



Republic of the Philippines  
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eFOI

**1.) NATURE OF CASES**

- Money Claims
- Unfair Labor Practice
- Illegal Dismissal

**2.) RECEIVED CASES**

Year	Received Cases
2012	30,107
2013	30,021
2014	30,397
2015	29,774
2016	30,335
2017	34,168
2018	39,160
2019	41,115
2020	20,108
2021	27,037

**3.) RULES OF PROCEDURE – APPEAL**

**RULE VI**

**APPEALS**

**SECTION 1. PERIODS OF APPEAL.** – Decisions, awards, or orders of the Labor Arbiter shall be final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt thereof; and in case of decisions or resolutions of the Regional Director of the Department of Labor and Employment (DOLE) pursuant to Article 129 of the Labor Code, as amended, within five (5) calendar days from receipt thereof. If the 10th or 5th day, as the case may be, falls on a Saturday, Sunday or holiday, the last day to perfect the appeal shall be the first working day following such Saturday, Sunday or holiday.

No motion or request for extension of the period within which to perfect an appeal shall be allowed. **(1a)**

**SECTION 2. GROUNDS.** – The appeal may be entertained 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 or Regional Director;

(b) If the decision, award or order was secured through fraud or coercion, including graft and corruption;





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involves a monetary award, an appeal by the employer may be perfected only upon the posting of a bond, which shall either be in the form of cash deposit or surety bond in an amount equivalent to the monetary award, exclusive of damages and attorney's fees.

In case of surety bond, the same shall be issued by a reputable bonding company duly accredited by the Commission, and shall be accompanied by original or certified true copies of the following:

(a) a joint declaration under oath by the employer, his/her counsel, and the bonding company, attesting that the bond posted is genuine, and shall be effective until final disposition of the case;

(b) an indemnity agreement between the employer-appellant and bonding company; [SEP]

(c) proof of security deposit or collateral securing the bond: *provided*, that a check shall not be considered as an [SEP] acceptable security; and, [SEP]

(d) notarized board resolution or secretary's certificate from the bonding company showing its authorized [SEP] signatories and their specimen signatures. [SEP]

The Commission through the Chairman may on justifiable grounds blacklist an accredited bonding company.

A cash or surety bond shall be valid and effective from the date of deposit or posting, until the case is finally decided, resolved or terminated, or the award satisfied. The bond shall still be liable even if the appeal is dismissed for non-perfection or for whatever ground. These conditions shall be deemed incorporated in the terms and conditions of the surety bond, and shall be binding on the appellants and the bonding company.

The appellant shall furnish the appellee with a certified true copy of the said surety bond with all the above-mentioned supporting documents. The appellee shall verify the regularity and genuineness thereof and immediately report any irregularity to the Commission.

Upon verification by the Commission that the bond is irregular or not genuine, the Commission shall cause the immediate dismissal of the appeal, and censure the responsible parties and their counsels, or subject them to reasonable fine or penalty, and the bonding company may be blacklisted.

No motion to reduce bond shall be entertained except on meritorious grounds, and only upon the posting of a bond in a reasonable amount in relation to the monetary award.

The mere filing of a motion to reduce bond without complying with the requisites in the preceding paragraphs shall not stop the running of the period to perfect an appeal. **(6a) (As**



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**amended by En Banc Resolution No. 14-15, Series of 2015; En Banc Resolution No. 06-18, Series of 2018)**

**SECTION 7. RECORDS OF CASE ON APPEAL.** – The records of a case shall have a corresponding index of its contents which shall include the following: (a) the original copy of the complaint; (b) other pleadings and motions; (c) minutes of the proceedings, notices, transcripts of stenographic notes, if any; (d) decisions, orders, and resolutions as well as proof of service thereof, if available; (e) the computation of the award; (f) memorandum of appeal and the reply or answer thereto, if any, and proof of service, if available; (g) official receipt of the appeal fee; and (h) the appeal bond, if any.

