

## THIRD DIVISION

[ G.R. No. 202446, September 16, 2015 ]

**EDUARDO BANDILLION, ERNESTO BAYLON, REPRESENTED BY HIS SISTER GERTRUDES BAYLON; ALFREDO BRAGA; BALTAZAR BUCAYAN; TERESITO CAPILLO; ROLANDO CAYAPADO (DECEASED), REPRESENTED BY HIS WIFE FELICITAS CAYAPADO; JONELL CLEMENTE, ROMEO COLOCAR, CARLOS CONSULAR, WILHIM CONVOCAR, CEAZAR CORTEZ, GODOFREDO DABLEO, REPRESENTED BY HIS WIFE PATRICIA DABLEO; CHRISTOPHER DAGPIN, ALTER DAYADAY, NORMAN DIAMANTE, EDUARDO ESMERALDA (DECEASED), REPRESENTED BY HIS DAUGHTER EDNA ESMERALDA; RICARDO GARCIA, ELEIZER HARI-ON (DECEASED), REPRESENTED BY HIS BROTHER TITO HARI-ON; ROBERTO HARI-ON, TITO HARI- ON, PEDRO LARA; (DECEASED), REPRESENTED BY HIS WIFE JOCELYN LARA, FERNANDO MADIS, JR., AQUILINO MATUS, JR., RODRIGO ORLINA, REPRESENTED BY HIS WIFE, ROSALINDA ORLINA; ROMEO PADERNAL (DECEASED), REPRESENTED BY HIS WIFE CORAZON PADERNAL; JUNNY PANCHITA; (DECEASED), REPRESENTED BY HIS WIFE LEDILLA PANCHITA, RODOLFO PANGANTIHON, REINERIO PASOLES, ROMUALDO PASOLES, SR., RONALDO PAYDA, IRENEO PORCAL, ROEL RAMOS, MARCELINO SINSORO, WILFREDO SINSORO, ERNESTO TABLASON (DECEASED), REPRESENTED BY HIS SON JOEMARIE TABLASON; REY TABLASON, BENZON ZANTE, AND BIENVENIDO ZANTE, PETITIONERS, VS. LA FILIPINA UYGONGCO CORPORATION (LFUC), RESPONDENT.**

## D E C I S I O N

### **PERALTA, J.:**

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to annul and set aside the Court of Appeals' Decision<sup>[1]</sup> dated September 13, 2011 and Resolution<sup>[2]</sup> dated May 24, 2012 in CA-G.R. SP No. 03690, which ordered a remand of the case to the Department of Labor and Employment (DOLE) Regional Director for the reception of evidence and re-computation of monetary awards therein.

The facts of the case follow.

Petitioners Eduardo Bandillion, *et al.* (*employees*) are truck drivers and employees of respondent La Filipina Uygongco Corporation (LFUC). They filed a complaint for violation of labor standard laws against the latter before the DOLE Region VI.<sup>[3]</sup> Upon inspection, a finding of "no violation" was made by the Labor Enforcement Officer, a finding that was upheld on appeal to the DOLE-VI Regional Director, who

stated the same in an Order dated December 1, 1998.<sup>[4]</sup>

The employees filed an appeal with the Secretary of Labor and Employment (*DOLE Secretary*). Thus, on June 4, 2003, Acting DOLE Secretary Manuel G. Imson issued an Order overturning the previous order of the DOLE-VI Regional Director. The dispositive portion of the decision states:

WHEREFORE, the Order dated December 01, 1998 is hereby SET ASIDE and VACATED and a new one is entered finding the appellee, Iloilo La Filipina Uygongco Corporation liable for underpayment of wages, non-payment of holiday pay, rest day pay, and overtime pay.

Let the case be REMANDED to the DOLE-Regional Office VI for the appropriate computation of the workers' individual entitlements as above-stated.

All other claims of appellants are DISMISSED for lack of merit.

SO ORDERED.<sup>[5]</sup>

Upon a denial of its motion for reconsideration by DOLE Secretary Patricia A. Sto. Tomas, LFUC filed a petition for *certiorari* with the Court of Appeals. The appellate court denied the petition, however, and affirmed the decision of the DOLE Secretary. The motion for reconsideration filed by LFUC was likewise denied by the court.

