



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MELANIE E. DE OCAMPO,
Petitioner,

G.R. No. 192947

Present:

CARPIO, *Chairperson*,
DEL CASTILLO,
PEREZ,*
MENDOZA, and
LEONEN, *JJ.*

-versus-

RPN-9 / RADIO PHILIPPINES
NETWORK, INC.,
Respondent.

Promulgated:

09 DEC 2015

JJM Cabalag Perfecto

X-----X

DECISION

LEONEN, *J.*:

Unlike an appeal, a pending petition for certiorari shall not stay the judgment or order that it assails. Unless a restraining order or writ of preliminary injunction is issued, the assailed decision lapses into finality. Thereafter, it can no longer be disturbed, altered, or modified, and execution may ensue.

This Petition for Review on Certiorari, filed under Rule 45 of the 1997 Rules of Civil Procedure, prays that the assailed March 5, 2010 Decision¹ and July 8, 2010 Resolution² of the Court of Appeals in CA-G.R. SP No.

* Designated acting member per S.O. No. 2301 dated December 1, 2015.

¹ *Rollo*, pp. 33–39. The Decision was penned by Associate Justice Estela M. Perlas-Bernabe (now Associate Justice of this court) and concurred in by Associate Justices Rebecca De Guia-Salvador and Michael P. Elbinias of the Sixth Division, Court of Appeals Manila.

² *Id.* at 40. The Resolution was penned by Associate Justice Estela M. Perlas-Bernabe (now Associate Justice of this court) and concurred in by Associate Justices Rebecca De Guia-Salvador and Michael P.

108457 be reversed and set aside. The Petition further prays that the recomputation that petitioner Melanie De Ocampo (De Ocampo) sought in the monetary award she had already received be permitted in order that she may receive additional backwages, separation pay, and 13th month pay, as well as 12% interest per annum.³

In its assailed March 5, 2010 Decision, the Court of Appeals dismissed De Ocampo's Petition for Certiorari and affirmed the September 30, 2008 Decision⁴ and December 15, 2008 Resolution⁵ of the National Labor Relations Commission. In its assailed July 8, 2010 Resolution, the Court of Appeals denied De Ocampo's Motion for Reconsideration.⁶

For its part, the National Labor Relations Commission affirmed the December 13, 2007⁷ Order of Executive Labor Arbiter Manuel M. Manansala (Executive Labor Arbiter Manansala), which denied De Ocampo's Motion to Recompute the Monetary Award with Motion to Issue Alias Writ of Execution.⁸

De Ocampo was the complainant in a case for illegal dismissal, unpaid salaries, damages, and attorney's fees against respondent Radio Philippines Network, Inc. (RPN-9) and several RPN-9 officers, namely: President Cerge Remonde; News and Current Affairs Manager Rodolfo Lacuna; and Human Resources Manager Lourdes Angeles. This case was docketed as NLRC-NCR Case No. 00-05-05857-2003.⁹

On May 12, 2004, Executive Labor Arbiter Manansala rendered the Decision¹⁰ finding De Ocampo to have been illegally dismissed. RPN-9 was ordered to pay her separation pay in lieu of reinstatement and full backwages. The impleaded officers of RPN-9 were absolved from liability. The dispositive portion of this Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Declaring respondent Radio Philippines Network, Inc. (RPNI) also known as RPN-9 guilty of illegal dismissal for the reasons above-discussed. Consequently, the aforementioned respondent is hereby directed to pay complainant Melanie De Ocampo the sum of ₱206,433.50 and ₱109,200.00 representing her full-backwages and separation pay,

Elbinias of the Former Sixth Division, Court of Appeals Manila.

³ Id. at 29, Petition for Review on Certiorari.

⁴ Id. at 207–215. The Decision was penned by Presiding Commissioner Lourdes C. Javier and concurred in by Commissioners Gregorio O. Bilog III and Pablo C. Espiritu, Jr.

⁵ Id. at 217–218. The Resolution was penned by Presiding Commissioner Lourdes C. Javier and concurred in by Commissioners Gregorio O. Bilog III and Pablo C. Espiritu, Jr.