The records shall be chronologically arranged and paged prominently.

**SECTION 8. TRANSMITTAL OF RECORDS OF CASE ON APPEAL.** – Within forty-eight (48) hours from receipt of the answer/reply or opposition to the appeal, or upon the lapse of the period within which to file the same, the entire records of the case shall be transmitted by the Regional Arbitration Branch or office of origin to the Commission. **(As amended by En Banc Resolution No. 06-18, Series of 2018)**

**SECTION 9. FILING OF APPEAL; EFFECT.** – Without prejudice to immediate reinstatement pending appeal under Section 3 of Rule XI, once an appeal is filed, the Labor Arbiter loses jurisdiction over the case. All pleadings and motions pertaining to the appealed case shall thereafter be addressed to and filed with the Commission. **(9a)**

**SECTION 10. FRIVOLOUS OR DILATORY APPEALS.** – No appeal from an interlocutory order shall be entertained. To discourage frivolous or dilatory appeals, including those taken from interlocutory orders, the Commission after hearing may censure or cite in contempt the erring parties and their counsels, or subject them to reasonable fine or penalty. **(10a)**

**SECTION 11. APPEALS FROM DECISION OF OTHER AGENCIES.** – The Rules provided herein governing appeals from the decisions or orders of Labor Arbiters shall apply to appeals to the Commission from decisions or orders of the other offices or agencies appealable to the Commission according to law.

## RULE VII

### PROCEEDINGS BEFORE THE COMMISSION

**SECTION 1. JURISDICTION OF THE COMMISSION.** – The Commission shall exercise exclusive, original, and appellate jurisdiction in accordance with law.

**SECTION 2. COMPOSITION AND INTERNAL FUNCTIONS OF THE COMMISSION EN BANC AND ITS DIVISIONS.** – (a) Composition. – Unless otherwise provided by law, the



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Commission shall be composed of the Chairman and of twenty-three (23) Commissioners.

(b) Commission *En Banc*. – The Commission shall sit *En Banc* only for purposes of promulgating rules and regulations governing the hearing and disposition of cases before its Divisions and Regional Arbitration Branches, and for the formulation of policies affecting its administration and operations. It may, on temporary or emergency basis, allow cases within the jurisdiction of any Division to be heard by any other Division whose docket allows the additional workload and such transfer will not expose litigants to unnecessary additional expense.

(c) Divisions. – Unless otherwise provided by law, the Commission shall exercise its adjudicatory and all other powers, functions and duties through its eight (8) Divisions. Each Division shall consist of one member from the public sector who shall act as the Presiding Commissioner and one member each from the workers and employers sectors, respectively.

Of the eight (8) Divisions, the First, Second, Third, Fourth, Fifth and Sixth Divisions shall have exclusive territorial jurisdiction over appealed cases coming from Luzon; the Seventh Division, appealed cases from the Visayas Region; and the Eighth Division, appealed cases from Mindanao including those from the Autonomous Region for Muslim Mindanao.

(d) Headquarters. – As provided by law, the Commission and its First, Second, Third, Fourth, Fifth and Sixth Divisions for Luzon shall have their main offices in the National Capital Region, and the Seventh and Eighth Divisions for Visayas and Mindanao, in the cities of Cebu and Cagayan de Oro, respectively. **(2a)**

**SECTION 3. THE CHAIRMAN.** – The Chairman shall preside over all sessions of the Commission *En Banc*. He/she is the Presiding Commissioner of the First Division. In case of the effective absence or incapacity of the Chairman, the Presiding Commissioner of the Second Division shall be the Acting Chairman.

The Chairman, aided by the Executive Clerk of the Commission, shall have administrative supervision over the Commission and its Regional Arbitration Branches and all its personnel including the Executive Labor Arbiters and Labor Arbiters.

