

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**PACIFIC MILLS, INC.,
*Petitioner,***

-versus-

**G.R. No. 88864
January 17, 1990**

**NATIONAL LABOR RELATIONS
COMMISSION AND/OR CITY SHERIFF
OF MANILA,**

Respondents.

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D E C I S I O N

GANCAYCO, J.:

The only issue in this Petition is whether the execution of a final judgment of the National Labor Relations Commission (NLRC) may be stayed in view of supervening events.

The facts are undisputed. In the case of Pacific Mills, Inc., vs. National Labor Relations Commission, et al., G.R. No. 79535, on August 3, 1988 this Court dismissed the petition questioning the decision of the NLRC on the ground that petitioner failed to sufficiently show that the NLRC committed a grave abuse of discretion. The entry of judgment having been effected, the NLRC in the process of execution of the said decision of the labor arbiter made

a computation of the award to the private respondents in the amount of P680,037.30 on April 28, 1989. On May 5, 1989 the NLRC issued a partial writ of execution for P655,527.30.

On May 9, 1989 petitioner filed a motion to stay execution reconsideration citing supervening events that affect the computation of the award as follows:

- “1) The computation on separation pay did not consider the length of service of each complainant as borne out from the records;
- 2) The computation did not consider the wage exemptions granted the petitioner-respondent company;
- 3) The computation included payment of awards to a respondent who had already been recalled to active duty, one who was already paid in a case separately filed, and another who was already paid regardless of the result of the case docketed G.R. No. 79535;
- 4) Meanwhile, all the capital assets of the petitioner have already been attached by Philippine Cotton Corp. and/or otherwise foreclosed by the Development Bank of the Philippines in appropriate proceedings.”^[1]

On June 21, 1989 the NLRC did not stay execution of judgment and issued an order for immediate implementation of the partial writ of execution without further delay.

Hence the herein petition wherein it is alleged that the National Labor Relations Commission committed a grave abuse of discretion in issuing the two (2) questioned orders.

There can be no question that the supervening events cited by petitioner would certainly affect the computation of the award in the decision of the NLRC. It is the duty of the NLRC to consider the same and inquire into the correctness of the execution, as such supervening events may affect such execution.^[2]

Of course public respondent alleges that in several conferences had with the petitioner, petitioner did not raise these objections and that the petition is dilatory. Whatever it may be, the fact cannot be denied that such supervening events as the length of service of the private respondents, the wage exemptions granted, and payments already made on the award would certainly affect the computation of the total award under the decision. Thus, a prompt and immediate determination of these objections and a recomputation of the award should be made. A denial of this opportunity to right a clear error in the execution of the judgment constitutes a grave abuse of discretion.

WHEREFORE, the petition is **GRANTED**. The questioned orders of the National Labor Relations Commission dated May 5, 1989 and June 20, 1989 are both set aside. The said Commissioner is directed to immediately give petitioner its day in court to present its evidence on the supervening events that would affect the award and thereafter to immediately recompute the award for private respondents on the basis of the judgment which should be promptly satisfied. No costs.

SO ORDERED.

Narvasa, Cruz, Griño-Aquino and Medialdea, JJ., concur.

[1] Pages 4 to 5, Rollo.

[2] *Abbot vs. National Labor Relations Commission*, 145 SCRA 206 (1986).