Thus, the case was elevated to this Court via a petition for *certiorari* where it was captioned and docketed as *Iloilo La Filipina Uygongco Corporation v. Court of Appeals*,<sup>[6]</sup> but the same was dismissed by this Court. LFUC's motion for reconsideration was likewise denied with finality in a Resolution dated February 27, 2008.<sup>[7]</sup> Then, Entry of Judgment was issued by this Court on July 8, 2008.<sup>[8]</sup>

Consequently, as the employees filed a Motion for Execution before the DOLE Region VI to enforce the DOLE Secretary's Order of June 4, 2003, it was discovered that Regional Director Carlos L. Boteros, on August 28, 2006, had already issued an Order directing LFUC to pay the total amount of Three Million Three Hundred Forty-Five Thousand Six Hundred Fifty-Seven Pesos and Ninety-Four Centavos (Php3,345,657.94), or Eighty-Eight Thousand Forty Three-Pesos and Sixty-Three Centavos (Php88,043.63) for each of the employees in differentials on wages, holiday pay, rest day pay and overtime pay.<sup>[9]</sup> The dispositive portion of the Order states:

WHEREFORE, premises considered, respondent/appellee Iloilo La Filipina Uygongco Corporation is hereby ordered within ten (10) days from receipt hereof, to pay its thirty-eight (38) employees the total sum of THREE MILLION 111 REE HUNDRED FORTY-FIVE THOUSAND SIX HUNDRED FIFTY SEVEN and 94/100 PESOS (P3,345,657.94) representing their differentials on wages, holiday pay, rest day pay and overtime pay distributed as follows:

# Name of Employees	Total amount of Benefits
1. Bandillon, Eduardo	P 88,043.63
2. Baylon, Ernesto	88,043.63
3. Braga, Alfredo	88,043.63
4. Bucayan, Baltazar	88,043.63
5. Capillo, Teresito	88,043.63
6. Cayapado, Rolando	88,043.63
7. Clemente, Jonell	88,043.63
8. Colocar, Romeo	88,043.63
9. Consula, Carlos	88,043.63
10. Convocar, Wilhim	88,043.63
88,043.63	
11. Cortez, Ceazar	88,043.63
88,043.63	
12. Dableo, Godofredo	88,043.63
88,043.63	
13. Dagpin, Christopher	88,043.63
88,043.63	
14. Dayaday, Alter	88,043.63
88,043.63	
15. Diamante, Norman	88,043.63
88,043.63	
16. Esmcralda, Eduardo	88,043.63
88,043.63	
17. Garcia, Ricardo	88,043.63
88,043.63	
18. Hari-On, Eleizar	88,043.63
88,043.63	
19. Harion, Robert	88,043.63
20. Harion, Tito	88,043.63
21. Lara, Pedro	88,043.63
22. Madis, Fernando Jr.	88,043.63
23. Matus, Aquilino Jr.,	88,043.63
24. Orlina, Rodrigo	88,043.63
25. Padernal, Romeo	88,043.63
26. Panchita, Junny	88,043.63
27. Pangantihon, Rodolfo	88,043.63
28. Pasoles, Reinerio	88,043.63
29. Pasoles, Renwaldo	88,043.63
Sr.,	
30. Payda, Ronaldo	88,043.63
31. Porcal, Ireneo	88,043.63
32. Ramos, Roel	88,043.63
33. Sinsoro, Marcelino	88,043.63
34. Sinsoro, Wilfredo	88,043.63
35. Tablason, Ernesto	88,043.63
36. Tablason, Rey	88,043.63
37. Zante, Benzon	88,043.63
38. Zante, Bienvenido	88,043.63
<i>Grand Total</i>	P3,345,657.94 <sup>[10]</sup>

The Order complies with the DOLE Secretary's Order of June 4, 2003 which called for the "appropriate computation of the workers' individual entitlements."

The DOLE Region VI then issued a Writ of Execution<sup>[11]</sup> on July 15, 2008. The writ directed the enforcement of the Order of August 28, 2006 by Director Boteros for LFUC to pay the employees Three Million Three Hundred Forty-Five Thousand Six Hundred Fifty-Seven Pesos and Ninety-Four Centavos (Php3,345,657.94), or Eighty-Eight Thousand Forty-Three Pesos and Sixty-Three Centavos (Php88,043.63) for each employee in various forms of unpaid wages and other pays.<sup>[12]</sup>

LFUC moved for the writ to be recalled, but the same was merely "noted without action" by the DOLE-VI Regional Director, in a letter dated August 1, 2008.<sup>[13]</sup>

After being served with the writ, LFUC filed a Petition<sup>[14]</sup> for *certiorari* and injunction dated August 15, 2008 with the Court of Appeals, seeking to set aside the writ of execution, on the grounds that: (1) the same was immediately issued without first issuing a "compliance order" which is provided for in Section 18 of Rule II of the Rules on the Disposition of Labor Standard Contests; and (2) grave abuse was committed by the Regional Director in denying LFUC's motion to recall the writ.<sup>[15]</sup> LFUC posited that the correct procedure was the issuance of a Compliance Order prior to the issuance of a writ of execution.<sup>[16]</sup> Allegedly, a computation of the money due to the employees was all that was required by the Order of June 4, 2003 by the DOLE Secretary; hence, LFUC theorized that such computation should have been made first, followed by the issuance of a Compliance Order, before execution was ordered.<sup>[17]</sup> It also claimed that some of the employees have since been dismissed; thus, they should not have been included in the computation.<sup>[18]</sup>

Apparently, LFUC was not yet served with the Order dated August 28, 2006 of the DOLE-VI Regional Director when it filed the petition for *certiorari* before the Court of Appeals.

Subsequently, however, LFUC was served a copy of the Order dated August 28, 2006. Thus, on September 30, 2008, LFUC filed with DOLE Region VI a Motion for Reconsideration (treated as an Appeal)<sup>[19]</sup> of the Order dated August 28, 2006 of Regional Director Boteros, wherein it called the said order a "Compliance Order" that was allegedly issued in grave abuse of discretion for it deprived LFUC of its right to due process since the latter was not given the opportunity to adduce evidence to refute the workers' allegations, specifically the latter's monetary claims.<sup>[20]</sup> It alleged that the employees were piece-rate truck drivers and, thus, were not entitled to overtime, holiday and rest day pay as well as wage differentials, and that some already had executed waivers and quitclaims.<sup>[21]</sup>

The motion for reconsideration filed before DOLE Region VI was denied by Regional Director Aida Estabillo in a Decision<sup>[22]</sup> dated December 15, 2008. From that decision, LFUC filed an appeal to the DOLE Secretary via a Notice of Appeal<sup>[23]</sup> and a Memorandum of Appeals dated December 30, 2008.

Meanwhile, the petition before the Court of Appeals was duly opposed by the employees as well as by the DOLE-VI Regional Director, who alleged that the petition had been rendered moot and academic by LFUC's filing of a motion for reconsideration of the Order dated August 28, 2006.<sup>[24]</sup>

In an Order<sup>[25]</sup> dated August 2, 2010, DOLE Undersecretary Lourdes M. Trasmonte, acting for the DOLE Secretary, denied the appeal of LFUC and affirmed the Order of December 15, 2008 by the DOLE-VI Regional Director which, in turn, is also an affirmation of the Order of August 28, 2006 by the same office.

LFUC filed a Motion for Reconsideration of the Order, but the same was denied in a Resolution<sup>[26]</sup> dated August 19, 2011, also signed by Undersecretary Trasmonte.

On March 5, 2012, the DOLE issued an Entry of Judgment,<sup>[27]</sup> stating that the foregoing Resolution dated August 19, 2011 had become final and executory on October 7, 2011 and thereby was recorded in the Book of Entries of Judgments.

Thereafter, the DOLE-VI Regional Director-Officer-in-Charge (OIC) issued another Writ of Execution,<sup>[28]</sup> dated November 21, 2011, essentially ordering the Sheriff to proceed to LFUC's address and require the latter's compliance with the Order of August 28, 2006 of the said office to pay a total of Three Million Three Hundred Forty-Five Thousand Six Hundred Fifty-Seven Pesos and Ninety-Four Centavos (Php3,345,657.94) to its employees-claimants.

Meanwhile, on July 8, 2011, the Court of Appeals issued a Resolution<sup>[29]</sup> denying LFUC's application for Temporary Restraining Order (*TRO*) and submitting the case for decision.

On September 13, 2011, the Court of Appeals promulgated its assailed Decision, the dispositive portion of which states:

WHEREFORE, premises considered, let this case be REMANDED to the DOLE Regional Director, Region VI for the reception of evidence for all the parties, and the re-computation of monetary awards.

SO ORDERED.<sup>[30]</sup>

The Court of Appeals found that the office of the DOLE-VI Regional Director arrived at its computations of the payment due to the workers without any evidence from the parties, and without considering the fact that the National Labor Relations Commission (*NLRC*) has a final decision upholding as valid the dismissal of most of the employees.<sup>[31]</sup> Hence, the appellate court held that due process was not observed and ordered the case remanded to the DOLE-VI Regional Director for the reception of evidence in order to properly compute the monetary claims of the employees.<sup>[32]</sup>

The employees filed a motion for reconsideration of the appellate court's decision but, in the other assailed Resolution<sup>[33]</sup> dated May 24, 2012, the same was denied.

Hence, this petition for review on *certiorari* filed by the employees.

The petitioners-employees Bandillion, et al. maintain that LFUC's petition before the Court of Appeals was rendered moot and academic by its filing of a motion for