**SECTION 4. COMMISSION EN BANC SESSION, QUORUM AND VOTE.** – (a) Commission *En Banc*. – The Chairman shall call the Commission to an *En Banc* session at least twice a year, preferably on the first week of June and the first week of December, to deliberate and decide on any matter before it. However, a majority of all the members of the Commission may call a Special *En Banc* session to discuss and decide on urgent and vital matters which need immediate action.

(b) Quorum. – The presence of a majority of all the members of the Commission shall be necessary to constitute a quorum. The vote or concurrence of the majority of the members constituting a quorum shall be the decision or resolution of the Commission *En Banc*.

(c) Division. – The presence of at least two (2) Commissioners of a Division shall  
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constitute a quorum. The concurrence of two (2) Commissioners of a Division shall be necessary for the pronouncement of a judgment or resolution.

Whenever the required membership in a Division is not complete and/or the concurrence of two (2) Commissioners cannot be obtained to arrive at a judgment or resolution, the Chairman shall designate such number of additional Commissioners belonging to the same sector from the other Divisions as may be necessary. In the event that all the members of a division inhibit themselves from resolving a case, the Chairman may create a Special Division or assign the case to any of the other Divisions.

(d) Role of Chairman in the Division. – The Chairman of the Commission may convene and preside over the session of any Division to consider any case pending before it and participate in its deliberations, if in his/her judgment, his/her presence therein will best serve the interests of labor justice. He/she shall not however, participate in the voting by the Division, except when he/she is acting as Presiding Commissioner of the Division in the absence of the regular Presiding Commissioner. **(4a)**

**SECTION 5. CONSULTATION.** – The conclusions of a Division on any case or matter submitted to it for decision shall be reached in consultation before the case is assigned to a member for the writing of the opinion. It shall be mandatory for the Division to meet for the purpose of the consultation ordained herein.

A certification to this effect signed by the Presiding Commissioner of the Division shall be issued and a copy thereof attached to the record of the case and served upon the parties.

**SECTION 6. DISSENTING OPINION.** – Should any member of a Division indicate his/her intention to write a dissenting opinion, he/she may file the same within the period prescribed for deciding or resolving the appeal; otherwise, such written dissenting opinion shall not be considered part of the records of the case.

**SECTION 7. INHIBITION.** – No motion to inhibit the entire Division of the Commission shall be entertained. However, any Commissioner may inhibit himself/herself from the consideration and resolution of any case or matter before the Division and shall so state in writing the legal or justifiable grounds therefor. In the event that a member inhibits himself/herself, the case shall be raffled by the Executive Clerk or Deputy Executive Clerk to either of the two (2) remaining Commissioners. In case two (2) Commissioners in a Division inhibit themselves in a case or matter before it, the Chairman shall, as far as practicable, designate two (2) Commissioners from other Divisions representing the respective sector of the Commissioners who inhibited themselves. **(As amended by En Banc Resolution No. 05-14, Series of 2014)**

**SECTION 8. ABSTENTION.** – In the event of an abstention, and the concurrence of two (2) Commissioners to arrive at a judgment or resolution cannot be obtained, Section 4 (c), second paragraph, of this Rule shall apply.

**SECTION 9. CONSOLIDATION OF CASES.** – Appealed and injunction cases involving



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the same parties, issues, or related questions of fact or law shall be consolidated before the Commissioner to whom the case with the lowest case number is assigned. Notice of the consolidation shall be given by the Executive Clerk or Deputy Executive Clerk to the other members of the concerned Divisions.

**SECTION 10. TECHNICAL RULES NOT BINDING.** – The rules of procedure and evidence prevailing in courts of law and equity shall not be controlling and the Commission shall use every and all reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law or procedure, all in the interest of due process.

In any proceeding before the Commission, the parties may be represented by legal counsel but it shall be the duty of the Chairman, any Presiding Commissioner or Commissioner to exercise complete control of the proceedings at all stages.

**SECTION 11. CONCILIATION AND MEDIATION.** – In the exercise of its exclusive, original and appellate jurisdiction, the Commission may exert all efforts towards the amicable settlement of a labor dispute.