⁶ Id. at 40.

⁷ Id. at 95-101.

⁸ Id. at 79–89.

⁹ Id. at 33–34, Court of Appeals Decision dated March 5, 2010.

¹⁰ Id. at 41–54.

respectively, for the reasons above-discussed, and as computed by the Examination and Computation Unit of this Arbitration Branch (See Annex "A", of this Decision).

2. Directing respondent Radio Philippines Network, Inc. (RPNI) also known as RPN-9 to pay complainant Melanie De Ocampo the sum of ₱54,600.00 representing her 13th Month Pay as computed [sic] by the Examination and Computation Unit of this Arbitration Branch (See Annex "A", of this Arbitration Branch [sic]).

3. Directing the aforementioned respondent to pay complainant Melanie De Ocampo ten (10%) percent attorney's fees based on the total monetary award for having been forced to prosecute and/or litigate the instant case/complaint by hiring the services of legal counsel [sic].

4. Dismissing the claims for Holiday Pay and Service Incentive Leave Pay for lack of merit for the reasons above-cited.

5. Dismissing the other money claims and/or charges of complainant Melanie De Ocampo for lack of factual and legal basis.

6. Dismissing the charges against individual respondents Cerge Remonde, Rodolfo Lacuna, and Lourdes Angeles, as President, Manager of News and Current Affairs, and Manager of Human Resources, respectively, of respondent RPN-9 for lack of merit.

SO ORDERED.¹¹

In its Decision¹² dated February 28, 2006, the National Labor Relations Commission affirmed the May 12, 2004 Decision of Executive Labor Arbiter Manansala. In the Resolution dated April 28, 2006, RPN-9's Motion for Reconsideration was denied.¹³

RPN-9 then filed before the Court of Appeals a Petition for Certiorari with prayer for temporary restraining order and/or preliminary injunction. The Petition was docketed as C.A.-G.R. SP. No. 95229.¹⁴

In the Resolution dated December 11, 2006, the Court of Appeals issued a temporary restraining order preventing the National Labor Relations Commission from enforcing its ruling for a period of 60 days. The sixty-day period lapsed without a writ of preliminary injunction being subsequently issued by the Court of Appeals.¹⁵ Accordingly, the ruling of Executive Labor Arbiter Manansala, as affirmed by the National Labor Relations Commission, became final and executory on May 27, 2006.¹⁶ Entry of

¹¹ Id. at 53–54.

¹² Id. at 56–70. The Decision was penned by Presiding Commissioner Lourdes C. Javier and concurred in by Commissioner Tito F. Genilo of the Third Division. Commissioner Romeo C. Lagman took no part.

¹³ Id. at 35, Court of Appeals Decision dated March 5, 2010.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 71.

Judgment was issued on July 19, 2006.¹⁷

De Ocampo then filed a Motion for Issuance of Writ of Execution.¹⁸ In the Order¹⁹ dated October 30, 2006, the National Labor Relations Commission granted De Ocampo's Motion. Conformably, a Writ of Execution²⁰ was issued on May 7, 2007. This Writ directed the Deputy Sheriff to collect from RPN-9 the total amount of ₱410,826.85.²¹

This amount was fully satisfied through Banco de Oro Check No. 0087385, which was deposited at the National Labor Relations Commission Cashier's Office on August 22, 2007.²² On the following day, or on August 23, 2007, De Ocampo filed a Motion to Release the amount of ₱410,826.85.²³

The full satisfaction of the original award notwithstanding, De Ocampo filed a Motion to Recompute the Monetary Award with Motion to Issue Alias Writ of Execution²⁴ on September 11, 2007. In the Motion, De Ocampo sought the increase of the monetary award given her. Specifically, she sought the payment of an additional amount of ₱518,700.00 representing additional backwages, separation pay, and 13th month pay. She also prayed for an additional amount of ₱53,188.83, representing 12% interest per annum on the original monetary award.²⁵

In the Order²⁶ dated December 13, 2007, Executive Labor Arbiter Manansala denied De Ocampo's Motion to Recompute the Monetary Award with Motion to Issue Alias Writ of Execution on the ground that the May 12, 2004 Decision fixing the amounts of the monetary award due to De Ocampo had become final and executory.

