

SECOND DIVISION

ROMMEL B. BEARNEZA
Petitioner,

G.R. No. 146930

Present:

PUNO, *J.*, *Chairperson*,
SANDOVAL-GUTIERREZ,
CORONA,
AZCUNA and
GARCIA, *JJ.*

- v e r s u s -

**NATIONAL LABOR RELATIONS
COMMISSION and NFD
INTERNATIONAL MANNING
AGENTS, INC.,**

Respondents.

Promulgated:

September 11, 2006

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DECISION

CORONA, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court assails the January 25, 2001 decision^[1] of the Court of Appeals in CA-G.R. SP No. 52089 which dismissed the petition for certiorari filed by petitioner Rommel B. Bearneza for lack of merit.

This case originated from a complaint^[2] for permanent total disability benefits filed by petitioner against private respondent NFD International Manning Agents, Inc. on January 17, 1990. The Philippine Overseas Employment Administration (POEA) dismissed the complaint for lack of merit.

On appeal, the National Labor Relations Commission (NLRC) reversed the POEA decision on February 27, 1992.^[3] The manning agency moved for reconsideration but the same was denied in a resolution dated August 31, 1992. The resolution also granted petitioner attorney's fees equivalent to 5% of the judgment award.

On October 1, 1992, the manning agency filed a petition for certiorari before this Court assailing the NLRC's decision and resolution. It was docketed as G.R. No. 107131.

The Court issued a temporary restraining order to enjoin the execution of the judgment award upon posting by the manning agency of a P1 million bond.

On March 13, 1997, the petition was dismissed.^[4] The manning agency sought reconsideration while petitioner filed a "motion for damages on the injunction bond" praying for the imposition of a 12% interest per annum on the judgment award computed from September 22, 1992 until full satisfaction of the award.

On June 16, 1997, the Court denied both the manning agency's motion for reconsideration and petitioner's motion for damages on the injunction bond for lack of merit.

Entry of judgment was made on March 13, 1998. The records of the case were thereafter remanded to the NLRC for execution of judgment.

On December 18, 1997, the labor arbiter issued an alias writ of execution ordering the satisfaction of petitioner's claims in the amounts of P1,209,000 (representing the peso equivalent of the judgment award) and

P60,450 as attorney's fees. On January 9, 1998, the sheriff submitted a return informing the labor arbiter that the alias writ had been satisfied.

Petitioner then filed with the labor arbiter a motion for the issuance of a second alias writ of execution. He prayed that the manning agency be held liable

also for 12% p.a. interest on the judgment award. His motion was, however, denied by the labor arbiter.

The NLRC affirmed the decision of the labor arbiter and dismissed petitioner's claim for the imposition of a 12% annual interest on the judgment award for being unmeritorious.^[5]

Aggrieved, petitioner elevated the case to the Court of Appeals by way of a petition for certiorari. The appellate court found no merit in the petition and dismissed it. The Court of Appeals ruled that the NLRC did not commit grave abuse of discretion in dismissing petitioner's claim for 12% p.a. interest. Not only had the NLRC's February 27, 1992 decision become final and executory, it had in fact already been executed. The appellate court further noted that petitioner's claim had already been ruled upon by this Court in G.R. No. 107131.

Hence, this petition.

The petition has no merit. No abuse of discretion may be imputed to the labor arbiter and the NLRC.

The NLRC's February 27, 1992 decision had already become final and executory. The sheriff's return showed that the judgment had in fact been executed.

Moreover, no discretion could have possibly been exercised on petitioner's claim as the matter had long been resolved and laid to rest by this Court in its June 16, 1997 resolution in G.R. No. 107131.

Our June 16, 1997 resolution was clear and categorical:

G.R. No. 107131 (NFD International Manning Agents, Inc. vs. National Labor Relations Commission and Rommel Bearneza) – Acting on the motion of [NFD International Manning Agents, Inc.] for reconsideration of the decision of March

13, 1997 and considering that there is no substantial argument to warrant a modification of this Court's decision, the Court Resolved to DENY reconsideration with FINALITY.

The Court further Resolved to:

- (1) **DENY for lack of merit the motion for damages on the injunction bond filed by [Rommel Bearneza];**
- (2) NOTE the (1) [manning agency's] opposition to the motion for damages; and (2) [Bearneza's] reply thereto;
- (3) GRANT the motion of [Bearneza] to remand the original records of this case to the Labor Arbiter; and
- (4) NOTE WITHOUT ACTION [Bearneza's] motion for leave to file opposition to the [manning agency's] motion for damages. (emphasis supplied)

Once a judgment attains finality it becomes immutable and unalterable.^[6] It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.^[7]

WHEREFORE, the petition is hereby **DENIED**.

Costs against petitioner.

SO ORDERED.

RENATO C. CORONA
Associate Justice

WE CONCUR:

REYNATO S. PUNO

Associate Justice
Chairperson

ANGELINA SANDOVAL-GUTIERREZ

Associate Justice

ADOLFO S. AZCUNA

Associate Justice

CANCIO C. GARCIA

Associate Justice

A T T E S T A T I O N

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

REYNATO S. PUNO

Associate Justice
Chairperson, Second Division

C E R T I F I C A T I O N

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above decision had

been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ARTEMIO V. PANGANIBAN

Chief Justice

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- [1] Penned by Associate Justice Ramon A. Barcelona (retired) and concurred in by Associate Justices Rodrigo V. Cosico and Alicia L. Santos (retired) of the Eighth Division of the Court of Appeals; *rollo*, pp. 36-42.
- [2] Docketed as POEA Case No. (M) 90-01-041.
- [3] NLRC Decision, NLRC-NCR-CA-001457-91.
- [4] *NFD International Manning Agents, Inc. v. NLRC*, 336 Phil. 466 (1997).
- [5] NLRC Decision dated December 23, 1998.
- [6] *Manotok Realty, Inc. v. CLT Realty Development Corporation*, G.R. No. 123346, *Araneta Institute of Agriculture, Inc. v. Heirs of Jose B. Dimson*, G.R. No. 134385 and *Sto. Niño Kapitbahayan Association, Inc. v. CLT Realty Development Corporation*, G.R. No. 148767, 29 November 2005.
- [7] Id.