

**[NATIONAL LABOR RELATIONS COMMISSION,
August 10, 2017]**

**EN BANC RESOLUTION NO. 14-17 AMENDMENTS TO THE 2011
NLRC RULES OF PROCEDURE, AS AMENDED**

*Adopted: 10 August 2017
Date Filed: 15 September 2017*

WHEREAS, pursuant to Article 225 [218], paragraph (a) of the Labor Code of the Philippines, as amended, the Commission has the power to promulgate rules and regulations governing hearing and disposition of cases;

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED, that the following amendments on the 2011 NLRC Rules of Procedure, as amended, are adopted and promulgated:

a) RULE V, SECTION 20:

SECTION 20. DEATH OF PARTIES. - In case any of the parties dies during the pendency of the proceedings, he/she may be substituted by his/her heirs. In the event a favorable judgment is obtained by the complainants, the same shall be enforced in accordance with Section 11, Rule XI of this Rules.

b) RULE IX:

**RULE IX
CONTEMPT**

SECTION 1. DIRECT CONTEMPT. - Any person may be summarily adjudged guilty of direct contempt for any disrespectful act or misbehavior committed near, or in the presence of, the Chairman, any member of the Commission or any Labor Arbiter, as to obstruct or interrupt, the proceedings before the same, such as but not limited to the following:

- a) Use of intemperate language during the proceedings before said officials;
- b) Offensive acts committed towards the said officials;
- c) Refusal to be sworn or to answer as a witness;
- d) Refusal to subscribe an affidavit or a deposition when lawfully required to do so;
- e) Refusal to sign, without any justifiable reason, the Minutes of the proceedings even if present or has participated in the discussion/ deliberation; and

f) Other analogous circumstances.

A. *Punishment for direct contempt.* - A person cited for Direct Contempt may be penalized with either a fine, imprisonment, or both.

If the offense is committed against the Commission or any member thereof, the fine shall not exceed Five Hundred Pesos (Php500.00) and the imprisonment shall not exceed five (5) days. If the offense is committed against a Labor Arbiter, the fine shall not exceed One Hundred Pesos (Php100.00) and the imprisonment shall not exceed one (1) day.

Where fine is imposed, the Order of Contempt shall immediately be issued. If the person adjudged guilty of direct contempt refuses to pay the fine, s/he shall be subjected to subsidiary imprisonment of one (1) day for every One Hundred Pesos (P100.00) fine.

Where imprisonment is imposed, the Chairman, the Commissioner or the Labor Arbiter, may deputize any security personnel of the NLRC to hold the guilty person or, when necessary, secure police assistance. The Commitment Order and the Order of Contempt shall be immediately issued. Thereafter, the guilty person shall be brought to the nearest police station and be detained therein for a period specified in the Order of Contempt.

In both cases, the Order of Contempt shall contain the name and address of the respondent, facts constituting the contemptuous acts and penalty imposed.

B. *Remedy.* - The person adjudged in direct contempt by a Labor Arbiter may appeal to the Commission by filing a Memorandum of Appeal within five (5) calendar days from date of order. The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the appeal fee of Five Hundred Pesos (P500.00). The execution of the judgment shall be suspended pending the resolution of the appeal upon the filing by such person of a bond of Five Hundred Pesos (Php500.00), on the condition that he will abide by and perform the judgment of the Commission should the appeal be decided against him.

Judgment of the Commission on direct contempt is immediately executory and unappealable.

SECTION 2. INDIRECT CONTEMPT. Any person adjudged guilty of any of the following acts may, be punished for indirect contempt:

- a) Misbehavior of any NLRC officer or employee in the performance of his/her official duties or in his/her official transaction;
- b) Disobedience of, or resistance to, a lawful writ, order or decision issued by the Commission or Labor Arbiter and other processes issued pursuant to said writ, order or decision;
- c) Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt;
- d) Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice;
- e) Assuming to be an attorney or a representative of a party without authority;

- f) Failure to obey subpoena duly served;
 - g) Use of derogatory, offensive, malicious or false statements, in pleadings submitted before the Commission or its Regional Arbitration Branches where the proceedings are pending;
 - h) Making any public, baseless and malicious statements tending to undermine the administration of justice against the Commission, any member thereof or any Labor Arbiter, by any party or counsel who has a case, pending or otherwise, before the officials concerned; and
 - i) Other grounds analogous to the foregoing.
- A. *How proceedings commenced.* - The Commission or any Labor Arbiter may, motu proprio or upon motion of a party, issue an Order directing the respondent to show cause why s/he should not be punished for committing acts constituting Indirect Contempt, in connection with or in relation to a pending case.
- Otherwise, an action for indirect contempt may only be commenced through a verified petition.
- The respondent may file her/his verified Answer/Comment within ten (10) calendar days from receipt of the Show Cause Order.
- B. *Period to Resolve.* - The motion or petition, as the case may be, shall be resolved within a non-extendible period of fifteen (15) calendar days from receipt of the Verified Answer/Comment or upon the lapse of the period to submit the same.
- C. *Punishment for indirect contempt.* - The person adjudged guilty of indirect contempt may be punished:
- i. By a fine of One Thousand Pesos (P1,000.00) for every act of indirect contempt, if committed against the Commission or any member thereof; OR,
 - ii. By a fine of Five Hundred Pesos (P500.00) for every act of indirect contempt, if committed against any Labor Arbiter.
 - iii. If the contempt consists of violation of an injunction or an omission to do an act which is within the power of the respondent to perform, the respondent shall, in, addition, be made liable for damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.
 - iv. In the event that the contemptuous act constitutes a series of acts or a continued refusal/defiance to a lawful order, writ or decision, the fine shall be imposed for every contemptuous act or per day of continued refusal/defiance.
- D. A writ of execution may be issued to enforce the decision imposing such fine and/or the consequent damages as punishment for indirect contempt.
- E. Remedy.
- i. Appeal from the Order of the Labor Arbiter. - The person adjudged guilty of indirect contempt may appeal the Order issued by the Labor Arbiter to the