

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
THIRD DIVISION**

**KING INTEGRATED SECURITY  
SERVICES, INC., and/or MINA KING,  
*Petitioners,***

***-versus-***

**G.R. No. 143813  
July 7, 2003**

**GALO S. GATAN,  
*Respondent.***

X-----X

**DECISION**

**SANDOVAL-GUTIERREZ, J.:**

For Resolution is a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision<sup>[1]</sup> dated November 26, 1999 and the Resolution<sup>[2]</sup> dated June 26, 2000 rendered by the Court of Appeals in CA-G.R. SP No. 53985.

Galo S. Gatan, respondent, filed with the Labor Arbiter a complaint for illegal deduction and underpayment of wages against King Integrated Security Services, Inc. and/or Mina King, petitioners, docketed as NLRC-NCR Case No. 04-0264295.

Eventually, the Labor Arbiter rendered a Decision, the dispositive portion of which reads:

“WHEREFORE, respondent is hereby ordered to pay complainant herein his wage differential in the total amount of ONE HUNDRED EIGHTY-FOUR THOUSAND SEVEN HUNDRED EIGHTY and 30/100 (P184,780.30) PESOS.

“SO ORDERED.”

On appeal, the National Labor Relations Commission (NLRC) issued a Resolution modifying the Labor Arbiter’s Decision by deleting the amount representing respondent’s wage differential for the period from November 2, 1990 to February 10, 1992, pursuant to Article 291 of the Labor Code which provides that all money claims arising from employer-employee relations shall be filed within three (3) years from the time the cause of action accrued, otherwise, they shall be forever barred.

The NLRC Resolution, having become final and executory, the Labor Arbiter issued an order directing the issuance of a writ of execution. From this order, petitioners interposed an appeal to the NLRC, but it was dismissed in a Resolution<sup>[3]</sup> dated February 26, 1999. Their motion for reconsideration was denied in a Resolution<sup>[4]</sup> dated April 26, 1999.

Forthwith, petitioners filed with the Court of Appeals a petition for certiorari, docketed as CA-G.R. SP No. 53985, assailing the NLRC Resolution dismissing their appeal.

In a Decision dated November 26, 1999, the Court of Appeals dismissed the petition and affirmed with modification the Resolutions of the NLRC, thus:

“WHEREFORE, the petition is DISMISSED and the assailed resolutions are AFFIRMED except as to the monetary award covering the period from February 11, 1992 to April 9, 1992, which shall be deducted from the computation made by the Research and Information Unit of the National Labor Relations Commission.

“SO ORDERED.”

Petitioners filed a motion for partial reconsideration but it was denied for lack of merit in a Resolution dated June 26, 2000.

Petitioners alleged in the instant petition that the Court of Appeals erred: a) in disregarding their documentary evidence showing that respondent received in full his monthly salary; and, b) in failing to consider his admission that his monthly salary rates effective December 16, 1993 and April 1, 1994 were P5,029.16 and P5,397.97, respectively.

The petition lacks merit. We have ruled that an order of execution of a final and executory judgment is not appealable, otherwise, there would be no end to a case.<sup>[5]</sup>

In *Fabular vs. Court of Appeals*,<sup>[6]</sup> 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 justiceable controversies with finality.”

Yet, despite the fact that what is being assailed is the NLRC Resolution ordering the issuance of a writ of execution, still the Court of Appeals gave due course to the petition for certiorari and evaluated the parties' evidence. Clearly, the Court of Appeals overstepped its jurisdiction.

Once a decision or resolution becomes final and executory, it is the ministerial duty of the court or tribunal to order its execution. Such order, we repeat, is not appealable.

**WHEREFORE**, the petition is **DENIED**. The assailed Decision dated November 26, 1999 and Resolution dated June 26, 2000 of the Court of Appeals in CA-G.R. SP No. 53985 are **SET ASIDE**.

Costs against petitioners.

**SO ORDERED.**

**Puno, Panganiban, Corona and Carpio-Morales, JJ.,  
concur.**

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[1] Rollo at 107–109.

[2] Id. at 111.

[3] Id. at 133–135.

[4] Id. at 142.

[5] Baluyot vs. Guiao, G.R. No. 136294, September 28, 1999, 315 SCRA 396.

[6] G.R. No. L-52118, December 15, 1982, 119 SCRA 329.