

**[REVISED RULES OF THE NLRC, November 05,
1986]**

**PURSUANT TO THE PROVISION OF ARTICLE 218 OF
PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

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

RULE I

Title and Construction

SECTION 1. Title of the Rules — These Rules shall be known as the Revised Rules of the National Labor Relations Commission.

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

SECTION 3. Suppletory Application of Rules of Court and Jurisprudence — In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Code, the pertinent provisions of the Revised Rules of Court of the Philippines and prevailing jurisprudence may, in the interest of expeditious labor justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

RULE II

Seal of the Commission

SECTION 1. Seal — The seal of the National Labor Relations Commission shall be of standard size, circular, with the inscription running from left to right on the upper outside edge, with the words "National Labor Relations Commission," and on the lower outside edge, the words "Republic of the Philippines," with a design at the center containing the coat of arms of the Ministry of Labor and Employment.

RULE III

Definition of Terms

SECTION 1. Definitions — The terms and phrases defined in Article 212 of the Labor Code, as amended, shall, as far as practicable, be given the same meanings when used herein, except that the use hereinafter of the word "Commission" shall refer only to either the National Labor Relations Commission en banc or to any of its Divisions.

As used herein, **Regional Arbitration Branch** shall mean any of regional arbitration branches of the National Labor Relations Commission.

RULE IV
Pleadings and Appearances

SECTION 1. Title, Caption, Parties and Cause of Action — (a) In cases filed in the Commission or in any of its Regional Arbitration Branches, the party initiating the action shall be called the complainant or petitioner and the opposing party the respondent.

(b) 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 captions of the original pleadings, resolutions, orders or decisions, and the necessary, in summons, notices, and other processes to be served upon them.

The caption shall be as follows:

Republic of the Philippines
Ministry of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
Regional Arbitration Branch No. _____
City/Province

_____,
Complainant/Petitioner,

-
versus-

_____,
Respondent.

X - - - - - NLRC CASE NO. R.A.B.
- - - - - (Mo. No. Yr.)
FOR:.....
(State nature of action such as Unfair Labor
Practice, Money Claims, Termination Cases,
etc.)

COMPLAINT/PETITION/ANSWER/POSITION
PAPER/MEMORANDUM

(c) A complainant or petitioner having more than one cause of action against the same respondent, arising out of the same relationship, shall join all of them in one complaint or petition.

SECTION 2. Issuance of Summons and Filing of Pleadings — Immediately after receiving notice that a case has been assigned to him, the Labor Arbiter concerned shall issue the required notification and summons.

After receipt of a notice or summons, any and all pleadings respecting the case shall be filed in the central docketing unit of the Regional Arbitration Branch or District where such notice or summons emanated.

SECTION 3. Service of Copies of Pleadings — The party filing the pleadings shall serve the opposing party or parties with a copy or copies thereof in the manner provided for in these Rules, and proof of such service shall be filed with the pleadings.

SECTION 4. Service of Notices and Resolutions — (a) Notices or summons and copies of orders, resolutions, or decisions shall be served personally by the bailiff or duly authorized public officer or by registered mail on the parties to the case within five (5) days from receipt thereof by the serving officer; Provided that where a party is represented by counsel or authorized representative, service shall be made on the latter.

(b) The bailiff or officer personally serving the notice, order, resolution, or decision shall submit his return within five (5) days from the date of his service thereof, stating legibly in his return, his name, the mode/s of service, the names of the persons served and the date of receipt. If no service was effected the serving officer shall state the reason therefor. The return shall form part of the records of the case.

SECTION 5. Proof and Completeness of Service — The return is prima facie proof of the facts indicated therein. Service by registered mail is complete upon receipt by the addressee or his agents.

SECTION 6. Appearances — An attorney appearing for a party is presumed to be properly authorized for that purpose.

A non-lawyer may appear before the Commission or any Labor Arbiter only if:

- (a) he represents himself as party to the case
- (b) he represents an organization or its members; provided that he shall be made to present written proof that he is an authorized representative of the organization or its members; or
- (c) he is a duly accredited member of the free legal aid staff of the Ministry of Labor and Employment or of any other legal aid office accredited by the Ministry of Justice or the Integrated Bar of the Philippines in cases referred thereto by the said offices.

