

## THIRD DIVISION

[ CA-G.R. SP No. 129683, March 10, 2015 ]

### MANILA MINING CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND MANILA MINING CORPORATION-SPFL., RESPONDENTS.

#### D E C I S I O N

##### CARANDANG, J.:

Assailed and sought to be set-aside via this Petition for Certiorari under Rule 65 of the Rules of Court is the October 31, 2012 Decision<sup>[1]</sup> of public respondent NLRC in NCMB-CARAGA NS-02-001-01. Also being assailed is the Order<sup>[2]</sup> dated February 12, 2013, denying petitioner's Motion for Reconsideration of the October 31, 2012 Order of the NLRC.

The petition arose from the following facts:

Petitioner Manila Mining Corporation (MMC) is a domestic corporation engaged in mining business and operation while private respondent Manila Mining Labor Union-SPFL (MMLU-SPFL) (NAMAWU) is the exclusive bargaining agent of the rank and file employees of MMC.

On January 30, 2001, MMLU-SPFL filed before the NLRC-Regional Arbitration Branch No. XIII, Butuan City, a Complaint<sup>[3]</sup> for Unfair Labor Practice, Labor Only Contracting and Damages, against MMC. The Complaint was instituted by MMLU-SPFL as a result of MMC's labor-only contracting activities and the laying-off of the majority of MMC's workers by MMC on December 20, 2000. The said Complaint, however, was later on withdrawn after the union, by a majority vote of all its 464 members, decided to undertake concerted activity by filing a notice of strike with the National Conciliation and Mediation Board. MMC then filed a petition for assumption of jurisdiction with the Secretary of the Department of Labor and Employment (DOLE), who subsequently issued an order certifying the labor dispute to the NLRC for compulsory arbitration. The DOLE Secretary also directed the parties to cease and desist from committing any act that might exacerbate the situation. Despite the directive of the Secretary of DOLE, however, MMC initiated a retrenchment program and terminated the services of sixty eight (68) employees on April 6, 2001.

On October 30, 2002, the Fifth Division of the NLRC based Cagayan De Oro City rendered a Decision resolving the labor dispute between MMC and MMLU-SPFL. The NLRC disposed the case in this wise:

**"WHEREFORE,** premises considered, judgment is hereby rendered:

1. declaring the lay-off on December 20, 2000 and the dismissal of

employees on April 6, 2001, respectively, illegal and directing MMC to immediately REINSTATE the affected employees to their respective jobs, without loss of seniority rights and to the other privileges appurtenant thereto;

2. declaring MMC to have committed unfair labor practice; and

3. ordering MMC to immediately PAY the affected workers their:

a) full backwages from the time they were terminated until their actual reinstatement;

b) moral damages and exemplary damages in the amount of Ten Thousand Pesos and Five Thousand Pesos, respectively, for each of the affected workers; and

c) attorney's fees which is 10% of the total amount awarded to the affected workers.

**SO ORDERED."**

Aggrieved, MMC appealed to this Court. However, in a Decision<sup>[4]</sup> dated February 13, 2006, this Court affirmed the Decision of the NLRC. MMC then went to the Supreme Court and filed a Petition for Review on Certiorari but its petition was denied. Consequently, the said Decision of the NLRC became final and executory on November 12, 2010.<sup>[5]</sup>

On October 18, 2011, MMLU-SPFL filed an Omnibus Motion for Computation of Award and Issuance of Writ of Execution.<sup>[6]</sup> After several pre-execution conferences, the NLRC issued an Order partially granting the Motion. The dispositive Order of the Order reads:

**"WHEREFORE,** foregoing premises considered, the above motion is hereby partially **GRANTED** and let a partial Writ of Execution be issued directing petitioner Manila Mining Corporation to pay the above-named 68 employees the total amount of P2,170,911.06 representing backwages, separation pay, moral and exemplary damages, and attorney's fees.

Further, petitioner Manila Mining Corporation and Manila Mining Labor Union-SPFL should submit to the Commission within ten (10) days from receipt of this order, the following documents: 1) list of the complete names of the 464 employees laid-off on 20 December 2000; 2) list of among these employees who were actually reinstated; and 3) payrolls/vouchers or any other record showing these worker's rates of pay, copies of which shall be furnished to the other party.

**SO ORDERED."**

From the said Order, petitioner filed a Motion for Reconsideration. Perhaps realizing its mistake in pegging the numbers of workers laid-off on December 20, 2000 at 464, the NLRC modified its Decision. It decreed thus: