



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 10, 2020 which reads as follows:

“G.R. No. 243861 – MA. ERCELIDA V. PEREZ, petitioner, versus BAYANTEL, INC., (SUBSIDIARY OF GLOBE TELECOM, INC.), respondent.

Before the Court is a Verified Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by petitioner Ma. Ercelida V. Perez (Perez) against Bayantel, Inc. (Bayantel) seeking to set aside the:

- a) Court of Appeals, Special Twelfth Division (CA) Decision² dated June 8, 2018 in CA-G.R. SP No. 149399 which denied Perez’s petition for *certiorari* under Rule 65 and affirmed the Resolution³ dated August 31, 2016 of the National Labor Relations Commission (NLRC) on the computation of the total monetary award; and
- b) CA Resolution⁴ dated December 14, 2018 which denied Perez’s Motion for Reconsideration (MR).

The Antecedent Facts

There are two related cases in this controversy. The first case is a complaint filed by Perez for illegal dismissal, illegal suspension, reinstatement, salaries, damages, and attorney’s fees (Illegal Dismissal

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¹ *Rollo*, pp. 15-34.
² *Id.* at 42-56. Penned by Associate Justice Rafael Antonio M. Santos, with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Maria Elisa Sempio Diy.
³ *Id.* at 235-243. Penned by Commissioner Pablo C. Espiritu, Jr., with the concurrence of Presiding Commissioner Alex A. Lopez and Commissioner Cecilio Alejandro C. Villanueva.
⁴ *Id.* at 67-68.

case).⁵ The second case is Perez's complaint for illegal salary deductions and withholding of benefits (Illegal Deductions case) after her reinstatement.⁶ The facts of the case are undisputed and the remaining issue relates to the computation of the award in the Illegal Dismissal case.

The Illegal Dismissal case

Bayantel dismissed Perez on the ground of dishonesty and falsification in relation to a falsified/tampered official receipt used by Perez to claim reimbursement of meal expenses. Aggrieved, Perez filed the Illegal Dismissal complaint before the Labor Arbiter (LA).

In a Decision⁷ dated July 31, 2006, LA Rolando L. Bobis ruled in favor of Perez holding that the suspension and dismissal were invalid because there was no substantial evidence to prove that she was the one who committed the falsification. Bayantel also failed to comply with the procedural due process in implementing the dismissal. The dispositive portion of the LA Decision states:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the process of actually terminating the employment of complainant by the respondents as ILLEGAL and thereby ORDERING the latter, as follows:

A. To reinstate complainant to her former position within a period of ten (10) days from receipt of this Decision and to submit compliance thereto within the same period.

B. To pay back wages, inclusive of allowances and to other benefits or their monetary equivalent, computed from November 7, 2005 up to the finality of this Decision, which as of the date of this decision amounted to Php199,800.00 computed at the rate of Php22,200.00/month for nine (9) months.

C. To pay unpaid salary for the period of her preventive suspension of thirty (30) days equivalent to Php 22,200.00.

D. To pay moral damages in the amount of Php200,000.00 plus exemplary damages in another amount of P100,000.00.

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⁵ Id. at 77-78. See Complaint dated November 16, 2005 docketed as NLRC Sub-RAB V Case No. 05-11-00169-05.

⁶ Id. at 112-113. See Complaint dated June 12, 2007, docketed as NLRC Sub-RAB V Case No. 05-06-00073-07.

⁷ Id. at 83-96.

E. To pay Attorney's Fees equivalent to 10% of the total amount of due thereon as above-stated.

Other than the above, all other claims are hereby ordered DISMISSED for lack of merit.

SO ORDERED.⁸

Bayantel appealed the LA Decision in the Illegal Dismissal Case to the NLRC. The NLRC rendered a Decision⁹ affirming the LA Decision that Perez was illegally dismissed. The NLRC deleted the award of moral and exemplary damages, and fixed the amount of the attorney's fees at ₱20,000.00.

Both parties filed Motions for Reconsideration of the NLRC Decision which were denied in the NLRC Resolution¹⁰ dated October 28, 2010. On May 16, 2011, the decision in the Illegal Dismissal case became final and an Entry of Judgment was issued.¹¹ The execution of the award however, was suspended due to a stay order issued by the Regional Trial Court (RTC) of Pasig City, Branch 158 in the corporate rehabilitation proceedings of Bayantel.