The settlement of cases on appeal, to be valid and binding between the parties, shall be approved by the Commission. **(11a)**

**SECTION 12. ROLE OF THE LABOR ARBITER AND COMMISSION ATTORNEYS ASSIGNED TO THE COMMISSION.** – In the resolution of cases on appeal, and those mentioned in Rules VIII and X, the Commission, in the exigency of the service, shall be assisted by a Labor Arbiter or Commission Attorney who may be directed to study, review, conduct conciliation and mediation proceedings, hear and receive evidence, and submit reports thereon. **(12a) (As amended by En Banc Resolution No. 01-13, Series of 2013)**

**SECTION 13. FORM OF DECISION, RESOLUTION AND ORDER.** – The decision, resolution and order of the Commission shall state clearly and distinctly the findings of facts, issues, and conclusions of law on which it is based, and the relief granted, if any. If the decision, resolution or order involves monetary awards, the same shall contain the specific amount awarded as of the date the decision is rendered.

**SECTION 14. FINALITY OF DECISION OF THE COMMISSION AND ENTRY OF JUDGMENT.** – (a) Finality of the Decisions, Resolutions or Orders of the Commission. – Except as provided in Section 9 of Rule X, the decisions, resolutions or orders of the Commission shall become final and executory after ten (10) calendar days from receipt thereof by the counsel or authorized representative or the parties if not assisted by counsel or representative.

(b) Entry of Judgment. – Upon the expiration of the ten (10) calendar day period provided in paragraph (a) of this Section, the decision, resolution, or order shall be entered in a book of entries of judgment.

In the absence of return cards, certifications from the post office or the courier authorized  
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by the Commission or other proofs of service to the parties, the Executive Clerk or Deputy Executive Clerk shall consider the decision, resolution or order as final and executory after sixty (60) calendar days from date of mailing. **(14a) (As amended by En Banc Resolution No. 05-14, Series of 2014)**

**SECTION 15. MOTIONS FOR RECONSIDERATION.** – Motion for reconsideration of any decision, resolution or order of the Commission shall not be entertained except when based on palpable or patent errors; *provided that*, the motion is filed within ten (10) calendar days from receipt of decision, resolution or order, with proof of service that a copy of the same has been furnished, within the reglementary period, the adverse party; and *provided further*, that only one such motion from the same party shall be entertained. **(15a)**

## **RULE VIII**

### **CERTIFIED CASES**

**SECTION 1. POLICY.** – It is the declared policy of certification of labor disputes for compulsory arbitration to ensure and maintain industrial peace based on social justice and national interest by having a full, complete and immediate settlement or adjudication of all labor disputes between the parties, as well as issues that are relevant to or incidents of the certified issues.

**SECTION 2. CERTIFIED LABOR DISPUTES.** – Certified labor disputes are cases certified to the Commission for compulsory arbitration under Article 263 (now 278) (g) of the Labor Code, as amended.

**SECTION 3. EFFECTS OF CERTIFICATION.** – (a) Upon certification, the intended or impending strike or lockout is automatically enjoined, notwithstanding the filing of any motion for reconsideration of the certification order nor the non-resolution of any such motion which may have been duly submitted to the Office of the Secretary of Labor and Employment. If a work stoppage has already taken place at the time of the certification, all striking or locked out employees shall immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout.

(b) All cases between the same parties, except where the certification order specifies otherwise the issues submitted for arbitration which are already filed or may be filed, and are relevant to or are proper incidents of the certified case, shall be considered subsumed or absorbed by the certified case, and shall be decided by the appropriate Division of the Commission.

Subject to the second paragraph of Section 4 of Rule IV, the parties to a certified case, under pain of contempt, shall inform their counsels and the Division concerned of all cases pending with the Regional Arbitration Branches and the Voluntary Arbitrators relative or incident to the certified case before it.





