

SECOND DIVISION

[G.R. No. 113827, July 05, 1996]

**PHILIPPINE AIRLINES INC., PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION, ARBITER RAMON VALENTIN C.
REYES, AND STELLAR EMPLOYEES ASSOCIATION,
RESPONDENTS.**

D E C I S I O N

ROMERO, J.:

Not infrequently, a party comes before this Court questioning an order or resolution issued in relation to a case, but ends up prematurely discussing the merits of the case itself. This petition illustrates the point.

On different dates between 1988 and 1991, some 150 employees recruited by Stellar Industrial Services, Inc. (SISI) to work for petitioner Philippine Airlines, Inc. (PAL) filed several cases against the latter for regularization, illegal dismissal, reinstatement, back wages and wage differentials. The cases which involved essentially the same complainants were later grouped into two consolidated cases: regularization, under Labor Arbiter Jose de Vera, and illegal dismissal, under Labor Arbiter Ramon Valentin Reyes.

In his decision dated March 31, 1992, Labor Arbiter de Vera declared the complainants to be regular employees of PAL and ordered the latter to pay them a total of over 46 million pesos, representing benefits and attorney's fees. At the time of the filing of instant petition, said decision was still before the National Labor Relations Commission (NLRC) on appeal.

On December 10, 1992, Labor Arbiter Reyes decided the illegal dismissal case based on the pleadings and evidence submitted. He declared the dismissal by PAL of the complainants illegal and ordered PAL to absorb complainants to its regular force and to reinstate them to their former positions without loss of seniority rights and benefits, as provided in the PAL-PALEA CBA and to pay them the following as provided likewise in the PAL-PALEA CBA: P23,863,702.00, representing back wages, 13th month pay and vacation leave; rice entitlement of complainants; and P2,072,902.20, as attorney's fees. He then absolved SISI from any liability for lack of legal and factual basis.

This decision was likewise appealed to the NLRC. On April 2, 1993, however, upon motion of the complainants and pending resolution of the said appeal, Labor Arbiter Reyes issued a writ of execution directing the reinstatement of 152 complainants either physically or through the payroll, at PAL's option.^[1]

In an attempt to stop said execution, PAL filed on May 6, 1993 before the NLRC a petition for the issuance of a writ of injunction with prayer for the issuance of a

temporary restraining order in relation to both the regularization and illegal dismissal cases.

On September 30, 1993, the NLRC, in a Resolution, dismissed PAL's petition for injunction^[2] for lack of merit, citing Article 223 of the Labor Code, as amended by Republic Act No. 6715. The pertinent provision of Article 223 states thus:

"ART. 223. Appeal. -- x x x

In any event, the decision of the Labor Arbiter reinstating a dismissed or separated employee, insofar as the reinstatement aspect is concerned, shall immediately be executory, even pending appeal. The employee shall either be admitted back to work under the same terms and conditions prevailing prior to his dismissal or separation or, at the option of the employer, merely reinstated in the payroll. The posting of a bond by the employer shall not stay the execution for reinstatement provided herein.

xxx xxx xxx"

PAL's motion for reconsideration of said resolution was also denied by the NLRC in its resolution dated December 2, 1993.^[3] The question that thus arises is simple: Did the NLRC commit grave abuse of discretion in dismissing the petition for injunction and denying the motion for reconsideration? This is the only issue that may be raised before this Court at this juncture.

It may be noted here that this is the second time that this petition has been filed. The first one, filed on January 13, 1994 and docketed as G.R. No. 113172, was denied in the Court's resolution dated January 24, 1994 "for failure of the petitioner (PAL) to submit a certification that no other action or proceeding involving the same issues raised in this case has been filed or is pending before any court, tribunal or agency pursuant to Circular No. 28-91 dated September 17, 1991." Petitioner refiled the same petition on February 24, 1994, this time with all the formal requirements and still within a "reasonable time" from notice of the denial of its motion for reconsideration on January 3, 1994.

In its petition, PAL questioned the application by the NLRC of Article 223 of the Labor Code, asserting that "this provision does not apply where there is no 'reinstatement' to speak of as in the instant case, where the alleged employer-employee relationship is contested because the complainants in the case below never have been employees of the petitioner herein. The above provision of the law is only applicable where (an) employer-employee relationship is supported by clear evidence or where it is admitted to be existent."^[4]

This argument is untenable.

The intent of the law in making a reinstatement order immediately executory is much like a return-to-work order, i.e., to restore the status quo in the workplace in the meantime that the issues raised and the proofs presented by the contending parties have not yet been finally resolved.^[5] It is a legal provision which is fair to