The Illegal Deductions case

Pending appeal in the Illegal Dismissal case before the NLRC, Bayantel reinstated Perez in the payroll on October 30, 2006.¹² However, Perez alleges that during her reinstatement, Bayantel withheld a portion of her salaries including her benefits, such as 13th and 14th month pay, vacation leave and sick leave credits, and grocery allowance. She was only paid ₱12,085.00 as monthly salary and not her regular salary of ₱22,200.00. Perez claimed that ₱10,115.00 was being deducted from her salary purportedly due to a loan which had already been paid. Thus, she filed the Illegal Deductions case.¹³

The case was raffled to LA Jesus Orlando M. Quinones who dismissed the complaint. On appeal, the NLRC initially reversed the LA Decision and ordered Bayantel to pay Perez her full salaries for the period claimed and to cease and desist from making further deductions in her salary, exemplary damages, and attorney's fees.¹⁴

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⁸ Id. at 96.

⁹ Id. at 121-130. Penned by Commissioner Romeo L. Go, with the concurrence of Presiding Commissioner Gerardo C. Nograles and Commissioner Perlita B. Velasco.

¹⁰ Id. at 133-135.

¹¹ Id. at 47.

¹² See CA Decision, id. at 45.

¹³ Id.

¹⁴ Id. at 45-46.

Bayantel filed a Motion for Reconsideration of the Decision which was granted. In its Resolution¹⁵ dated June 22, 2016, the NLRC reversed its earlier ruling and dismissed the complaint for lack of merit, holding that the deductions made by Bayantel from Perez's salary were valid deductions due to an existing loan obligation. The NLRC, however, maintained the award of exemplary damages and attorney's fees as Bayantel failed to observe due regard for Perez's rights in implementing the collection of said loan. No further appeal or petition for review was filed by either party in the Illegal Deduction case.

Execution proceedings in Illegal Dismissal case

On March 15, 2016, Perez moved for the execution of the award in the Illegal Dismissal case because the corporate rehabilitation proceedings in the RTC Pasig had been terminated and the stay order lifted.¹⁶

The LA issued a Writ of Execution dated May 16, 2016 ordering the release of ₱222,000.00 representing Bayantel's cash bond as partial satisfaction of the award. Perez filed a motion for recomputation which the LA granted in its Order¹⁷ dated June 29, 2016, the dispositive portion thereof reads:

Acting on complainant's [(petitioner's)] motion for re-computation, the computation for, a) judgment award specified in the NLRC Decision promulgated on July 31, 2009 re[:] backwages, unpaid salary for preventive suspension and attorney's fees for Php242,000.00, b) reinstatement salaries accruing from the date of the Labor Arbiter's decision on July 31, 2006 until complainant's payroll reinstatement on November 2006 for Php66,600.00, and c) legal interest of monetary award at 12% per annum covering five (5) years for Php185,600.00, for the total amount of **Php 493,760.00**, is GRANTED.

The rest of complainant's money claims is DENIED for lack of factual basis.

Records show that respondent's cash bond for **P222,000.00** was covered by a writ of execution dated May 16, 2016 pursuant to this office's Order dated April 18, 2016 and thereafter released on June 1, 2016 per Order dated May 24, 2016.

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¹⁵ Id. at 114-119. Penned by Presiding Commissioner Gerardo C. Nograles, with the concurrence of Commissioners Gina F. Cenit-Escoto and Romeo L. Go.

¹⁶ Id. at 47. The CA indicated in footnote 27 of the CA Decision that it appears that Perez treated the Illegal Dismissal case and Illegal Deduction case as consolidated when she filed the Manifestation, based on the caption of the Manifestation.

¹⁷ Id. at 163.

Considerations considered, let a writ of execution issue with dispatch for **Php271,760.00**.

SO ORDERED.¹⁸ (Emphasis supplied)

Perez challenged the LA Order before the NLRC, through a Verified Petition to Annul Order under Rule XII of the NLRC Rules of Procedure¹⁹ on the allegation that the computation of the award should include the illegal salary deductions during the period of her payroll reinstatement, including unpaid 13th and 14th month pay, sick leave and vacation leave, and grocery allowance (the same money claims that she made in the Illegal Deductions case), reckoned from the time of her reinstatement until the date of filing of the petition.