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(c) Whenever a certified labor dispute involves a business entity with several workplaces located in different regions, the Division having territorial jurisdiction over the principal office of the company shall acquire jurisdiction to decide such labor dispute; unless the certification order provides otherwise.

**SECTION 4. EFFECTS OF DEFIANCE.** – Non-compliance with the certification order of the Secretary of Labor and Employment shall be considered as an illegal act committed in the course of the strike or lockout, and shall authorize the Commission to enforce the same under pain of immediate disciplinary action, including dismissal or loss of employment status or payment by the locking-out employer of backwages, damages and/or other affirmative relief, even criminal prosecution against the liable parties.

The Commission may also seek the assistance of law enforcement agencies to ensure compliance and enforcement of its orders and resolutions.

**SECTION 5. PROCEDURE IN CERTIFIED CASES.** – (a) When there is no need to conduct a clarificatory hearing, the Commission shall resolve all certified cases within thirty (30) calendar days from receipt by the assigned Commissioner of the complete records, which shall include the position papers of the parties and the order of the Secretary of Labor and Employment denying the motion for reconsideration of the certification order, if any.

(b) Where a clarificatory hearing is needed, the Commission shall, within five (5) calendar days from receipt of the records, issue a notice to be served on the parties through the fastest means available, requiring them to appear and submit additional evidence, if any. All certified cases shall be resolved by the Commission within sixty (60) calendar days from receipt of the complete records by the assigned Commissioner.

(c) No motion for extension or postponement shall be entertained. **(5a)**

**SECTION 6. EXECUTION OF JUDGMENT IN CERTIFIED CASES.** – Upon issuance of the entry of judgment, the Commission, *motu proprio* or upon motion by the proper party, may cause the execution of the judgment in the certified cases.

## RULE IX

### CONTEMPT

**SEC. 1. Direct Contempt.** – Any person may be summarily adjudged guilty of direct contempt for any disrespectful act or misbehavior committed near, or in the presence of, the Chairman, any member of the Commission or any Labor Arbiter, as to obstruct or interrupt the proceedings before the same, such as but not limited to the following:

- a) Use of intemperate language during the proceedings before said officials;
- b) Offensive acts committed towards the said officials;
- c) Refusal to be sworn or to answer as a witness;
- d) Refusal to subscribe an affidavit or a deposition when lawfully required to do so;
- e) Refusal to sign, without any justifiable reason, the minutes of the proceedings even if



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- f) present or has participated in the discussion/deliberation; and
- f) Other analogous circumstances.

A. *Punishment for direct contempt.* – A person cited for Direct Contempt may be penalized with either a fine, imprisonment, or both.

If the offense is committed against the Commission or any member thereof, the fine shall not exceed Five Hundred Pesos (Php500.00) and the imprisonment shall not exceed five (5) days. If the offense is committed against a Labor Arbiter, the fine shall not exceed One Hundred Pesos (Php100.00) and the imprisonment shall not exceed one (1) day.

Where fine is imposed, the Order of Contempt shall immediately be issued. If the person adjudged guilty of direct contempt refuses to pay the fine, s/he shall be subjected to subsidiary imprisonment of one (1) day for every One Hundred Pesos (P100.00) fine.

Where imprisonment is imposed, the Chairman, the Commissioner or the Labor Arbiter, may deputize any security personnel of the NLRC to hold the guilty person or, when necessary, secure police assistance. The Commitment Order and the Order of Contempt shall be immediately issued. Thereafter, the guilty person shall be brought to the nearest police station and be detained therein for a period specified in the Order of Contempt.

In both cases, the Order of Contempt shall contain the name and address of the respondent, facts constituting the contemptuous acts and penalty imposed.

B. *Remedy.* – The person adjudged in direct contempt by a Labor Arbiter may appeal to the Commission by filing a Memorandum of Appeal within five (5) calendar days from date of order. The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the appeal fee of Five Hundred Pesos (P500.00). The execution of the judgment shall be suspended pending the resolution of the appeal upon the filing by such person of a bond of Five Hundred Pesos (P500.00), on the condition that he will abide by and perform the judgment of the Commission should the appeal be decided against him.

