

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
THIRD DIVISION**

**INDUSTRIAL AND TRANSPORT
EQUIPMENT, INC. and/or ANTONIO
JARINA,**

Petitioners,

-versus-

**G.R. No. 113592
January 15, 1998**

**NATIONAL LABOR RELATIONS
COMMISSION and LEOPOLDO
MEDRANO,**

Respondents.

X-----X

DECISION

ROMERO, J.:

Petitioner Industrial and Transport Equipment Inc. (INTECO) seeks to set aside the decision of the National Labor Relations Commission dated February 23, 1993, affirming the order of the labor arbiter declaring petitioner guilty of indirect contempt and ordering it to reinstate private respondent to his former position with backwages from July 11, 1991 up to his actual reinstatement, and its resolution denying petitioner's motion for reconsideration.

Respondent Leopoldo Medrano was employed as a mechanic by INTECO from November 1974 up to his dismissal in July 1990. On May 31, 1990, he was granted an indefinite leave of absence, during which period he was able to secure a temporary job at Porac, Pampanga as a mechanic. When he reported for work on June 18, 1990, a supervisor confronted him for having worked in another firm. Consequently, he was asked to resign. On July 2, 1990, respondent was not allowed to enter the company's premises allegedly because his services had already been terminated.

In a complaint for illegal dismissal against INTECO, Labor Arbiter Felipe T. Garduque II rendered a decision dated March 27, 1991, the dispositive portion of which reads thus:

“WHEREFORE, premises considered, respondents INDUSTRIAL AND TRANSPORT EQUIPMENT INCORPORATED and/or ANTONIO JARINA are hereby ordered to reinstate within ten (10) days from receipt hereof herein complainant Leopoldo C. Medrano to his former position without backwages, and to pay him his proportionate 13th month pay for 1990 in the amount of P1,300.00.

Complainant's claim for damages including attorney's fee is hereby denied for lack of merit.” (Emphasis supplied)

The decision became final and executory upon failure of petitioner to file an appeal within the reglementary period. Consequently, respondent filed on May 3, 1991, a motion for the issuance of a writ of execution, which was accordingly granted.

On August 1, 1991, the proportionate 13th month pay was fully settled. The aspect of reinstatement, however, remained unsatisfied in view of the alleged refusal of petitioner to comply with the said order. Accordingly, respondent filed on November 11, 1991, a motion to cite petitioner for indirect contempt and for payment of backwages.

On April 20, 1992, Labor Arbiter Garduque issued an order finding petitioner guilty of indirect contempt with a fine of P100.00, and likewise directed the reinstatement of respondent with backwages from July 11, 1991, up to his actual reinstatement. On appeal, said

order was affirmed in toto by the NLRC on February 23, 1993. Hence, this petition.

The petition must be dismissed.

Section 2, Rule X of the New Rules of Procedure of the NLRC provides that the Commission or any labor arbiter may cite any person for indirect contempt upon grounds and in the manner prescribed under Section 3(b), Rule 71 of the 1997 Rules of Civil Procedure.

Section 3(b), Rule 71 provides:

“Section 3. Indirect contempt to be punished after charge and hearing. —

a) x x x

b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court.”

Contempt is defined as a disobedience to the Court by setting up an opposition to its authority, justice and dignity. It signifies not only a willful disregard or disobedience of the court's orders but such conduct as tends to bring the authority of the court and the administration of law into disrepute or in some manner to impede the due administration of justice. There is no question that disobedience or resistance to a lawful writ, process, order, judgment or command of a court or injunction granted by a court or judge constitutes indirect contempt punishable under Rule 71 of the Rules of Court.^[1]

Petitioner argues that it could not be held guilty of indirect contempt as it had faithfully complied with the order when it reinstated Medrano to his former position on April 15, 1991. Respondent allegedly abandoned his work after initially reporting on April 15 and 16, 1991.

It must be noted that petitioner received a copy of the labor arbiter's decision only on April 18, 1991. It is, therefore, clear that Medrano could not have been reinstated prior to said date as claimed by

petitioner. The Solicitor General, in his comment, explained clearly the implausibility of petitioner's assertion. Thus:

“If Medrano was actually reinstated on April 15 and 16, 1991, it would be absurd for him to simply walk away from his job unmindful of the consequences of his act and considering the sacrifices he had made to retrieve his post. It should be pointed out that as early as May 3, 1991, private respondent filed a Motion for Execution in respect of the Labor Arbiter's Decision which became final and executory on April 28, 1991. His act of seeking the execution of the decision ordering his reinstatement is absolutely incompatible with an intention to abandon his job.”^[2]

Notably, the March 27, 1991 decision of the labor arbiter, while ordering the reinstatement of respondent, excluded the award of backwages. On this point, we rule that the labor arbiter erred in omitting such award. The law provides that an illegally dismissed employee is “entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement.”^[3] Having become final and executory, however, we are constrained to uphold this decision, albeit deficient, for failure of the respondent himself to question the inadequacy of the remedy due him.

In *Asuncion vs. NLRC*,^[4] the Court ruled that perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional and failure to do so renders the questioned decision final and executory as to deprive the appellate court of jurisdiction to alter the final judgment, much less to entertain the appeal. In the recently decided case of *Aboitiz Shipping Employees Association vs. Trajano*,^[5] it was pointed out therein that, except for correction of clerical errors or the making of *nunc pro tunc* entries which cause no prejudice to any party or where the judgment is void, after the judgment has become final and executory, the same can neither be amended nor altered even if the purpose is to correct a perceived conclusion of fact or of law. This is true regardless of whether the modification is to be made by the magistrate that

rendered the judgment, or by the appellate magistrate that reviewed the same. Indeed, all litigation must come to an end however unjust the result of error may appear. Otherwise, litigation would even be more intolerable than the wrong or injustice it is designed to correct. *(Emphasis supplied)*

WHEREFORE, in view of the foregoing, the instant petition is **DISMISSED** and the February 23, 1993 decision of respondent National Labor Relations Commission is **AFFIRMED** with the modification that the award of backwages be **DELETED**. Costs against petitioner.

SO ORDERED.

Narvasa, C.J., Melo, Francisco, JJ., concur.
Panganiban, J., took no part. Former counsel of a party.

[1] Abad vs. Somera, 187 SCRA 75 (1990).

[2] Rollo, p. 77.

[3] Article 279 of the Labor Code, as amended.

[4] G.R. No. 109311, June 17, 1997.

[5] G.R. No. 112955, September 1, 1997.