In its September 30, 2008 Decision,²⁷ the National Labor Relations Commission sustained Executive Labor Arbiter Manansala's December 13, 2007 Decision.²⁸ In its December 15, 2008 Resolution,²⁹ the National Labor Relations Commission denied De Ocampo's Motion for Reconsideration.

¹⁷ Id.

¹⁸ Id. at 72, National Labor Relations Commission Order dated October 30, 2006.

¹⁹ Id. at 72–73.

²⁰ Id. at 74–77.

²¹ Id. at 77.

²² Id. at 35, Court of Appeals Decision dated March 5, 2010, and 78, Motion to Release.

²³ Id. at 78.

²⁴ Id. at 79–89.

²⁵ Id. at 87, Motion to Recompute the Monetary Award with Motion to Issue Alias Writ of Execution.

²⁶ Id. at 95–101.

²⁷ Id. at 207–215.

²⁸ Id. at 214, National Labor Relations Commission Decision dated September 30, 2008.

²⁹ Id. at 217–218.

In its assailed March 5, 2010 Decision,³⁰ the Court of Appeals dismissed De Ocampo's Petition for Certiorari and sustained the September 30, 2008 Decision and December 15, 2008 Resolution of the National Labor Relations Commission. In its assailed July 8, 2010 Resolution,³¹ the Court of Appeals denied De Ocampo's Motion for Reconsideration.

Aggrieved, De Ocampo filed the present Petition³² insisting that she remains entitled to additional monetary awards, thereby warranting a recomputation of the amount due to her.

For resolution is the sole issue of whether petitioner Melanie De Ocampo may still seek a recomputation of and an increase in the monetary award given her.

She cannot.

I

It is basic that a judgment can no longer be disturbed, altered, or modified as soon as it becomes final and executory,³³ “[n]othing is more settled in law.”³⁴ Once a case is decided with finality, “the controversy is settled and the matter is laid to rest.”³⁵ Accordingly, a final judgment may no longer be modified in any respect “even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.”³⁶ Once a judgment becomes final, the court or tribunal loses jurisdiction, and any modified judgment that it issues, as well as all proceedings taken for this purpose, is null and void.³⁷

This elementary rule finds basis in “public policy and sound practice that at the risk of occasional error, the judgment of courts and the award of quasi-judicial agencies must become final at some definite date fixed by law.”³⁸ Basic rationality dictates that there must be an end to litigation. Any contrary posturing renders justice inutile and reduces to futility the winning

³⁰ Id. at 33–39.

³¹ Id. at 40.

³² Id. at 11–29.

³³ *Industrial Timber Corp. v. Ababon*, 515 Phil. 805, 816 (2006) [Per J. Ynares-Santiago, First Division].

³⁴ *Filipro, Inc. v. Permanent Savings & Loan Bank*, 534 Phil. 551, 560 (2006) [Per J. Ynares-Santiago, First Division].

³⁵ *Siy v. National Labor Relations Commission*, 505 Phil. 265, 273 (2005) [Per J. Corona, Third Division].

³⁶ *Filipro, Inc. v. Permanent Savings & Loan Bank*, 534 Phil. 551, 560 (2006) [Per J. Ynares-Santiago, First Division].

³⁷ *Equatorial Realty Development v. Mayfair Theater, Inc.*, 387 Phil. 885, 896 (2000) [Per J. Pardo, First Division].

³⁸ *Filipro, Inc. v. Permanent Savings & Loan Bank*, 534 Phil. 551, 560 (2006) [Per J. Ynares-Santiago, First Division].

party's capacity to benefit from a resolution of the case.³⁹

This rule, however, does admit of exceptions. As this court explained in *Sacdalan v. Court of Appeals*:⁴⁰

The only exceptions to the general rule are the correction of clerical errors, the so-called *nunc pro tunc* entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.⁴¹ (Citations omitted)

Consistent with the principle of finality of judgments, it follows that no appeal may be taken from orders of execution of judgments.⁴²

II

As basic as the principle of finality of judgments is the rule that filing a petition for certiorari under Rule 65 of the 1997 Rules of Civil Procedure “shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case.”⁴³ Unlike an appeal, a pending petition for certiorari shall not stay the judgment or order that it assails.

