

SECOND DIVISION

[G.R. No. 109311, June 17, 1997]

**ZENAIDA ASUNCION, PETITIONER, VS. HON. NATIONAL LABOR
RELATIONS COMMISSION, SECOND DIVISION, PRUDENCIO
AGBUYA, RESPONDENTS.**

RESOLUTION

ROMERO, J.:

This petition for *certiorari* seeks the reversal of the January 21, 1993 decision of the National Labor Relations Commission (NLRC) in NLRC Case No. 003035-92, which affirmed in toto the order of Labor Arbiter Jose G. de Vera dated February 25, 1992 and the resolution dated March 2, 1993 denying petitioner's motion for reconsideration thereof.

Private respondent Prudencio Agbuya was employed as designer by ABC Mirror Tower and Aluminum Supply (ABC) allegedly run by petitioner Asuncion as general manager. ABC was compelled to retrench some of its employees, including respondent, due to serious business reversal, prompting the latter to file against petitioner and ABC a complaint for illegal dismissal, violation of P.D. No. 525, non-payment of wages and violation of R.A. No. 6640. On March 11, 1991, Labor Arbiter de Vera rendered a decision which reads:

"WHEREFORE, all the foregoing premises being considered, judgment is hereby rendered ordering the respondents to reinstate the complainant to his former position as designer with all the rights, benefits and privileges appertaining thereto, plus backwages in the total sum of P73,892.00 without deduction or qualification. Further, the respondents are ordered to pay complainant the latter's salary differential amounting to P400.00.

All other claims of the complainant are dismissed for lack of merit."^[1]

After this decision became final and executory due to the failure of petitioner to file an appeal within the reglementary period, respondent filed a motion for the issuance of a writ of execution, which was accordingly granted.

After levy but before the scheduled auction sale, petitioner filed a motion to quash the writ, alleging that the items levied upon were her own properties, and that she was "not the owner or even part-owner" of ABC, and therefore, cannot be held personally liable for the judgment award.^[2]

In his Order dated February 25, 1992, Labor Arbiter de Vera dismissed the motion to quash and the third-party claim and accordingly declared petitioner liable to the