on technicality. It can also be interpreted that, in effect, the finality of the denial of the petitions in G.R. Nos. 161159 and 161311 also removed the jurisdiction of the Court's First Division and bound it to the final resolution in G.R. Nos. 161159 and 161311. The Court's First Division denied MERALCO's petition for failure to prosecute only on 15 June 2005, long after the denial of the petitions in G.R. Nos. 161159 and 161311 became final and executory on 15 July 2004 and 2 September 2004, respectively.

WHEREFORE, we **DENY** the petition. We **REMAND** this case to the National Labor Relations Commission for the execution of the 23 February 2004 and the 24 May 2004 Resolutions of this Court's Third Division in G.R. Nos. 161159 and 161311 in accordance with this Decision.

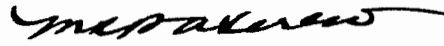
SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

⁴⁶ 685 Phil. 246, 251 (2012).

WE CONCUR:

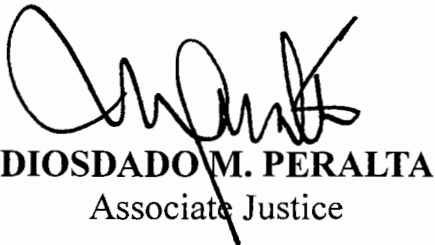


MARIA LOURDES P. A. SERENO
Chief Justice

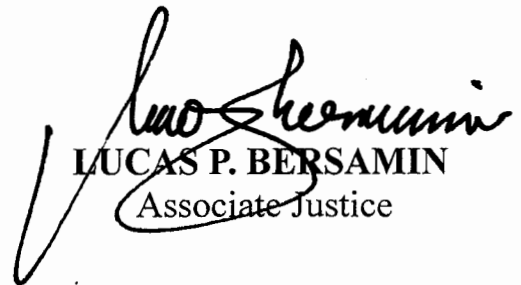


PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice

(no part)
MARIANO C. DEL CASTILLO
Associate Justice

(no part)
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEGNEN
Associate Justice

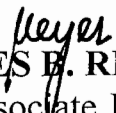
(on official leave)
FRANCIS H. JARDELEZA
Associate Justice

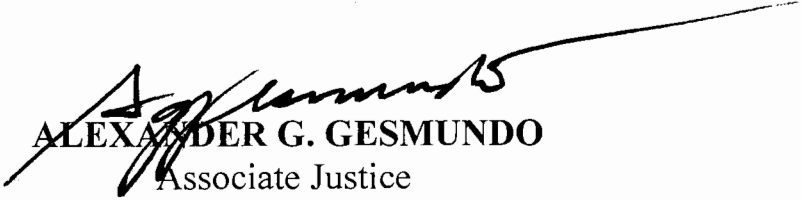
(on official leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL R. MARTIRES
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice


ANDRES B. REYES, JR.
Associate Justice

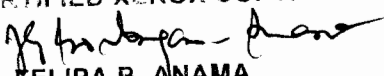

ALEXANDER G. GESMUNDO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED XEROX COPY:


FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT