

Republic of the Philippines
Department of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
Banawe, Quezon City

EN BANC RESOLUTION NO. № 11 - 06
(Series of 2006)

WHEREAS, Rule XI, Section 11, of the 2005 Revised Rules of Procedure of the National Labor Relations Commission provides that:


"RESOLUTION OF MOTION TO QUASH - The mere filing of a motion to quash shall not stay execution proceedings. A motion to quash shall be resolved by the Labor Arbiter within ten (10) working days from submission of said motion for resolution"; and

WHEREAS, there is a need to amend the above-quoted provision to clarify certain issues that may arise in the implementation of the same, and in order not to bastardize the concept of an appeal, if the affected party really wants to question the Order, the remedy is for him to file an injunction and comply with the requirements therefor.

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED THAT Rule XI, Section 11, of the 2005 Revised Rules of Procedure is hereby amended as follows:

RESOLUTION OF MOTION TO QUASH - The mere filing of a motion to quash shall not stay execution proceedings. A motion to quash shall be resolved by the Labor Arbiter within ten (10) working days from submission of said motion for resolution. An appeal from the Order denying the Motion to Quash the Writ of Execution shall not stop the execution of judgment except when a restraining order is issued by the Commission.

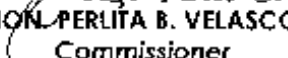
Signed this 8th day of September, Cebu City, Philippines.


HON. RAUL T. AQUINO
Acting Chairman



HON. LOURDES C. JAVIER
Presiding Commissioner


HON. GERARDO C. NOGRALES
Presiding Commissioner


HON. SAIFE B. DUMARPA
Presiding Commissioner


HON. PERLITA B. VELASCO
Commissioner


HON. ROMEO L. GO
Commissioner


HON. ANGELITA A. GACUTAN
Commissioner