The 2005 Rules of Procedure of the National Labor Relations Commission, which were in effect when the material incidents of this case occurred, explicitly and specifically makes this principle applicable to decisions of labor arbiters and of the National Labor Relations Commission. Rule XI, Section 10 of the 2005 Rules of Procedure of the National Labor Relations Commission states:

SECTION 10. *Effect 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 restraining order is issued by said courts.

³⁹ Id.

⁴⁰ *Sacdalan v. Court of Appeals*, G.R. No. 128967, May 20, 2004, 428 SCRA 586 [Per J. Austria-Martinez, Second Division].

⁴¹ Id. at 599.

⁴² 1997 RULES OF CIV. PROC., Rule 41, sec. 1(f) states:

Section 1. Subject of appeal. — An appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.

No appeal may be taken from:

. . . .

(f) An order of execution;

⁴³ RULES OF COURT, Rule 65, sec. 7.

In contrast, Rule XI, Section 9 states the following with respect to appeals:

SECTION 9. *Effect of Perfection of Appeal on Execution.* — The perfection of an appeal shall stay the execution of the decision of the Labor Arbiter on appeal, except execution for reinstatement pending appeal.

Accordingly, where no restraining order or writ of preliminary injunction is issued, the assailed decision lapses into finality. Thereafter, execution may ensue. As Rule XI, Section 1 of the 2005 Rules of Procedure of the National Labor Relations Commission states:

SECTION 1. *Execution Upon Finality of Decision or Order.* — a) A writ of execution may be issued *motu proprio* or on motion, upon a decision or order that finally disposes of the action or proceedings after the parties and their counsels or authorized representatives are furnished with copies of the decision or order in accordance with these Rules, but only after the expiration of the period to appeal if no appeal has been filed, as shown by the certificate of finality. If an appeal has been filed, a writ of execution may be issued when there is an entry of judgment as provided for in Section 14 of Rule VII.

b) No motion for execution shall be entertained nor a writ of execution be issued unless the Labor Arbiter or the Commission is in possession of the records of the case which shall include an entry of judgment if the case was appealed; except that, as provided for in Section 14 of Rule V and Section 6 of this Rule, and in those cases where partial execution is allowed by law, the Labor Arbiter shall retain duplicate original copies of the decision to be implemented and proof of service thereof for the purpose of immediate enforcement.

The pivotal facts of this case are also settled. After the filing before the Court of Appeals of RPN-9's Petition for Certiorari, the Court of Appeals issued a temporary restraining order preventing, for a period of 60 days, the National Labor Relations Commission from enforcing its ruling. However, the sixty-day period lapsed without a writ of preliminary injunction being subsequently issued by the Court of Appeals.⁴⁴ Thus, on May 27, 2006, the ruling of Executive Labor Arbiter Manansala, as affirmed by the National Labor Relations Commission, became final and executory on May 27, 2006.⁴⁵ Conformably, Entry of Judgment was made on July 19, 2006.⁴⁶

None of the four exceptions mentioned in *Sacdalan v. Court of Appeals*⁴⁷ that warrant a modification of judgments that have attained

⁴⁴ *Rollo*, p. 35.

⁴⁵ *Id.* at 71.

⁴⁶ *Id.*

⁴⁷ *Sacdalan v. Court of Appeals*, G.R. No. 128967, May 20, 2004, 428 SCRA 586 [Per J. Austria-Martinez, Second Division].

finality is availing in this case.

What petitioner seeks is not a mere clerical correction. Rather, she seeks an overhaul of Executive Labor Arbiter Manansala's Decision in order that it may award her a total additional sum of ₱571,888.83 representing backwages, separation pay, 13th month pay, and accrued interest. Petitioner does not merely seek an entry into the records of acts done but not entered (i.e., *nunc pro tunc* entries). Petitioner does not claim that Executive Labor Arbiter Manansala's Decision is void, only that its computation of monetary awards is inadequate. Neither does petitioner allege that certain events transpired after May 27, 2006 rendering Executive Labor Arbiter Manansala's Decision unjust or inequitable.

