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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
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Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 12, 2014, which reads as follows:

“G.R. No. 166016 - NAGKAHIUSANG MAMUMUO SA PICOP RESOURCES, INC. – SOUTHERN PHILIPPINES FEDERATION OF LABOR (NAMAPRI-SPFL), as represented by Artemio Q. Avila, acting as union president and other union members enumerated in the Special Power of Attorney, Petitioner, v. PICOP RESOURCES, INC. AND NAGKAHIUSANG MAMUMUO SA PICOP RESOURCES, INC. – SOUTHERN PHILIPPINES FEDERATION OF LABOR (NAMAPRI-SPFL), allegedly being represented by a certain Pascasio Trugillo, Respondents.

The present controversy arose from the same labor dispute involved in our rulings in G.R. No. 148531 and G.R. Nos. 148839-40 among respondent company Picop Resources, Inc. (PRI) and the rival factions of its then recognized union, Nagkahiusang Mamumuo sa Picop Resources, Inc. – Southern Philippines Federation of Labor (NAMAPRI-SPFL or the “union”).

This petition for review on *certiorari* under Rule 45 of the Rules of Court was filed by the group of union members represented by Artemio Q. Avila (the “Avila group”).

The material antecedents of the case are:

On July 27, 1997, PRI filed a notice of partial temporary shutdown of its paper mill and plywood plant operations with the Department of

- over – ten (10) pages

Labor and Employment (DOLE). Alleging that the shutdown was a violation of the collective bargaining agreement's "no strike, no lockout" provision and that the company was engaged in contracting out of positions held by union members, petitioner Avila group filed a notice of strike on November 5, 1997 with the National Conciliation Mediation Board (NCMB)-Caraga Regional Office in Butuan City. At around this time, Avila likewise informed the company of the purported impeachment of the union's president, Edgardo Diaz.

In the course of the conciliation proceedings, the union and petitioner Avila group agreed to submit the intra-union dispute to the Bureau of Labor Relations, DOLE – Region XIII prior to the resolution of the grounds raised in petitioner's notice of strike before the NCMB. While these proceedings were pending, petitioner declared a strike and picketed the plant, offices, and facilities of the company on January 11, 1998. This prompted the company to file petitions with the National Labor Relations Commission (NLRC): first, a petition to enjoin the striking union members from continuing their strike and later, when the temporary restraining order issued by the NLRC went unheeded by the striking members, a petition to declare the strike illegal.

On January 27, 1998, respondent company filed a petition for assumption of jurisdiction before the DOLE Secretary. The DOLE Secretary assumed jurisdiction over the labor dispute in an Order dated January 28, 1998 and directed the striking workers to return to work,¹ lift their picket, remove all obstructions set up at the gates, and desist from stopping employees who are reporting for work. As agreed by the parties during the conciliation meeting, the following issues were submitted to the DOLE Secretary for resolution: (a) the injunction case filed by respondent company with the NLRC; (b) the illegal strike case; (c) the leadership issue within the union; (d) the Avila group's sixteen demands; and (e) the validity of the shutdown implemented by the company.

During the pendency of the case before the DOLE Secretary, petitioner Avila group filed another notice of strike on February 10, 1998 and alleged that the company (a) violated the return to work order and the CBA, (b) connived with Diaz, and (c) was guilty of harassment. Upon motion of respondent company, the DOLE Secretary, in an Order dated March 6, 1998, deemed the second notice of strike as subsumed in the Assumption Order dated January 28, 1998 since it involved issues

¹ Deemed as exceptions to the return to work order were the employees temporarily laid off because of the temporary shutdown.

inherently related to the incidents in the first notice of strike and likewise reiterated the injunctive tenor of the assumption order. On March 8, 1998, the Avila group again picketed the company's premises. In an Order dated March 24, 1998, the DOLE Secretary reiterated the Orders dated January 28, 1998 and March 6, 1998 and deputized the Provincial Commander of the CARAGA Regional Command of the Philippine National Police to assist the DOLE sheriffs in the orderly enforcement of said orders and to ensure free ingress to and egress from the company premises. In the interim, PRI terminated petitioner's members who defied the return to work order and who were deemed to have abandoned their jobs.

Subsequently, the DOLE Secretary issued an Order dated September 9, 1999 and disposed of the labor dispute in this wise:

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:

- a. Declaring the temporary shutdown at the paper and plywood plants of Picop Resources, Inc. legitimate and the temporary lay-off of the affected workers therein likewise legal;
- b. Declaring the permanent retrenchment of the workers at the plywood plant and its administrative and support services valid;
- c. Declaring the impeachment of Union President, Mr. Edgardo Diaz, illegal;
- d. Dismissing the NAMAPRI-Avila Group's 16 demands;
- e. Dismissing the NAMAPRI-Avila Group's prayer for actual, moral, and exemplary damages and [for] costs of litigation and attorneys (sic) [fees]; and
- f. Ordering Picop Resources, Inc. to pay, if it has not yet done so, separation benefits to all other workers at the plywood plant and its administrative and support services who have been permanently retrenched.

Pending resolution of the issue of illegal strike which is yet to be heard, all the striking workers, except those already validly retrenched and paid their separation pay, are directed to return to work within 24 hours from receipt of this Order and Picop Resources, Inc. is hereby directed to unconditionally accept back to work all striking union officers and members under the same terms and conditions prior to the strike. The parties are directed to cease and desist from committing any act that may aggravate the situation.

Atty. Lita Aglibut, Officer-in-Charge of the Legal Service, is hereby designated as the Hearing Officer to hear and receive evidence on the matter of illegality of the strikes within a period of thirty (30) days from receipt of this Order and, thereafter, to submit a report/recommendation within twenty (20) days from the termination of the proceeding.

The parties are further directed to submit their respective position papers within ten (10) days from receipt of this Order.²

In an Order dated November 5, 1999, the DOLE Secretary denied petitioner's motion for reconsideration and PRI's motion for partial reconsideration and modified the Order dated September 9, 1999, to wit:

WHEREFORE, in view of the foregoing, the Motion for Reconsideration filed by the NAMAPRI-Avila Group is hereby DENIED for lack of merit. The Partial Motion for Reconsideration filed by Picop Resources, Inc. is likewise hereby DENIED. In view, however, of the clarification made above, the Order, dated September 9, 1999, is hereby MODIFIED, as follows:

Pending resolution of the illegal strike and the consequent termination issues which are yet to be heard, all the striking workers, except those already validly retrenched and paid their separation pay, are directed to return to work within 24 hours from receipt of this Order. Picop Resources, Inc. is hereby directed to unconditionally accept back to work all striking employees, except those already excluded, under the same terms and conditions prior to the strike. The parties are directed to cease and desist from committing any act that may aggravate the situation.

Atty. Lita Aglibut, Officer-in-Charge of the Legal Service, is hereby designated as Hearing Officer to hear and receive evidence thereon within a period of thirty (30) days from receipt of this Order and, thereafter, to submit a report/recommendation within twenty (20) days from the termination of the proceeding.

The parties are further directed to submit their respective position papers within ten (10) days from receipt of this Order.

The NAMAPRI-Avila Group's Urgent Manifestation and Motion to Cite in Contempt is likewise DENIED, in view of the clarification.³

With their respective motions denied by the DOLE Secretary, respondent company and petitioner Avila group both elevated the matter to

² *Rollo*, pp. 368-369.

³ *Id.* at 369-370.

the Court of Appeals via petitions for *certiorari* docketed as CA-G.R. SP No. 56204 and CA-G.R. SP No. 56566, respectively.

Meanwhile, petitioner sought the execution of the portion of the DOLE Secretary's orders directing the re-admission to work of all striking workers, except those validly retrenched and paid their separation benefits. In an Order dated July 5, 2000, the DOLE Secretary granted petitioner's motion, thus:

WHEREFORE, premises considered, the Motion for Issuance of a Writ of Execution filed by the NAMAPRI-Avila Group is hereby GRANTED. Considering, however, that PICOP Resources, Inc. and NAMAPRI-Avila Group have given inconsistent lists of workers to be reinstated and determination of the amount due each worker, there is a need to refer these incidents to the Bureau of Working Conditions, this Department. Both parties are hereby directed to submit, within ten (10) days from receipt of this Order, to the Bureau of Working Conditions a list of workers covered by our Order, together with a detailed computation of the amount due each worker.

The Bureau is directed, thereafter, to submit its list with computation of claims within ten (10) days from receipt of the list from the parties.