Judgment of the Commission on direct contempt is immediately executory and unappealable. **(As amended by En Banc Resolution No. 14-17, Series of 2017)**

**SEC. 2. Indirect Contempt.** – Any person adjudged guilty of any of the following acts may be punished for indirect contempt:

- a) Misbehavior of any NLRC officer or employee in the performance of his/her official duties or in his/her official transaction;
- b) Disobedience of, or resistance to, a lawful writ, order or decision issued by the Commission or Labor Arbiter and other processes issued pursuant to said writ, order or decision;



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- c) Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt;
- d) Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice;
- e) Assuming to be an attorney or a representative of party without authority;
- f) Failure to obey a subpoena duly served;
- g) Use of derogatory, offensive, malicious or false statements in pleadings submitted before the Commission or its Regional Arbitration Branches where the proceedings are pending;
- h) Making any public, baseless and malicious statements tending to undermine the administration of justice against the Commission, any member thereof or any Labor Arbiter, by any party or counsel who has a case, pending or otherwise, before the officials concerned; and
- i) Other grounds analogous to the foregoing.

A. *How proceedings commenced.* – The Commission or any Labor Arbiter may, *motu proprio* or upon motion of a party, issue an Order directing the respondent to show cause why s/he should not be punished for committing acts constituting Indirect Contempt, in connection with or in relation to a pending case.

Otherwise, an action for indirect contempt may only be commenced through a verified petition.

The respondent may file her/his verified Answer/Comment within ten (10) calendar days from receipt of the Show Cause Order.

B. *Period to Resolve.* – The motion or petition, as the case may be, shall be resolved within a non-extendible period of fifteen (15) calendar days from receipt of the Verified Answer/Comment or upon the lapse of the period to submit the same.

C. *Punishment for Indirect Contempt.* – The person adjudged guilty of indirect contempt may be punished:

- i. By a fine of One Thousand Pesos (P1,000.00) for every act of indirect contempt, if committed against the Commission or any member thereof; or,
- ii. By a fine of Five Hundred Pesos (P500.00) for every act of indirect contempt, if committed against any Labor Arbiter.
- iii. If the contempt consists of violation of an injunction or an omission to do an act which is within the power of the respondent to perform, the respondent shall, in addition, be made liable for damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.
- iv. In the event that the contemptuous act constitutes a series of acts or a continued refusal/defiance to a lawful order, writ or decision, the fine shall be imposed for every contemptuous act or per day of continued refusal/defiance.

D. A writ of execution may be issued to enforce the decision imposing such fine and/or the consequent damages as punishment for indirect contempt.

E. *Remedy.*



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- i. Appeal from the Order of the Labor Arbiter. – The person adjudged guilty of indirect contempt may appeal the Order issued by the Labor Arbiter to the Commission by filing a Memorandum of Appeal within five (5) calendar days from receipt thereof. The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the appeal fee of Five Hundred Pesos (P500.00).
- ii. Effect of Filing of the Appeal. – The filing of the appeal shall not suspend the execution of the Order of indirect contempt, unless a cash bond is posted in the amount equivalent to the fine.

The fine collected shall be deposited in a Trust Fund account specifically created for this purpose. *(As amended by En Banc Resolution No. 14-17, Series of 2017)*

**RULE X**  
**INJUNCTION**

**SECTION 1. INJUNCTION IN ORDINARY LABOR DISPUTES.** – A preliminary injunction or restraining order may be granted by the Commission through its Divisions pursuant to the provisions of paragraph (e) of Article 218 (now 225) of the Labor Code, as amended, when it is established on the basis of the sworn allegations in the petition that the acts complained of involving or arising from any labor dispute before the Commission, which, if not restrained or performed forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party.

A certification of non-forum shopping shall accompany the petition for injunction.

The writ of preliminary injunction or temporary restraining order shall become effective only upon posting of the required cash bond in the amount to be determined by the Commission to answer for any damage that may be suffered by the party enjoined, if it is finally determined that the petitioner is not entitled thereto.

**SECTION 2. INJUNCTION IN STRIKES OR LOCKOUTS.** – A preliminary or permanent injunction may be granted by the Commission only after hearing the testimony of witnesses and with opportunity for cross-examination in support of the allegations of the complaint or petition made under oath, and testimony by way of opposition thereto, if offered, and only after a finding of fact by the Commission:

(a) That prohibited or unlawful acts have been threatened and will be committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat, prohibited or unlawful act, except against the person or persons, association or organization making the threat or committing the prohibited or unlawful act or actually authorizing or ratifying the same after actual knowledge thereof;

(b) That substantial and irreparable injury to petitioner's property will follow; <sup>SEP</sup>



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(c) That as to each item of relief to be granted, greater injury will be inflicted upon the petitioner by the denial of relief than will be inflicted upon respondents by the granting of relief;

(d) That petitioner has no adequate remedy at law; and, [SEP];

(e) That the public officers charged with the duty to protect petitioner's property are unable or unwilling to furnish adequate protection. [SEP];

**SECTION 3. HEARING; NOTICE THEREOF.** – Hearings shall be held after due and personal notice thereof has been served, in such manner as the Commission shall direct, to all known persons against whom relief is sought, and also to the Chief Executive and other public officials of the province or city within which the unlawful acts have been threatened or committed charged with the duty to protect petitioner's property.

**SECTION 4. RECEPTION OF EVIDENCE; DELEGATION.** – The reception of evidence for the application of a writ of injunction may be delegated by the Commission to any of its Labor Arbiters who shall conduct such hearings in such places as he/she may determine to be accessible to the parties and their witnesses, and shall thereafter submit his/her report and recommendation to the Commission within fifteen (15) days from such delegation.

**SECTION 5. OCULAR INSPECTION.** – The Chairman, any Commissioner, Labor Arbiter or their duly authorized representatives, may, at any time during working hours, conduct an ocular inspection on any establishment, building, ship or vessel, place or premises, including any work, material, implement, machinery, appliance or any object therein, and ask any employee, laborer, or any person, as the case may be, for any information or data concerning any matter or question relative to the object of the petition.

The ocular inspection reports shall be submitted to the appropriate Division within twenty-four (24) hours from the conduct thereof.

**SECTION 6. TEMPORARY RESTRAINING ORDER; REQUISITES.** – If the petitioner shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to petitioner's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, or by affidavits of the petitioner's witnesses, sufficient, if sustained, to justify the Commission in the issuance thereof.

**SECTION 7. CASH BOND.** – No temporary restraining order or writ of preliminary injunction shall be issued except on the condition that petitioner shall first file an undertaking to answer for the damages and post a cash bond in the amount 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, together with a reasonable attorney's fee, and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the Commission.



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**SECTION 8. EFFECTIVITY OF TEMPORARY RESTRAINING ORDER.** – A temporary restraining order shall be effective for no longer than twenty (20) days reckoned from the posting of the cash bond required under the preceding Section. During the said period, the parties shall be required to present evidence to substantiate their respective positions in the main petition.

**SECTION 9. EFFECTS OF DEFIANCE.** – The order or resolution enjoining the performance of illegal acts shall be immediately executory in accordance with the terms thereof. In case of non-compliance, the Commission shall impose such sanctions, and shall issue such orders, as may be necessary to implement the said order or resolution, including the enlistment of law enforcement agencies having jurisdiction over the area for the purpose of enforcing the same.

**SECTION 10. ORDINARY REMEDY IN LAW OR IN EQUITY.** – Nothing in this Rule shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his/her ordinary remedy by suit at law or in equity.