



**En Banc Resolution No. 01-24**  
(Series of 2024)

**WHEREAS**, pursuant to Article 225, paragraph (a) of the Labor Code of the Philippines, *as amended*, the Commission, sitting *en banc*, is vested with the power and authority to promulgate rules and regulations governing the hearing and disposition of cases before it and its regional branches, as well as those pertaining to its internal functions, as well as such rules and regulations as may be necessary to carry out the purposes of the said Code;

**WHEREAS**, on 13-14 December 2023, the Commission *en banc*, pursuant to its statutory mandate to provide a fair, speedy, and equitable disposition of labor cases at the least possible cost, revisited Rule XII (Extraordinary Remedies) of the 2011 NLRC Rules of Procedure, as amended;

**WHEREAS**, on 25 January 2024, the Commission *en banc* approved the new provisions and amendments to Rule XII (Extraordinary Remedies) of the 2011 NLRC Rules of Procedure, as amended;

**WHEREFORE, RESOLVED, AS IT IS HEREBY RESOLVED**, that Rule XII on Extraordinary Remedies of the 2011 NLRC Rules of Procedure is amended to read as follows:

**RULE XII**  
**EXTRAORDINARY REMEDY**

**SECTION 1. VERIFIED PETITION.** – A party aggrieved by any order or resolution of the Labor Arbiter, including a writ of execution and other orders issued during execution proceedings, may file a verified petition to annul or modify the same. The petition may be accompanied by an application for the issuance of a temporary restraining order and/or writ of preliminary or permanent injunction to enjoin the Labor Arbiter, or any person acting under his/her authority, to desist from enforcing said resolution, order or writ.

The petition shall include all objections available at the time of filing, and all objections not so included shall be deemed waived.

**SECTION 2. GROUNDS.** – The petition filed under this Rule shall be entertained only when the order or resolution will cause injustice if not rectified, *provided* that there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law, and based only on any of the following grounds:

(a) If there is *prima facie* evidence of abuse of discretion on the part of the Labor Arbiter;

(b) If serious errors in the findings of facts are raised which, if not corrected, will cause grave or irreparable damage or injury to the petitioner;

(c) If a party, by fraud, accident, mistake or excusable negligence has been prevented from taking an appeal; or

(d) If made purely on questions of law.

SECTION 3. WHEN AND WHERE FILED. – Not later than ten (10) calendar days from receipt of the order or resolution of the Labor Arbiter, the aggrieved party shall file the petition with the Commission, furnishing a copy thereof to the adverse party and the office of the Labor Arbiter.

When the last day for filing the petition falls on a Saturday, Sunday or legally-declared non-working holiday, the last day to file the petition shall be the first working day following such Saturday, Sunday or legally-declared non-working holiday. This shall also apply to the filing of subsequent pleadings under this Rule.

SECTION 4. SERVICE AND FILING OF PLEADINGS. – The party filing any pleading subsequent to the petition shall serve the other parties copies thereof in accordance with Rules III and VI of these Rules.

SECTION 5. REQUISITES OF THE PETITION. – The petition filed under this Rule shall:

(a) be accompanied by a clear original or certified true copy of the order or resolution assailed, together with clear copies of relevant documents for the proper understanding of the issue/s involved;

(b) contain the arbitral docket number and appeal docket number, if there are any;

(c) state the material dates showing the timeliness of the filing the petition;

(d) be verified by the petitioner in accordance with Section 4, Rule 7 of the Rules of Court, as amended;

(e) be in the form of a memorandum which shall state the ground/s relied upon, the argument/s in support thereof, and the relief/s prayed for;

(f) be in three (3) legibly written or printed copies; and

(g) be accompanied by:

- (i) a certification against forum shopping;
- (ii) an affidavit of service to the adverse party and the Labor Arbiter who issued the assailed order or resolution; and
- (iii) proof of payment of the required fees.

Non-compliance with any of the abovementioned requisites shall result in the dismissal of the petition.

**SECTION 6. THE PUBLIC AND PRIVATE RESPONDENTS IMPEADED IN THE PETITION.** – The Labor Arbiter shall be jointly impleaded with the private respondent as a public respondent in a nominal capacity. As used in this Rule, the private respondent refers to the party interested in sustaining the order or resolution issued by the Labor Arbiter.

It shall be the duty of the private respondent to appear and defend the assailed order or resolution. The costs awarded in such proceedings in favor of the petitioner shall be against the private respondent only. The public respondent shall not appear or file a comment on the petition or any pleading therein.

