

**[NATIONAL LABOR RELATIONS COMMISSION,
May 31, 2011]**

THE 2011 NLRC RULES OF PROCEDURE

Pursuant to the provisions of Article 218 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, the following Revised Rules of Procedure governing arbitration proceedings before the Labor Arbiters and the Commission are hereby adopted and promulgated:

**RULE I
TITLE AND CONSTRUCTION**

SECTION 1. TITLE OF THE RULES. — These Rules shall be known as the "2011 NLRC Rules of Procedure." (1a)

SECTION 2. CONSTRUCTION. — These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines and other relevant legislations, and to assist the parties in obtaining just, expeditious and inexpensive resolution and settlement of labor disputes.

SECTION 3. SUPPLETORY APPLICATION OF THE RULES OF COURT. — In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Labor Code, the pertinent provisions of the Rules of Court of the Philippines may, in the interest of expeditious dispensation of labor justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

**RULE II
DEFINITION OF TERMS**

SECTION 1. DEFINITIONS. — The terms and phrases defined in Article 212 of the Labor Code, as amended, shall be given the same meanings when used herein. As used herein, "Regional Arbitration Branch" shall mean any of the regional arbitration branches or sub-regional branches of the Commission.

**RULE III
PLEADINGS, NOTICES AND APPEARANCES**

SECTION 1. COMPLAINT. — a) A complaint or petition is a pleading alleging the

cause or causes of action of the complainant or petitioner. The names and addresses of all complainants or petitioners and respondents must be stated in the complaint or petition. It shall be signed under oath by the complainant or petitioner, with a declaration of non-forum

b) A party having more than one cause of action against the other party, arising out of the same relationship, shall include all of them in one complaint or petition. (1a)

SECTION 2. CAPTION AND TITLE. — In all cases filed with the Commission or with any of its Regional Arbitration Branches, the party initiating the action shall be called the "Complainant" or "Petitioner", and the opposing party the "Respondent".

The full names of all the real parties in interest, whether natural or juridical persons or entities authorized by law, shall be stated in the caption of the complaint or petition, as well as in the decisions, resolutions or orders of the Labor Arbiter or the Commission.

SECTION 3. FILING AND SERVICE OF PLEADINGS. — All pleadings in connection with a case shall be filed with the appropriate docketing unit of the Regional Arbitration Branch or the Commission, as the case may be.

The party filing a pleading shall serve the opposing parties with a copy and its supporting documents. No pleading shall be considered without proof of service to the opposing parties except if filed simultaneously during a schedule set before the Labor Arbiter. (5a)

SECTION 4. SERVICE OF NOTICES, RESOLUTIONS, ORDERS AND DECISIONS. — a) Notices and copies of resolutions or orders, shall be served personally upon the parties by the bailiff or duly authorized public officer within three (3) days from his/her receipt thereof or by registered mail or by private courier;

b) In case of decisions and final awards, copies thereof shall be served on both parties and their counsel or representative by registered mail or by private courier; Provided that, in cases where a party to a case or his/her counsel on record personally seeks service of the decision upon inquiry thereon, service to said party shall be deemed effected as herein provided. Where parties are numerous, service shall be made on counsel and upon such number of complainants, as may be practicable and shall be considered substantial compliance with Article 224 (a) of the Labor Code, as amended.

For purposes of appeal, the period shall be counted from receipt of such decisions, resolutions, or orders by the counsel or representative of record.

c) The bailiff or officer serving the notice, order, or resolution shall submit his/her return within two (2) days from date of service thereof, stating legibly in his/her return his/her name, the names of the persons served and the date of receipt, which return shall be immediately attached and shall form part of the records of the case. In case of service by registered mail or by private courier, the name of the addressee and the date of receipt of the notice, order or resolution shall be written in the return card or in the proof of service issued by the private courier. If no service was effected, the reason thereof shall be so stated. (6a)

SECTION 5. PROOF AND COMPLETENESS OF SERVICE. — The return is prima facie proof of the facts indicated therein. Service by registered mail or by private courier is complete upon receipt by the addressee or his/her agent. If the addressee fails to claim his/her mail from the post office within five (5) days from the date of first notice of postmaster, service shall take effect after such time. (7a)

SECTION 6. APPEARANCES. — a) A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, he/she shall indicate in his/her pleadings and motions his/her Attorney's Roll Number, as well as his/her PTR and IBP numbers for the current year and MCLE compliance.

b) Anon-lawyer may appear in any of the proceedings before the Labor Arbiter or Commission only under the following conditions:

1. he/she represents himself/herself as party to the case;
2. he/she represents a legitimate labor organization, as defined under Article 212 and 242 of the Labor Code, as amended, which is a party to the case: Provided, that he/she presents to the Commission or Labor Arbiter during the mandatory conference or initial hearing: (i) a certification from the Bureau of Labor Relations (BLR) or Regional Office of the Department of Labor and Employment attesting that the organization he/she represents is duly registered and listed in the roster of legitimate labor organizations; (ii) a verified certification issued by the secretary and attested to by the president of the said organization stating that he/she is authorized to represent the said organization in the said case; and (iii) a copy of the resolution of the board of directors of the said organization granting him such authority;
3. he/she represents a member or members of a legitimate labor organization that is existing within the employer's establishment, who are parties to the case: Provided, that he/she presents: (i) a verified certification attesting that he/she is authorized by such member or members to represent them in the case; and (ii) a verified certification issued by the secretary and attested to by the president of the said organization stating that the person or persons he/she is representing are members of their organization which is existing in the employer's establishment;
4. he/she is a duly-accredited member of any legal aid office recognized by the Department of Justice or Integrated Bar of the Philippines: Provided, that he/she (i) presents proof of his/her accreditation; and (ii) represents a party to the case;
5. he/she is the owner or president of a corporation or establishment which is a party to the case: Provided, that he/she presents: (i) a verified certification attesting that he/she is authorized to represent said corporation or establishment; and (ii) a copy of the resolution of the board of directors of said corporation, or other similar resolution or instrument issued by said establishment, granting him/her such authority.

c) Appearances of a non-lawyer in contravention of this section shall not be

recognized in any proceedings before the Labor Arbiter or the Commission.

d) Appearances may be made orally or in writing. In both cases, the complete name and office address of counsel or authorized representative shall be made of record and the adverse party or his counsel or authorized representative properly notified.

e) In case of change of address, the counsel or representative shall file a notice of such change, copy furnished the adverse party and counsel or representative, if any.

f) Any change or withdrawal of counsel or authorized representative shall be made in accordance with the Rules of Court. (8a)

SECTION 7. AUTHORITY TO BIND PARTY. — Counsel or other authorized representatives of parties shall have authority to bind their clients in all matters of procedure; but they cannot, without a special power of attorney or express consent, enter into a compromise agreement with the opposing party in full or partial discharge of a client's claim. (9a)

RULE IV

VENUE, ASSIGNMENT AND DISPOSITION OF CASES

AT THE REGIONAL ARBITRATION BRANCH

SECTION 1. VENUE. — a) All cases which Labor Arbiters have authority to hear and decide may be filed in the Regional Arbitration Branch having jurisdiction over the workplace of the complainant or petitioner.

For purposes of venue, the workplace shall be understood as the place or locality where the employee is regularly assigned at the time the cause of action arose. It shall include the place where the employee is supposed to report back after a temporary detail, assignment, or travel. In case of field employees, as well as ambulant or itinerant workers, their workplace is where they are regularly assigned, or where they are supposed to regularly receive their salaries and wages or work instructions from, and report the results of their assignment to, their employers.

b) Where two (2) or more Regional Arbitration Branches have jurisdiction over the workplace of the complainant or petitioner, the Branch that first acquired jurisdiction over the case shall exclude the others.

c) When venue is not objected to before the filing of position papers such issue shall be deemed waived.

d) The venue of an action may be changed or transferred to a different Regional Arbitration Branch other than where the complaint was filed by written agreement of the parties or when the Commission or Labor Arbiter before whom the case is pending so orders, upon motion by the proper party in meritorious cases.

e) Cases involving overseas Filipino workers may be filed before the Regional Arbitration Branch having jurisdiction over the place where the complainant resides or where the principal office of any of the respondents is situated, at the option of the complainant.

SECTION 2. RAFFLE AND ASSIGNMENT OF CASES. — a) All complaints and petitions filed with the docket unit of the Regional Arbitration Branch shall be immediately raffled and assigned to a Labor Arbiter from receipt thereof.

b) The Executive Labor Arbiter shall be responsible for the immediate raffle and assignment of all complaints and petitions filed with his/her Regional Arbitration Branch, and the immediate forwarding of all subsequent pleadings and motions.

c) All pleadings and motions subsequent to the filing of the complaint shall be forwarded to the Labor Arbiter before whom the case is pending within twenty-four (24) hours from receipt thereof.

SECTION 3. CONSOLIDATION OF CASES AND COMPLAINTS. — Where there are two or more cases or complaints pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and common principal causes of action, or the same parties with different causes of action, the subsequent cases or complaints shall be consolidated with the first to avoid unnecessary costs or delay. Such consolidated cases or complaints shall be disposed of by the Labor Arbiter to whom the first case was assigned.

In case of objection to the consolidation, the same shall be resolved by the Executive Labor Arbiter. An order resolving a motion or objection to consolidation shall be inappealable.

SECTION 4. DISPOSITION OF CASES. — Subject to the provisions of Article 263 (g) of the Labor Code, as amended, when a case is assigned to a Labor Arbiter, the entire case and any or all incidents thereto shall be considered assigned to him/her; and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.

When the Secretary of Labor and Employment has assumed jurisdiction over a strike or lockout or certified the same to the Commission, the parties to such dispute shall immediately inform the Secretary or the Commission, as the case may be, of all cases directly related to the dispute between them pending before any Regional Arbitration Branch, and the Labor Arbiters handling the same of such assumption or certification. The Labor Arbiter concerned shall forward within two (2) days from notice the entire records of the case to the Commission or to the Secretary of Labor, as the case may be, for proper disposition.

RULE V

PROCEEDINGS BEFORE LABOR ARBITERS

SECTION 1. JURISDICTION OF LABOR ARBITERS. — Labor Arbiters shall have original and exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

1. Unfair labor practice cases;
2. Termination disputes;