

**[NLRC RESOLUTION NO. 01-02, S. 2002,
FEBRUARY 12, 2002, February 12, 2002]**

**AMENDING CERTAIN PROVISIONS OF THE NEW RULES OF
PROCEDURE OF THE NATIONAL LABOR RELATIONS COMMISSION**

Pursuant to the provisions of Article 218 of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, the National Labor Relations Commission, sitting en banc, RESOLVED TO ADOPT AND PROMULGATE, as it hereby adopts and promulgate, the following amendments to the NEW RULES OF PROCEDURE OF THE NATIONAL LABOR RELATIONS COMMISSION:

1. Sections 1, 2, and 3 of Rule 1 are hereby amended to read as follows:

SECTION 1. Title of the Rules. — These Rules shall be known as the Rules of Procedure of the National Labor Relations Commission.

SECTION 2. Construction. — These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines and OTHER RELEVANT LEGISLATIONS, and to assist the parties in obtaining just, expeditious and inexpensive settlement of labor disputes.

SECTION 3. Suppletory Application of Rules of Court. — In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Labor Code, the pertinent provisions of the Revised Rules of Court of the Philippines may, in the interest of expeditious labor justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

2. The last paragraph of Section 1, Rule II is hereby amended to read as follows:

As used herein, "Regional Arbitration Branch" shall mean any of the regional arbitration branches, OR sub-regional branches of the Commission.

3. The title of Rule III is hereby amended to read as follows:

RULE III- PLEADINGS, NOTICES AND APPEARANCES

4. Sections 1, 2, 3, 4, 5, 6, 7 and 6 of Rule III are hereby renumbered as Sections 2, 3, 4, 5; 6, 7, 8 and 9 respectively and the new Section 1 shall read as follows:

SECTION 1. Complaint. — a) Complaint is a pleading alleging the cause or causes of action of complainant/petitioner. The names of respondents must be stated in the complaint. It shall be signed under oath by the complainant/petitioner, with a declaration of non-forum shopping.

b) A party having more than one cause of action against the other party; arising out

of the same relationship, shall INCLUDE all of them in one complaint or petition.

For this purpose, the complaint form duly approved by the Commission shall preferably be used for expediency.

5. Section 1 of Rule III is hereby amended to read as follows:

SECTION 2. Caption and Title. — In all cases filed WITH the Commission or WITH any of its Regional Arbitration Branches, the party initiating the action shall be called the 'Complainant' or 'Petitioner', and the opposing party the 'Respondent'.

The full names of all the real parties in interest, whether natural or judicial persons or entities authorized by law, shall be stated in the caption of the complaint or petition as well as in the decisions, RESOLUTIONS or ORDERS.

6. Section 2 of Rule III is hereby amended to read as follows:

SECTION 3. Issuance of Summons. — Within Two (2) DAYS FROM receipt of a case, the Labor Arbiter shall issue the required summons, attaching thereto a copy of the complaint/petition and supporting documents; if any. The summons, together with a copy of the complaint, shall specify the date, time and place of the conciliation and mediation conference in two (2) settings.

7. Section 3 of Rule III is hereby amended to read as follows:

SECTION 4. Prohibited Pleadings & Motions. — The following pleadings, motions or petitions shall not be allowed in the cases covered by these Rules:

- a) Motion to Dismiss the complaint except on the ground of lack of jurisdiction over the Subject Matter, Improper Venue, Res Adjudicate, Prescription and forum shopping;
- b) Motion for a Bill of Particulars; .
- c) Motion for New Trial or Motion for Reconsideration of Judgment or Order of the Labor Arbiter;
- d) Petition for Relief from Judgment when filed with the labor arbiter;
- e) Petition for Certiorari, Mandamus or Prohibition;
- f) Motion to Declare Respondent in Default.

8. Paragraph (a) of Section 5, Rule III is hereby amended to read as follows:

SECTION 6. Service of Notices and Resolutions. — a) Notices or summonses and copies of orders, shall be served on the parties to the case personally by the bailiff or duly authorized public officer within three (3) days from receipt thereof or by registered mail; provided that in special circumstances, service of summons may be effected in accordance with the pertinent provisions of the Rules of Court; Provided further, that in cases of decisions and final awards, copies thereof shall be served on both parties and their counsel/representative by registered mail; provided further

that in cases where a party to a case or his counsel on record personally seeks service of the decision upon inquiry thereon, service to said party shall be deemed effected upon actual receipt thereof; provided finally, that where parties are so numerous; service shall be made on counsel and upon such number of complainants; as may be practicable, which shall be considered substantial compliance with Article 224 (a) of the Labor Code, as amended.

For purposes of appeal, the period shall be counted from receipt of such decisions, resolutions, or orders by the counsel/representative of record.

9. The first and second paragraphs of Section 7, Rule III are hereby amended to read as follows:

SECTION 8. Appearances. — An attorney appearing for a party is presumed to be properly authorized for that purpose. However, he shall be required to indicate in his pleadings his PTA and IBP numbers for the current year.

A non-lawyer may appear before the Commission or any Labor Arbiter only if: a) he represents himself as party to the case;

b) he represents a Legitimate Labor organization, as defined under Articles 222 and 242 of the Labor Code, as amended or its members, provided, that he shall be made to present a verified certification from said organization that he is properly authorized, or;

c) he is a duly-accredited member of any legal aid office duly recognized by the Department of Justice or Integrated Bar of the Philippines.

10. Paragraphs (a) and (e) of Section 1, Rule Ware hereby amended to read as follows:

SECTION 1. VENUE. — a) All cases which Labor Arbiters have authority, to hear and decide may be filed in the Regional Arbitration Branch having jurisdiction over the workplace of the complainant/petitioner.

For purposes of venue, workplace shall be understood as the place or locality, where the employee is regularly assigned when the cause of action arose. It shall include the place where the employee is supposed to report back after a temporary detail, assignment, or travel. In the case of field employees, as well as ambulant or itinerant workers, their workplace is where they are regularly , assigned, or where they are supposed to regularly receive their salaries/wages or work instructions from, and report the results of their assignment to, their employers.

b) . . .

c) When improper venue is not objected to before the filing of position papers, such ISSUE shall be deemed waived.

d) . . .

11. Section 3 of Rule IV is hereby amended to read as follows:

SECTION 3. Consolidation of Cases/Complaints. — Where there are to more ; cases/complaints pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and common principal causes of action or the same parties with different causes of action, the subsequent cases/complaints shall be consolidated with the first to avoid unnecessary costs or delay. Such consolidated cases/complaints shall be disposed of by the Labor Arbiter to whom the first case was assigned.

In case of objection to the consolidation, the same shall be resolved by the Executive Labor Arbiter. An order resolving the motion shall be in appealable.

12. The second paragraph of Section 4, Rule IV is hereby amended to read as follows.

When the Secretary: of Labor and Employment has assumed jurisdiction over a strike or lockout dispute or certified the same to the Commission, the parties to such dispute shall immediately inform the Secretary or the. Commission; as the case may be, of all cases directly related to the disputes between them pending before any Regional Arbitration Branch, and the Labor Arbiter handling the same of such assumption or certification. The Labor Arbiter concerned shall forward within two (2) days from notice the entire records of the case to the Commission or to the Secretary of Labor, as the case may be, for proper disposition.

13. Section 1 of Rule V is hereby amended to read as follows:

SECTION 1. Jurisdiction of Labor Arbiters. — Labor Arbiters shall have original and exclusive jurisdiction to hear and decide all cases involving all workers, whether agricultural or non-agricultural, as well as claims of overseas Filipino Workers provided for by law.

14. Section 2 of Rule V is hereby amended to read as follows:

SECTION 2. Mandatory Conciliation/Mediation Conference. — Within two (2) days from receipt of an assigned case, the Labor Arbiter shall issue the summons to the parties for a conference, for the purpose of amicably settling the case upon a fair compromise, determining the real parties in interest, defining and simplifying the issues in the case, entering into admissions or stipulations of facts and threshing out all other preliminary matters.

Conciliation and mediation efforts shall be exerted by the labor arbiters all throughout the proceedings. Should the parties arrive at any agreement as to the whole or any part of the dispute, the same shall be reduced to writing and signed by the parties and their respective counsel, or authorized representative, if any, before the Labor Arbiter.

The settlement shall be approved by the Labor Arbiter after being satisfied that it was voluntarily entered into by the parties and after having explained to them the terms and consequences thereof. A compromise agreement entered into by the parties not in the presence of the Labor Arbiter before whom the case is pending shall be approved by him, if after, confronting the parties, particularly the complainants, he is satisfied that they understand the terms and conditions of the settlement and that it was entered into freely and voluntarily by them and the

agreement is not contrary to law, morals, and public policy.

A compromise agreement duly entered into in accordance with this Section shall be final and binding upon the parties and the Order approving it shall have the effect of a judgment rendered by the Labor Arbiter. Should the parties fail to agree upon an amicable settlement, either in whole or in part, during the conferences, the Labor Arbiter shall issue an order stating therein the matters taken up and agreed upon during the conference/s and directing the parties to simultaneously file their respective verified position papers.

The mandatory conferences shall, except for justifiable grounds, be terminated within thirty (30) calendar days from the date of the first conference.

No motion for postponement shall be entertained except on meritorious grounds. Non-appearance of the complainant/s during the two (2) scheduled hearings for mediation/conciliation conference shall be a ground for the dismissal of the case without prejudice.

In case of non-appearance of the respondents during the first conference, a second conference shall proceed: Non-appearance of the respondent during the second conference shall immediately terminate the mandatory conciliation/mediation conference. The complainant shall thereupon be allowed to file his position paper as well as submit evidence in support of his cause or causes of action after which, the Labor Arbiter shall render his decision on the basis of the evidence on record.

15. Sections 3, 4, 5, 6, 7; 9, 10, 14, 16, 17, 18 and 19 of Rule V are hereby renumbered as Sections 4, 5, 13, 11, 12, 6, 7, 16, 9, 3, 14 and 15 respectively.

16. Section 3 of Rule V is hereby amended to read as follows:

SECTION 4. Submission of Position Papers / Memoranda. — Without prejudice to the provisions of the last paragraph, Section 2 of this Rule, the Labor Arbiter shall direct both parties to submit simultaneously their position papers with supporting documents and affidavits within an inextendible period of ten (10) days from notice of termination of the mandatory conference.

These verified position papers to be submitted shall cover only those claims and causes of action raised in the complaint excluding those that may have been amicably settled, and shall be accompanied by all supporting documents including the affidavits of their respective witnesses which shall take the place of the latter's direct testimony. The parties shall thereafter not be allowed to allege facts, or present evidence to prove facts, not referred to and any cause or causes of action not included in the complaint or position papers, affidavits and other documents.

17. Section 4 of Rule V is hereby amended to read as follows.

SECTION 5. Determination of Necessity of Hearing. — Immediately, after the submission by the parties of their position papers/memoranda the Labor Arbiter shall, motu proprio determine whether there is a need for a formal trial or hearing. At this stage, he may, at his discretion and for the purpose of making such determination, ask clarificatory questions to further elicit facts or information, including but not limited to the subpoena of relevant documentary evidence, if any,