

[PRESIDENTIAL DECREE NO. 643, January 21, 1975]

AMENDING SECTION 42 OF PRESIDENTIAL DECREE NO. 570-A AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 443, ENTITLED "LABOR CODE OF THE PHILIPPINES".

WHEREAS, Article 42 of Presidential Decree No. 570-A introduces an appellate system which tends to hamper the administrative character of the labor relations system established under Book V of the Labor Code by limiting the freedom and authority of the President to deal effectively and expeditiously with labor disputes;

WHEREAS, the national interest during a critical period of history requires the exercise of full jurisdiction by the President of the Philippines over such cases;

WHEREAS, consistent with this policy, the Secretary of Labor should maintain the responsibility of passing upon such cases as the penultimate appellate level prior to final appeal to the President of the Philippines as originally provided for in Presidential Decree No. 21;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree that Sections 32 and 42 of Presidential Decree No. 570-A be further amended to read as follows:

SEC. 32. This Section which adds paragraph (o) to the last paragraph of Article 261 of the Code as renumbered is hereby deleted.

SEC. 42. Article 302 is hereby renumbered and amended to read as follows:

"ART. 272. Appeal. — Decisions, awards, or orders of the labor arbiters or compulsory arbitrators are final and executory unless, appealed to the Commission by any or both of the parties within ten (10) days from receipt of such awards, orders, or decisions. Such appeal may be entertained only on any of the following grounds:

- a. If there is *prima-facie* evidence of abuse or discretion on the part of the labor arbiter or compulsory arbitrator;
- b. If the decision, order, or award was secured through fraud or coercion, including graft and corruption;
- c. If made purely on questions of law; and
- d. If serious errors in the findings of facts are raised which would cause grave or irreparable damage or injury to the appellant.

To discourage frivolous or dilatory appeals, the Commission or the Labor Arbiter shall impose reasonable penalty, including fines or censures, upon the erring parties.

In all cases, the appellant shall furnish a copy of the memorandum of appeal to the other party who shall file an answer not later than ten (10) days from receipt thereof.

The Commission shall decide all cases within twenty (20) working days from receipt of the answer of the appellee.