The Decision having attained finality, and as this case does not fall under any of the recognized exceptional circumstances, there remains no opening for revisiting, amending, or modifying Executive Labor Arbiter Manansala's judgment.

III

Not only is Executive Labor Arbiter Manansala's Decision binding and conclusive as a matter of procedural law; it is as binding and conclusive on petitioner because of both her inaction and her own actions. She is estopped from seeking a modification of Executive Labor Arbiter Manansala's Decision.

Following the rendition of Executive Labor Arbiter Manansala's Decision on May 12, 2004, petitioner did not file a motion for reconsideration, pursue an appeal before the National Labor Relations Commission, file a petition for certiorari before any court, or otherwise assail the whole or any part of the Decision. This judgment, as well as its execution, was stayed not by petitioner's actions but by those of respondent RPN-9. RPN-9 filed an appeal before the National Labor Relations Commission and, following the denial of this appeal, filed a Rule 65 Petition before the Court of Appeals, where it sought preliminary injunctive relief.

By her inaction, petitioner made it appear that as far as she was concerned, Executive Labor Arbiter Manansala's Decision should have stood as it did. Her inaction revealed that she saw no reason for the same Decision to be revisited or reconsidered by Executive Labor Arbiter Manansala himself, by the National Labor Relations Commission, or by any court. She failed to act in a timely manner—that is, by pursuing the appropriate remedy within the duration permitted by the rules. She failed “to assert a right within a reasonable time, [and this] warrant[ed] a presumption that the party entitled to assert it [i.e., petitioner] either has abandoned it or declined to

assert it.”⁴⁸ Stated otherwise, to petitioner may be imputed estoppel by laches.

Moreover, as soon as Entry of Judgment was made, petitioner filed a Motion for Issuance of Writ of Execution.⁴⁹ After the Writ of Execution was satisfied and the check representing payment of the monetary award was deposited with the Cashier’s Office of the National Labor Relations Commission, petitioner lost no time in seeking to have the monetary award in her hands: just a day after deposit was made, petitioner was quick to file a Motion to Release the amount of ₱410,826.85.⁵⁰

Accordingly, petitioner’s willful acceptance of the judgment rendered by Executive Labor Manansala is not only something that may be implied from her omission or inaction. Rather, it is something explicitly affirmed by her own motions and submissions. Whatever doubt there was, if any, as to her concession to the monetary award given her was dispelled by the positive assertions and pleas for relief that petitioner herself made.

No recourse, whether in law or equity, leaves room for petitioner to avail herself of the modifications she seeks. The most basic legal principles dictate that Executive Labor Arbiter Manansala’s Decision—in all its aspects—has long attained finality and may no longer be revisited. Principles of equity require that petitioner be bound by her own omissions and declarations.

WHEREFORE, the Petition for Review on Certiorari is **DENIED**. The assailed March 5, 2010 Decision and July 8, 2010 Resolution of the Court of Appeals Former Sixth Division in CA-G.R. SP No. 108457 are **AFFIRMED**.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

⁴⁸ *Philippine National Construction Corporation v. National Labor Relations Commission*, 366 Phil. 678, 686 (1999) [Per J. Puno, Second Division].

⁴⁹ *Rollo*, p. 72.

⁵⁰ *Id.* at 78.

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



MARIANO C. DEL CASTILLO
Associate Justice



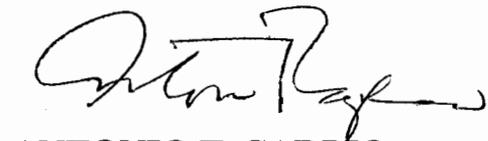
JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

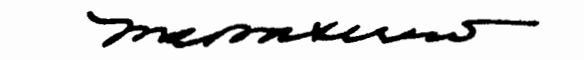
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice