



Republic of the Philippines
Department of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
Quezon City

17 September 2014

ATTY. IMELDA L. BARCELONA

President
LUBECA Protection & Indemnity Phils., Inc.
Suite 205 Marbella 1 Building,
2223 Roxas Blvd., Pasay City

Dear Atty. Barcelona:

This has reference to your letter to Chairman Gerardo C. Nograles dated 5 August 2014, seeking clarification on provisions of the 2011 NLRC Rules of Procedure, as amended, particularly on the Manner of Execution of Monetary Judgment viz. Overseas Filipino Workers (OFWs), Restitution, and Sections 19 and 20 of Rule XI.

As to your first query, the NLRC Rules of Procedure cannot be anymore clearer. Section 9 (d), Rule XI expressly provides that the manner of execution of monetary judgment involving OFWs shall be governed by Section 10 of Republic Act No. 10022.

With respect to your question on restitution, the Commission *En Banc* resolved that the Labor Arbiter will only act on a claim for restitution only if the same is ordered by the Court of Appeals or the Supreme Court. Considering the limited jurisdiction of the Labor Arbiter, it would be difficult for him to act on a claim for restitution without a direct order from the higher court.

Article 221 of the *Labor Code, as amended*, mandates that the Commission and the Labor Arbiters shall use all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, in the interest of due process. Sections 19 and 20 of Rule XI proceeds from Article 221 and introduced in the Rules to ensure that all means to implement or enforce the Decisions, Resolutions and Orders of the Commission are utilized.

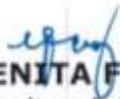
However, the deliberations of the Commission *En Banc* do not provide whether Sections 19 and 20 of Rule XI may be availed of by the respondent seeking restitution. Nonetheless, we shall include the issues that you raised

in your letter of 5 August 2014 for discussion during the next *En Banc* session.

Thank you and warm regards.

Very truly yours,

By Authority of the Chairman:


ELENITA F. CRUZ
Labor Arbiter

Acting Executive Clerk of Court IV