

**[NLRC RESOLUTION NO. 3-99 (SERIES OF 1999)
JUNE 10, 2002, June 10, 2002]**

1999 AMENDMENTS TO THE NLRC RULES OF PROCEDURE

Pursuant to the powers vested in it by Article 218 of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended by Section 10 of Republic Act No. 6715, the National Labor Relations Commission, sitting en banc, has RESOLVED to ADOPT AND PROMULGATE, as it hereby adopts and promulgates, the following amendments to the 1994 NEW RULES OF PROCEDURE of the National Labor Relations Commission, as amended by Resolution No. 1-96:

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

Section 3. Prohibited Pleadings and 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 ADJUDICATA OR PRESCRIPTION;
- 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;
- e. PETITION FOR CERTIORARI, MANDAMUS OR PROHIBITION AGAINST ANY INTERLOCUTORY ORDER ISSUED BY THE LABOR ARBITER;
- f. MOTION TO DECLARE RESPONDENT IN DEFAULT.

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

Section 4. Filing and Service of Pleadings. — All pleadings in connection with the case shall be filed with the appropriate docketing unit of the Regional Arbitration Branch or the Commission, as the case may be.

The party filing the pleadings shall serve the opposing PARTY/IES with a copy thereof AND ITS SUPPORTING DOCUMENTS in the manner provided for in these Rules with proof of service thereof.

3. *Paragraphs (a) and (b) of Section 4 of Rule III are hereby amended to read as follows:*

Section 5. SERVICE OF NOTICES AND RESOLUTIONS — a) Notices or summons 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 counsels 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 maybe practicable, which shall be considered substantial compliance with Article 224 (a) of the Labor Code, as amended.

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

b. the bailiff or officer serving the notice, order, resolution or decision shall submit his return within two (2) days from date of service thereof, stating legibly in his return his name, the names of the persons served and the date or receipt, which return shall be immediately attached and shall form part of the records of the case. IN CASE OF SERVICE BY REGISTERED MAIL, THE BAILIFF OR OFFICER SHALL WRITE IN THE RETURN, THE NAMES OF PERSONS SERVED AND THE DATE OF MAILING OF THE RESOLUTION OR DECISION. If no service was effected, the serving officer shall state the reason therefor in the return.

4. *Paragraph 3, Section 6 of Rule III is hereby amended to read as follows:*

Appearances may be made orally or in writing. In both cases, the complete name and office address of both parties shall be made on record and the adverse party or his counsel/representative properly NOTIFIED.

5. *Section 1 (a) of Rule IV is 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. Provided THAT IN CASES ARISING FROM THE NATIONAL CAPITAL REGION, THE SAME SHALL BE INSTITUTED IN ACCORDANCE WITH THE FOLLOWING COVERAGE OF THE NORTH AND SOUTH SECTORS, RESPECTIVELY:

North Sector

1. Quezon City
2. Kalookan
3. Valenzuela
4. Malabon
5. Navotas
6. Marikina
7. Pasig

South Sector

1. Manila
2. Makati
3. Pateros
4. Taguig
5. Muntinlupa
6. Las Pinas
7. Parañaque

- 8. Mandaluyong
- 9. San Juan

8. Pasay City

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.

- 6. *The last paragraph of Section 1, Rule IV is hereby amended to read as follows:*

THE FOREGOING SHALL BE WITHOUT PREJUDICE TO CASES INVOLVING Overseas Filipino Workers WHICH shall be filed before the Regional Arbitration Branch where the complainant resides or where the principal office of the respondent (s)/employer is situated, at the option of the complainant.

- 7. *Paragraph (a), Section 2 of Rule IV is hereby amended to read as follows:*

Section 2. RAFFLE AND ASSIGNMENT OF CASES —

a) All complaints and petitions received by the docket section of the Regional Arbitration Branch shall be FORWARDED TO THE OFFICE OF THE EXECUTIVE LABOR ARBITER within twenty-four (24) hours from receipt thereof for raffle and assignment.

- 8. Paragraph (c), Section 2 of Rule IV is hereby amended to read as follows:

c. All pleadings subsequent to the filing of the complaint shall be forwarded TO THE LABOR ARBITER BEFORE WHOM THE CASE IS PENDING, within twenty-four (24) hours from receipt thereof.

- 9. *The last paragraph of Section 3 of Rule IV is hereby amended to read as follows:*

In case of objection to the consolidation the same shall be resolved by the Labor Arbiter. AN ORDER RESOLVING THE MOTION SHALL BE INAPPEALABLE.

- 10. *Section 2, 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. 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.

Should the parties arrive at any agreement as to the whole or any part of the dispute, the same shall be reduced into writing and signed by the parties and their respective counsel, 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.

THE MANDATORY CONCILIATION/MEDIATION CONFERENCE SHALL, EXCEPT FOR JUSTIFIABLE GROUNDS, BE TERMINATED WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF FIRST CONFERENCE.

NO MOTION FOR POSTPONEMENT SHALL BE ENTERTAINED. NON-APPEARANCE OF THE COMPLAINANT/S DURING THE 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 RESPONDENT/S 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.

11. *Paragraph 2, Section 3 of Rule V, is hereby amended to read as follows:*

These verified position papers 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. WITHOUT PREJUDICE TO THE PROVISIONS OF THE LAST PARAGRAPH, SEC. 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 CONCILIATION/MEDIATION CONFERENCE.

12. *Paragraph 2, Section 5 of Rule V, is hereby amended to read as follows:*

He shall render his decision within thirty (30) calendar days, without extension, after the submission of the case by the parties for decision, even in the absence of stenographic notes. Provided however, that cases involving Overseas Filipino Workers shall be decided within ninety (90) calendar days after the filing of the complaint WHICH SHALL BE DEEMED PERFECTED UPON ACQUISITION BY THE LABOR ARBITER OF JURISDICTION OVER THE RESPONDENT/S.

13. *Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Rule V are hereby renumbered as Sections 8,9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, respectively and the new Sections 6 and 7, respectively, shall read as follow:*

Section 6. ISSUANCE OF AN ORDER SUBMITTING THE CASE FOR RESOLUTION. — If the Labor Arbiter finds no necessity of further hearing after the parties have submitted their position papers and supporting documents he shall issue an Order EXPRESSLY DECLARING THE SUBMISSION OF THE CASE FOR RESOLUTION, COPY FURNISHED THE PARTIES, THE REASON(S) THEREFOR BEING STATED THEREIN. In any event, he shall render his decision in the case within the same period provided in SECTION 5 paragraph (1) of this Rule.

NO MOTION TO SET ASIDE SAID ORDER, OR AN APPEAL THEREFROM SHALL BE ENTERTAINED, AND THE LABOR ARBITER SHALL FORTHWITH RENDER HIS DECISION WITHIN THE PERIOD PROVIDED IN THE RULES.

Section 7. INHIBITION — A LABOR ARBITER MAY VOLUNTARILY INHIBIT HIMSELF FROM THE RESOLUTION OF A CASE AND SHALL SO STATE IN WRITING THE LEGAL JUSTIFICATION/S THEREFOR. UPON MOTION OF A PARTY, EITHER ON THE GROUND OF RELATIONSHIP WITHIN THE FOURTH CIVIL DEGREE OF CONSANGUINITY OR AFFINITY WITH THE ADVERSE PARTY OR COUNSEL, OR ON QUESTION OF IMPARTIALITY, THE LABOR ARBITER MAY INHIBIT HIMSELF FROM FURTHER HEARING THE CASE. SUCH MOTION SHALL BE RESOLVED WITHIN FIVE (5) DAYS FROM THE FILING THEREOF. AN ORDER OF INHIBITION IS NOT APPEALABLE EXCEPT A DENIAL THEREOF WHICH MUST BE FILED WITHIN TEN (10) CALENDAR DAYS FROM THE RECEIPT OF THE ORDER.

14. *Section 11 of Rule V is hereby amended to read as follows:*

Section 13. NON-APPEARANCE OF PARTIES AT FORMAL HEARINGS —
a) NON-APPEARANCE at a hearing by the complainant or petitioner, who was duly notified thereof, may be sufficient cause to dismiss the case without prejudice. Where proper justification, however, is shown by proper motion to warrant the re-opening of the case, the Labor Arbiter shall call a second hearing and continue the proceedings until the case is finally decided. Dismissal of the case for the second time due to the unjustified non-appearance of the complainant or petitioner who was duly notified thereof shall be with prejudice.