



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

2002 DEC 17 PM 3 02

MEMORANDUM CIRCULAR NO. 12-01
(Series of 2002)

TO : All Executive/Labor Arbiters

RE : EXECUTION PENDING PETITION FOR CERTIORARI

DATE : 16 December 2002

There are reports reaching this Office that in cases where there are pending petitions for certiorari, a number of you are hesitant and/or refusing to resolve motions to release garnished amounts, which are already deposited with our Cashiers. In this connection, please be reminded of the provisions of Section 14, Rule VII and Rule VIII of the Rules of Procedure of the National Labor Relations Commission which read :

"SECTION 14. FINALITY OF DECISION OF THE COMMISSION AND ENTRY OF JUDGMENT. a) Finality of the Decisions, Resolutions or orders of the Commission. Except as provided in Rule XI, Section 9, the decisions, resolutions or orders of the Commission/Division shall become executory after ten (10) calendar days from receipt of the same."

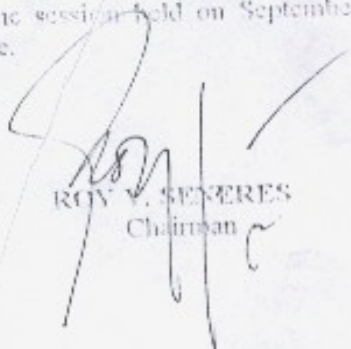
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"SECTION 6. EFFECT OF FILING OF PETITION FOR CERTIORARI ON EXECUTION. A petition for certiorari with the Court of Appeals or the Supreme Court shall not stay the execution of the assailed decision unless a temporary restraining order is issued by the Court of Appeals or the Supreme Court."

Pursuant to the said Rules, enforcement and satisfaction of an executory judgment shall proceed without delay except when a TRO or a preliminary injunction is issued.

Kindly be informed also of the decision of the Commission en banc to disapprove the request of NALAI for the amendment of the afore-quoted Section 6 of the Rules. Copy of relevant portions of the Minutes of the en banc session held on September 23, 2002, is appended as Annex "A," for your ready reference.

Please be guided accordingly.


ROY V. SENERES
Chairman