

CHANROBLES PUBLISHING COMPANY

SUPREME COURT
THIRD DIVISION

NESTOR V. BLANCO,
Petitioner,

-*versus*-

G.R. No. 147941
March 16, 2005

**PHILIPPINE AUTOMOTIVE
MANUFACTURING. CORP.
(PAMCOR),**
Respondent.

x-----x

**PHILIPPINE AUTOMOTIVE
MANUFACTURING CORP.
(PAMCOR),**
Petitioner,

-*versus*-

G.R. No. 147981
March 16, 2005

NESTOR BLANCO,
Respondent.

x-----x

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Before us are Consolidated Petitions for Review on *Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, filed by both contending parties assailing the Decision^[1] dated November 14, 2000 and the Resolution^[2] dated April 26, 2001 rendered by the Court of Appeals in CA-G.R. SP No. 55323, entitled "*Nestor V. Blanco vs. Philippine Automotive Mfg. Corp. (PAMCOR) and the National Labor Relations Commission.*"

The controversy herein stemmed from a complaint for illegal dismissal filed with the Office of the Labor Arbiter by Nestor V. Blanco against the Philippine Automotive Manufacturing Corporation (PAMCOR), docketed as NLRC Case No. RB-IV-5-3804-91-RI. The Labor Arbiter rendered a Decision dated March 7, 1995 finding that Blanco was illegally dismissed from employment and ordering PAMCOR (1) to reinstate him to his former position and (2) to pay his full backwages of ₱24,398.40 and attorney's fee equivalent to 10% of the monetary awards. The dispositive portion of the Decision reads:

"WHEREFORE, respondent is hereby directed to reinstate complainant to his former position with six (6) months backwages computed at ₱19.55 per hour x 8 hours x 26 working days or a total of ₱24,398.40, plus 10% thereof by way of attorney's fees.

All other claims are dismissed for lack of merit.

SO ORDERED."

On appeal, the National Labor Relations Commission (NLRC) promulgated a Decision dated July 18, 1996 affirming with modification the Arbiter's Decision in the sense that the award of attorney's fee was deleted. PAMCOR filed a motion for reconsideration but was denied.

The NLRC Decision became final and executory. Thus, on May 15, 1997, the Labor Arbiter issued a writ of execution. On June 2, 1997, PAMCOR paid Blanco the monetary award of ₱24,398.40

representing his full backwages and reinstated him to his former position as probationary machinist effective August 1, 1997.

Despite the finality of the NLRC Decision and its due execution, Blanco again filed with the Office of the Labor Arbiter a motion seeking a recomputation of his backwages covering the period from March 7, 1995 (promulgation of the Arbiter's Decision) to August 1, 1997 (his actual reinstatement).

Later, Blanco filed another motion praying for his reinstatement as a regular employee.

On June 23, 1998, the Labor Arbiter issued an Order granting both motions and directing PAMCOR (1) to pay Blanco his backwages of ₱99,995.04 and (2) to reinstate him as a regular machinist.

From this Order, PAMCOR interposed an appeal to the NLRC, docketed as NLRC CA No. 008740-95. On June 17, 1999, the NLRC promulgated a Decision reversing the Arbiter's assailed Order. Blanco then filed a motion for reconsideration but was denied, prompting him to file with the Court of Appeals a petition for *certiorari*.

On November 14, 2000, the Court of Appeals promulgated a Decision dismissing Blanco's petition. The Appellate Court ratiocinated as follows:

"Anent the second assigned error, it is petitioner's theory that he should be considered as a regular employee since he had already worked for more than one (1) year. Records show that other than the three (3) contracts he executed with private respondent for his employment as a contractual employee, no other evidence was presented by petitioner to prove that he had worked continuously for private respondent from 3 May 1989 to 3 May 1990. The evidence he presented reveals that he worked as a contractual employee for three (3) months and as a probationary employee for a little over three (3) months. Hence, Article 281 of the Labor Code of the Philippines, as amended, controls as the period of his employment as a

contractual employee cannot be tacked to the period petitioner had been employed as a probationary employee.

As to the third assignment of error, suffice it to state that the 7 March Decision of Executive Labor Arbiter Aglibut has long become final and executory. Thus, the third assigned error has become moot and academic; and also because of petitioner's receipt of backwages in the amount of ₱24,398.40 on 2 June 1997.

WHEREFORE, for being moot and academic, the petition is DISMISSED; and that the respondent Commission's Decision dated 17 June 1999 and its 29 July 1999 Resolution are hereby declared NULL and VOID for lack of jurisdiction.

SO ORDERED."

Both parties filed their motions for reconsideration but were denied by the Court of Appeals in a Resolution dated April 26, 2001.

Consequently, Blanco filed a petition for review on *certiorari* with this Court, docketed as G.R. No. 147941. He contends that the Court of Appeals seriously erred (1) in not considering his employment status as regular and (2) in denying his claim for additional backwages of ₱99,995.04.

For its part, PAMCOR also filed a petition for review on *certiorari* with this Court, docketed as G.R. No. 147981, contending that the Court of Appeals erred in nullifying the NLRC's second assailed Decision.

Both petitions lack merit.

In *King Integrated Security Services, Inc. vs. Gatan*,^[3] we held:

"The judgment in this case had long become final and had in fact, been executed. It is now beyond the power of the lower court, or of this Court for that matter, to modify the same. Settled is the rule that after a judgment has become final, no additions can be made thereto, and nothing can be done

therewith except its execution; otherwise, there would be no end to litigations, thus setting at naught the main role of courts of justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order, by setting justiciable controversies with finality.”

Here, the NLRC Decision dated July 18, 1996 ordering PAMCOR (1) to reinstate Blanco to his former position and (2) to pay his full backwages amounting to ₱24,398.40 has attained finality. Such a definitive judgment is no longer subject to change, revision, amendment or reversal.^[4] In fact, on May 15, 1997, the Labor Arbiter issued a writ of execution and on June 2, 1997, PAMCOR paid Blanco the above monetary award and reinstated him to his former position as probationary machinist effective August 1, 1997. Clearly, the NLRC has lost jurisdiction over the case.

Yet, the Labor Arbiter, in its assailed Order dated June 23, 1998, still directed PAMCOR (1) to pay Blanco his backwages of ₱99,995.04 and (2) to reinstate him as a regular machinist. The Labor Arbiter thus modified what should have been otherwise an immutable and unalterable Decision. Obviously, the Labor Arbiter overstepped his jurisdiction.

WHEREFORE, both petitions are **DENIED**. The assailed Decision dated November 14, 2000 and the Resolution dated April 26, 2001 of the Court of Appeals in CA-G.R. SP No. 55323 are hereby **AFFIRMED**. Costs against both petitioners.

SO ORDERED.

PANGANIBAN, J., (Chairman), CORONA, CARPIO-MORALES, and GARCIA, JJ., concur.

[1] Penned by Justice Andres B. Reyes, Jr., and concurred in by then Presiding Justice Cancio C. Garcia (now Justice of this Court), and Presiding Justice Romeo A. Brawner, Annex “A”, Petition, Rollo at 29-41.

[2] Annex “D”, id. at 60.

[3] G.R. No. 143813, July 7, 2003, 405 SCRA 376, 378-379, citing Fabular vs. Court of Appeals, 119 SCRA 329 (1982).

[4] Times Transit Credit Coop., Inc. vs. NLRC, G.R. No. 117105, March 2, 1999, 304 SCRA 11, cited in Alviado et al. vs. MJG General Merchandise, G.R. No. 129702, September 8, 2003 at 6.

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