**SECTION 7. COMMENT ON THE PETITION.** – Within a non-extendible period of five (5) calendar days from the receipt of the petition, the private respondent shall file a comment thereon stating the ground/s why the petition should be dismissed. Failure on the part of the private respondent to file a comment within the said period shall be construed as a waiver of the right to file the same.

**SECTION 8. OPPOSITION TO THE INJUNCTIVE RELIEF; WHEN FILED.** – In case the petitioner also applies for injunctive relief, the private respondent may file a verified opposition thereto not later than five (5) calendar days from receipt of a copy of the petition. Failure on the part of the private respondent to file a verified opposition within the said period shall be construed as a waiver of the right to file the same.

**SECTION 9. EFFECT OF FILING OF PETITION.** – Notwithstanding the filing of the petition and unless restrained by the Commission, the proceedings before the Labor Arbiter shall continue.

In case of execution, no money collected or credit garnished shall be released or personal properties levied upon be sold by public auction within fifteen (15) calendar days from the

filing of the petition. The Labor Arbiter shall immediately inform in writing the Commission of the satisfaction of the judgment during execution proceedings, if there is any, and if circumstances warrant, the Commission shall dismiss the petition for being moot.

If no temporary restraining order is issued by the Commission or when no injunction is issued after the lapse of the effectivity of the temporary restraining order, the money collected or credit garnished shall be released and/or the personal properties levied upon shall be sold by public auction and the proceeds thereof shall be applied to satisfy the judgment.

The record of the case shall not be elevated to the Commission unless otherwise required, in which case, the execution proceeding shall nonetheless continue pursuant to the preceding paragraphs hereof, with the office of the Labor Arbiter retaining copies of documents relevant to and necessary for this purpose.

If a subsequent petition involving the same issue/s is filed under this Rule, the suspension of the release of money collected or credit garnished or the suspension of auction sale over personal properties levied upon, as provided herein, shall not apply.

**SECTION 10. VERIFIED APPLICATION, ISSUANCE OF TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION.** – Upon the filing of a verified application for injunctive relief, together with supporting affidavits and documents, the Commission may issue a writ of preliminary injunction based on any of the applicable grounds provided in Section 3, Rule 58 of the Rules of Court, as amended, for the preservation of the rights of the parties pending adjudication of the petition. The writ of preliminary injunction shall be effective for a non-extendible period of sixty (60) calendar days from service on the private respondent.

If it shall appear from the facts shown by the verified application, affidavits and documents that great and irreparable damage and/or injury will result to the petitioner before the petition can be resolved, the Commission may issue a temporary restraining order *ex parte* effective for a non-extendible period of twenty (20) calendar days from service on the private respondent.

**SECTION 11. BOND FOR PRELIMINARY INJUNCTION OR TEMPORARY RESTRAINING ORDER.** – In the issuance of a temporary restraining order or writ of preliminary injunction, the Commission shall require the posting of a cash bond in the sum of Fifty Thousand Pesos (P50,000.00), or such higher amount as

may be determined by the Commission, to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs.

A corresponding notice to post cash bond shall be issued by the Executive Clerk/Deputy Executive Clerk which shall state that the cash bond shall be posted within three (3) calendar days from receipt of the notice.

An additional cash bond may be required by the Commission in the issuance of a writ of preliminary injunction.

As far as practicable, the notice to post cash bond shall be served on the parties and their respective counsel through personal service by the bailiff.

**SECTION 12. EFFECTIVITY OF TEMPORARY RESTRAINING ORDER OR WRIT OF PRELIMINARY INJUNCTION.** – The temporary restraining order or writ of preliminary injunction shall become effective only upon posting of the required cash bond within three (3) calendar days from receipt of the notice to post bond.

Should the petitioner fail to post the bond within the prescribed period, the temporary restraining order or writ of preliminary injunction shall be deemed automatically vacated.

The temporary restraining order or writ of preliminary injunction issued by the Commission shall be released only upon presentation of proof of payment of the required cash bond and as far as practicable, shall be served on the parties and their counsel through personal service by the bailiff or through private courier authorized by the Commission.

In the event that the application for the issuance of a writ of preliminary injunction is denied or not resolved within the non-extendible period of twenty (20) calendar days, the temporary restraining order is deemed automatically vacated.