Appearances may be made orally or in writing. In both cases, the complete office address shall be made of record and the adverse party or his counsel/representative properly advised.

Any change in the address of counsel/representative should be filed with the record of the case and furnished the adverse party or counsel.

SECTION 7. Authority to Bind Party — Attorneys and other 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.

RULE V
Venue, Assignment, and Disposition of Cases

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/petitioner.

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

(c) When improper venue is not objected to before or at the time of the filing of position papers, such question 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 so orders upon motion by the proper party in meritorious cases.

SECTION 2. Preparation of Complaint — A complainant who is not assisted by counsel or representative or who has no prepared written complaint shall be assisted by a complaint officer of the Regional Arbitration Branch in the preparation thereof.

SECTION 3. Transmittal of Cases/Pleadings — (a) All complaints and petitions received by the docket section of the Regional Arbitration Branch shall be transmitted to the Executive Labor Arbiter thereof within twenty-four (24) hours from receipt thereof.

(b) All pleadings subsequent to the filing of the case shall be transmitted within twenty-four (24) hours from receipt to the Labor Arbiter to whom the case is assigned.

SECTION 4. Consolidation of Cases — Where there are two or more cases pending before different Labor Arbiters in the same Regional Arbitration Branch involving the same employer and issues or the same parties with different issues, the case which was filed last shall be consolidated with the first to avoid unnecessary costs or delay. Such cases shall be disposed of by the Labor Arbiter to whom the first case was assigned.

SECTION 5. Assignment of Cases — Within forty-eight (48) hours from receipt of the cases transmitted to him by the docket officer, the Executive Labor Arbiter shall assign the same to the different Labor Arbiters by means of raffle. In exceptional cases, however, as when there is an impending or actual strike or lockout, or when a labor dispute is reportedly attended by violence, or is causing or likely to cause public disorder or inconvenience, or in places where holding a raffle is not practicable, the Executive Labor Arbiter may assume jurisdiction over such cases or assign the same to Labor Arbiters who, in his opinion, can effect immediate settlement or adjudication of the cases.

SECTION 6. Disposition of Cases — Subject to the provisions of Art. 255 of the Labor Code, when a case is assigned to a Labor Arbiter, the entire case and any or all incidents thereto shall be considered assigned to him; and the same shall be disposed of in the same proceeding to avoid multiplicity of suits or proceedings.

Provided, that when the Minister of Labor and Employment has assumed jurisdiction over a strike or lockout dispute or certified the same to the Commission, the parties to such dispute shall immediately inform the Minister or the Commission as the case may be, of all cases between them pending before any Regional Arbitration Branch, and the Labor Arbiter handling the same of such assumption or certification, whereupon all proceedings before the Labor Arbiter concerning such cases shall cease and the Labor Arbiter shall await instructions from the Minister or the Commission.

RULE VI

Jurisdiction of Labor Arbiters

SECTION 1. Jurisdiction — Subject to the provisions of Articles 128(b), 248 and 264(g) of the Labor code, as amended, and Executive Order Nos. 591 and 797, the Labor Arbiter shall have original and exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

- (a) Unfair labor practice cases;
- (b) Those that workers may file involving wages, hours of work, and other terms and conditions of employment;
- (c) All money claims of workers, including those based on non-payment or underpayment of wages, overtime compensation, separation pay, and other benefits provided for by law, or appropriate agreement, except claims for employees' compensation, social security, medicare, and maternity benefits;
- (d) Cases involving household services;
- (e) Cases arising from any violation of Article 265 of the Code, including questions involving the legality of strikes and lockouts;
- (f) Termination cases;
- (g) Claims for moral or similar forms of damages arising from employer-employee relationship; and
- (h) Cases involving violation of compromise agreements or where there is prima facie evidence that the settlement was obtained through fraud, misrepresentation, or coercion as provided in Article 227 of the Code.

RULE VII

Proceedings Before Labor Arbiters

SECTION 1. Initial Conference/Hearing — Within two (2) days from receipt of an assigned case, the Labor Arbiter shall summon the parties to