The NLRC Resolution

In its Resolution dated August 31, 2016, the NLRC dismissed the petition holding that it could not entertain Perez's new money claims for illegal deductions and backwages (alleged unpaid 13th and 14th month pay, sick leave and vacation leave, and grocery allowance) in the execution stage of the Illegal Dismissal case. Her employment with Bayantel continued after her reinstatement. Backwages are computed only until the time of reinstatement because thereafter, the employee begins to receive compensation upon resumption of his or her employment. The NLRC however, awarded Perez's proportional 13th and 14th month pay and grocery allowance for the year 2006.

The NLRC also held that Perez's post reinstatement money claims were not intrinsically linked to the Illegal Dismissal case and said claims must be litigated in a separate action since they arose after Perez was reinstated. Assuming as true Perez's allegations that (1) she was only given a portion of her salary upon her reinstatement and (2) she was denied the benefits she was receiving prior to her dismissal, the NLRC ruled that these claims did not result from her illegal dismissal but were owing to her after she resumed her employment with Bayantel.²⁰

Thus, Perez's post reinstatement money claims could not be granted by mere motion in the Illegal Dismissal case since a writ of execution can only cover the judgment it seeks to enforce. The judgment in the Illegal Dismissal case was limited to the issue of validity of the dismissal.

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¹⁸ Id. at 163, 49-50.

¹⁹ Id. at 164-179.

²⁰ Id. at 241.

Aggrieved, Perez elevated the case to the CA via *petition for certiorari* under Rule 65.

The CA Decision

In its Decision dated June 8, 2018, the CA held that the NLRC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction and affirmed the NLRC Resolution. The CA held that when the employee is reinstated, the backwages should be reckoned from the time of illegal dismissal until reinstatement because thereafter, the employee begins to receive compensation upon the commencement of his or her employment.

Perez was placed on payroll reinstatement on October 30, 2006, thus, all her money claims in the Illegal Dismissal case should be limited until said date. As well, the writ of execution can only cover the judgment it seeks to enforce and cannot add thereto. Finally, the CA ruled that Perez was not able to show evidence of her claim that the reinstatement was not fully implemented due to the stay order in the rehabilitation case. Perez's MR was denied by the CA in its Resolution dated December 14, 2018.

The Petition

Perez filed the instant petition alleging that the CA committed reversible error in affirming the NLRC's computation of the award. She maintains that the reinstatement aspect of the LA Decision in the Illegal Dismissal was not fully implemented because Bayantel made illegal deductions from her salary after she was reinstated. Perez prays that the case be remanded to the LA for recomputation to add the withheld salaries and unpaid benefits computed from the time of her payroll reinstatement until May 31, 2017 or before she was illegally dismissed for the second time on June 1, 2017.

Respondent's Comment

Bayantel filed its Comment²¹ asserting that the judgment awards in both the Illegal Dismissal case and Illegal Deduction case have already been fully satisfied as shown in the Sheriff's Report>Returns dated February 1, 2017 and July 22, 2019.²² Accordingly, Bayantel asserts that Perez cannot add new money claims in the Illegal Dismissal case. The company also maintains that

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²¹ Id. at 277-285.

²² Id. at 287-288.

Perez was paid her correct wages after her reinstatement and the benefits she was claiming were actually gas reimbursements which were granted only to active sales personnel. Perez was not entitled to said benefits since she was reinstated merely in the payroll. Bayantel also manifested that Perez committed forum shopping as she instituted a second Illegal Dismissal case after she was dismissed for a second time, on the ground of redundancy.

Issue

Whether the CA erred in affirming the NLRC Resolution.

The Court's Ruling

The Court resolves to **DENY** the Petition.