Thereafter, a writ of execution shall be issued.⁴

The union members represented by Pascasio A. Trugillo (the "Trugillo group") filed with the Court of Appeals a petition for *certiorari* under Rule 65, assailing the July 5, 2000 Order. In that case, which was docketed as CA-G.R. SP No. 60586, the appellate court rendered judgment in a Decision dated March 22, 2001, the dispositive portion of which reads:

WHEREFORE, premises considered, the present petition is hereby GIVEN DUE COURSE and the writ prayed for accordingly GRANTED. Consequently, the Order dated July 5, 2000 of the then Secretary of Labor and Employment Bienvenido E. Laguesma in "*In Re: Labor Dispute at Picop Resources, Inc.*", docketed as OS-AJ-0002-98 (NCMB-RB13-1-005-97) is hereby ANNULLED and SET ASIDE.

No pronouncement as to costs.⁵

The appellate court reasoned that the DOLE Secretary's directive to reinstate the striking employees would negate the jurisdiction of the NLRC to rule upon the validity of their termination. It further held that although a

⁴ CA *rollo* (CA-G.R. SP No. 60586), p. 39.

⁵ Id. at 602.

return to work order is immediately executory, the employees' failure to comply with such order is sanctioned by the loss of their employment. Citing case law, the appellate court opined that by staging a strike after the assumption of jurisdiction or certification for arbitration of a labor dispute, workers forfeit their right to be readmitted to work and having abandoned their employment, they could be validly replaced. It was thus unreasonable and oppressive to compel the company to accept workers who failed to return to work and those terminated for other causes. Consequently, the July 5, 2000 Order was set aside for being issued in grave abuse of discretion on the part of the DOLE Secretary and the writ of execution issued on November 20, 2000 was likewise declared of no force and effect.

Petitioner Avila group's motion for reconsideration of the above ruling was denied. Thus, the Avila group filed a petition for *certiorari* and prohibition with this Court which was docketed as G.R. No. 148531. In an extended Resolution dated September 12, 2001, this Court's Second Division denied the petition for lack of showing that the Court of Appeals committed any reversible error. This resolution became final and executory and entry of judgment was made on August 7, 2002.⁶

While G.R. No. 148531 was pending before the Court and even after the finality of the Resolution dated September 12, 2001, the Avila group succeeded in securing favorable orders from the DOLE Secretary which implemented the reinstatement aspect of the labor dispute, including orders directing the garnishment of PRI's bank deposits.

For this reason, on April 29, 2003, the Trugillo group filed in CA-G.R. SP No. 60586 an urgent motion praying for the issuance of a writ of execution to enforce the final and executory judgment of the appellate court. For its part, PRI filed an urgent motion in the same case for the appellate court to (a) cite the DOLE Secretary in contempt; (b) set aside the withdrawal of its funds by the DOLE Sheriff; and (c) order the DOLE Secretary to cease and desist from implementing the invalid writ of execution issued on November 20, 2000.

In a Comment, the DOLE Secretary claimed that the appellate court's Decision dated March 22, 2001 was technically not yet final in view of the pendency of the Avila group's petition before this Court docketed as G.R. Nos. 148839-40 which questioned the grant by another division of the Court of Appeals of a writ of preliminary injunction against the implementation of the DOLE-issued writ of execution.

⁶ Id. at 842.

On November 20, 2003, the Court of Appeals issued a resolution granting the urgent motion for the issuance of a writ of execution. The writ of execution enjoining the DOLE Secretary from implementing or enforcing the July 5, 2000 Order and Writ of Execution dated November 20, 2000 was issued on even date. On November 16, 2004, petitioner's motion for reconsideration and urgent motion to quash writ of execution were denied for lack of merit.

These Resolutions dated November 20, 2003 and November 16, 2004 are now the subject matter of the current petition before this Court.

The petition is patently without merit.

It must be stressed that the appellate court's Decision, as upheld by this Court, had long since become final and executory. Yet petitioner's pleadings are replete with arguments against the supposed impropriety and unfairness of the Court of Appeals' Decision dated March 22, 2001 and the lack of authority of Trugillo to file the petition in CA-G.R. SP No. 60586. All these matters have been passed upon with finality by this Court in G.R. No. 148531. Indeed, in praying for the setting aside of the appellate court's Resolutions dated November 20, 2003 and November 16, 2004 and the issuance of a new resolution directing the company to re-admit the members of petitioner Avila group and to pay them their accrued wages until their actual reinstatement, petitioner seeks to litigate anew issues already previously resolved and thereby avoid the legal consequences of the courts' final and executory rulings on said issues. This the Court cannot countenance even in the name of social justice for as we discussed in *Coca-Cola Bottlers Philippines, Inc., Sales Force Union-PTGWO-Balais v. Coca-Cola Bottlers Philippines, Inc.*⁷:

We are not unmindful that in labor disputes, social justice exhorts courts to lean backwards in favor of the working class. Corollary thereto, it is doctrinal that in labor disputes, rules of procedure cannot be applied in a rigid and technical sense. Thus, in appropriate cases, we have not hesitated to relax matters of procedure in the interest of substantial justice. As applied herein, however, our hands are tied by the fact that the case had already attained finality long before it got here. As we declared in *Nacuray v. National Labor Relations Commission* —

x x x Nothing is more settled in law than that when a judgment becomes final and executory it becomes immutable and unalterable. The same may

⁷ 502 Phil. 748, 757-758 (2005).

no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and whether made by the highest court of the land. The reason is grounded on the fundamental considerations of public policy and sound practice that, at the risk of occasional error, the judgments or orders of courts must be final at some definite date fixed by law. (Emphasis supplied, citations omitted.)

The Court of Appeals committed no error when it issued a writ of execution to enforce its March 22, 2001 Decision. It is settled that after a judgment has gained finality, it becomes the ministerial duty of the court or quasi-judicial tribunal to order its execution.⁸

Petitioner's contention that the Court of Appeals' March 22, 2001 Decision only annulled the DOLE Secretary's July 5, 2000 Order and did not set aside any of the DOLE Secretary's other orders directing readmission/reinstatement of workers is not well taken. In essence, the appellate court's decision, which the Court effectively affirmed in G.R. No. 148531, ruled that the DOLE Secretary could not legally order the reinstatement of the striking members of petitioner Avila group pending compulsory arbitration and thereby negate the jurisdiction of the NLRC on the issue of validity of their termination. This has become the *law of the case* and applies to any order of the DOLE Secretary that purports to enforce or implement the reinstatement of petitioner's striking members involved in the same labor dispute and under the same circumstances prevailing when CA-G.R. SP No. 60586 and G.R. No. 148531 were decided. Jurisprudence explains that:

Under this legal principle, whatever is irrevocably established as the controlling legal rule or decision between the same parties in the same case continues to be the law of the case, so long as the facts on which the decision was predicated continues. Otherwise stated, the principle holds that once an appellate court has declared the law in a case, that declaration continues to hold even in a subsequent appeal. Reasons of public policy, judicial orderliness and economy require such stability in the final judgments of courts or tribunals of competent jurisdiction.⁹ (Citations omitted.)

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⁸ *Genato v. Viola*, G.R. No. 169706, February 5, 2010, 611 SCRA 677, 690.

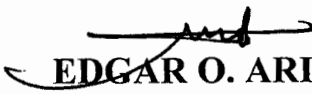
⁹ *Kabankalan Catholic College v. Kabankalan Catholic College Union-PACIWU-TUCP*, 500 Phil. 254, 266 (2005).

As for the DOLE Secretary's reliance on the pendency of G.R. Nos. 148839-40 filed by the Avila group before this Court to argue that the Court of Appeals Decision dated March 22, 2001 had not attained finality, we find the same misplaced. The finality of a decision is a jurisdictional event which cannot be made to depend on the convenience of a party.¹⁰ In any event, the Avila group's petition in G.R. Nos. 148839-40 has been denied by the Court for lack of merit and was considered moot and academic in light of our resolution in G.R. No. 148531.

WHEREFORE, the present petition is **DENIED** for lack of merit.

SO ORDERED." **SERENO, C.J.**, on official travel; **DEL CASTILLO, J.**, acting member per S.O. No. 1862 dated November 4, 2014. **BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,


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¹⁰ *Philippine Rabbit Bus Lines, Inc. v. National Labor Relations Commission*, 365 Phil. 598, 605 (1999).

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