The application for the issuance of a temporary restraining order or a writ of preliminary injunction may be denied, or if granted, the order or writ may be dissolved, on any ground provided in Section 6, Rule 58 of the Rules of Court, as amended.

**SECTION 13. EFFECT OF INJUNCTION.** – Unless otherwise declared by the Commission, the issuance of a temporary restraining order or a writ of preliminary injunction shall not suspend the proceedings before the Labor Arbiter or stay the implementation of the writ of execution, but shall only restrain or

enjoin such particular act/s as therein declared to be restrained or enjoined.

**SECTION 14. RESOLUTION OF PETITION.** - If the Commission finds merit in the petition, it shall: (a) render judgment on the relief prayed for or to which the petitioner is entitled; and/or (b) grant a final injunction permanently enjoining the Labor Arbiter or any person acting under his/her authority from the commission of the act/s or confirming the preliminary injunction.

However, the Commission shall dismiss the petition if it finds the same to be patently without merit; or prosecuted manifestly for delay; or that the questions raised therein are too unsubstantial to require consideration; or when an appeal or any other plain, speedy and adequate remedy in the ordinary course of law is available.

**SECTION 15. RECOVERY FROM THE INJUNCTION BOND.** - The amount of damages that may be recovered by the private respondent from the injunction bond of the petitioner shall be ascertained and awarded in the decision/resolution/order finally disposing of the issue on the application for the issuance of an injunction.

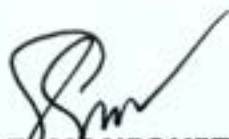
**SECTION 16. PENDENCY OF A MOTION FOR RECONSIDERATION.** - Unless otherwise ordered by the Commission, the execution proceedings, including the release of money collected or credit garnished and the conduct of public auction over levied personal properties, shall continue notwithstanding the pendency of a motion for reconsideration from the decision or resolution of the Commission promulgated under this Rule.

**SECTION 17. NO APPEAL FROM THE ORDER OR RESOLUTION OF THE LABOR ARBITER ARISING FROM EXECUTION PROCEEDINGS OR OTHER INCIDENTS.** - Except by way of a petition filed in accordance with this Rule, no appeal from the order or resolution issued by the Labor Arbiter during the execution proceedings or in relation to incidents other than a decision or disposition of the case on the merits, shall be allowed or acted upon by the Commission.

**SECTION 18. FRIVOLOUS, DILATORY OR MULTIPLE PETITIONS.** - To ensure that the provisions of this Rule are not abused through frivolous, dilatory, and multiple petitions, the Commission may cite in contempt the erring parties and their counsel in accordance with Rule IX hereof.

This Resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Signed this 25th of January 2024, at Quezon City, Metropolitan Manila, the Philippines.



**GRACE E. MANQUIZ-TAN**  
Chairperson



**JULIA CECILY I. COCHING-SOSITO**  
Presiding Commissioner



**VICTOR C. AVECILLA**  
Presiding Commissioner



**GRACE M. VENUS**  
Presiding Commissioner



**JOSEPH GERARD E. MASILOG**  
Presiding Commissioner



**ELBERT C. RESTAURO**  
Presiding Commissioner



**GINA F. CENIT-ESCOTO**  
Commissioner



**MA. MINERVA S. PAEZ-COLLANTES**  
Commissioner



**NICOLAS B. NICOLAS**  
Commissioner



**CHARMALOU DUREZA ALDEVERA**  
Commissioner



**CECILIO ALEJANDRO C. VILLANUEVA**  
Commissioner



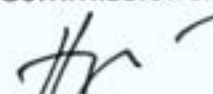
**JOSE C. DEL VALLE, JR.**  
Commissioner



**LEONARD VINZ O. IGNACIO**  
Commissioner



**MARY ANN F. PLATA-DAYTIA**  
Commissioner




**HERNAN G. NICDAO**  
Commissioner



**DOLORES M. PERALTA-BELEY**  
Commissioner



**DONNA C. RAMOS**  
Commissioner



**AGNES ALEXIS A. LUCERO-DE GRANO**  
Commissioner



**NENDELL HANZ L. ABELLA**  
Commissioner




**MARIA JOYCE L. SENO-KHO**  
Commissioner



**SITTIE PHAMY G. CADER-CONDONG**  
Commissioner

*Attested By:*



**MONA LISA M. VARGAS**  
Labor Arbiter  
Acting Executive Clerk of Court IV