The scope of a petition for review on certiorari under Rule 45 is limited to reviewing errors of law of the CA. In general, the standard of review by the Court is limited to (1) ascertaining the correctness of the CA's decision in finding the presence or absence of a grave abuse of discretion and (2) deciding any other jurisdictional error that attended the CA's interpretation or application of the law.²³ In *Montoya v. Transmed Manila Corporation*,²⁴ the Court formulated the question in this manner: "Did the CA correctly determine whether the NLRC committed grave abuse of discretion in ruling on the case?"²⁵

Guided by these parameters, the Court holds that the CA did not commit any reversible error in dismissing the Rule 65 petition filed before it. The CA correctly affirmed the NLRC Resolution, which in turn, had affirmed the Order of the LA which excluded Perez's post reinstatement money claims from the computation of the judgment award.

The issue in the Illegal Dismissal case was limited to the validity of the dismissal and any reliefs which Perez may have been entitled to as a consequence thereof. Perez's claims as to illegal deductions and unpaid benefits **after** her reinstatement are issues which cannot be raised by mere motion in the execution stage of the Illegal Dismissal case. These are matters which arose from a different set of facts and allegations which are not intrinsically linked to the

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²³ *Stanley Fine Furniture v. Gallano*, G.R. No. 190486, November 26, 2014, 743 SCRA 306, 319.

²⁴ G.R. No. 183329, August 27, 2009, 597 SCRA 334.

²⁵ *Id.* at 343.

Illegal Dismissal case. As correctly held by the NLRC and CA, these claims did not result from Perez's illegal dismissal but were owing to her after she resumed her employment with Bayantel.

Indeed, Perez herself recognized this when she separately filed the Illegal Deductions case which was dismissed by the NLRC. Perez did not appeal or challenge the NLRC Resolution in the Illegal Deductions case before the CA; thus, the Resolution had become final and executory and the writ of execution in said case has been fully executed and satisfied. Perez cannot reprise the same issue in the execution stage of the Illegal Dismissal case as a substitute for lost appeal.

A writ of execution can only cover the judgment it seeks to enforce and cannot add to it. In *Ingles v. Cantos*,²⁶ the Court held:

A writ of execution should conform to the dispositive portion of the decision to be executed, and the execution is void if it is in excess of and beyond the original judgment or award, for it is a settled general principle that a writ of execution must conform strictly with every essential particular of the judgment promulgated. It may not vary the terms of the judgment it seeks to enforce. Nor may it go beyond the terms of the judgment sought to be executed. Where the writ of execution is not in harmony with and exceeds the judgment which gives it life, the writ has *pro tanto* no validity.²⁷

Thus, Perez cannot add new money claims which arose after her reinstatement as these are claims beyond the scope of the Illegal Dismissal case. The CA was correct in affirming the NLRC Resolution denying said claims in the computation of the total monetary award. The NLRC Decision in favor of Perez had long become final and executory and in fact, has been executed. To add awards not contemplated in the dispositive portion of the LA Decision, as affirmed with modification by the NLRC, would be a violation of the rule on immutability of judgments.²⁸

At some point, litigation must come to an end especially in this case when the judgment has become final, executory and unappealable.²⁹ As the prevailing party is entitled to the fruits of his or her victory, the losing party is entitled to the closure of the case.

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²⁶ G.R. No. 125202, January 31, 2006, 481 SCRA 140.

²⁷ Id. at 149.

²⁸ *Bani Rural Bank, Inc. v. De Guzman*, G.R. No. 170904, November 13, 2013, 709 SCRA 330.

²⁹ *Philippine Long Distance Telephone Company, Inc. v. Reus*, G.R. No. 160474, July 9, 2008, 557 SCRA 379, 389.

WHEREFORE, the petition is **DENIED** and assailed Decision dated June 8, 2018 and Resolution dated December 14, 2018 of the Court of Appeals in CA-G.R. SP No. 149399 are **AFFIRMED**.

The respondent’s motion for an additional time and final motion for extension of time totaling sixty (60) days from September 16, 2019 within which to file a comment on the petition for review on certiorari, are **GRANTED**; the respondent’s aforesaid comment thereafter filed is **NOTED**; and the letter dated September 16, 2019 of Ms. Marissa A. De Vera, Records Officer I, Archives Section, Judicial Records Division, Court of Appeals, Manila, in compliance with the Resolution dated September 16, 2019, transmitting the rollo of CA G.R. SP No. 149399 with 797 pages, with thereto attached Court of Appeals Decision dated June 8, 2018, is **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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