



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

CESAR D. TARUC,

Petitioner,

G.R. No. 227728

- versus -

ANGELINA D. MAXIMO,
MARICEL BUENAVENTURA,
GEORGE JORDAN, and
JENNIFER BURGOS,

Respondents.

Present:

LEONEN, S.A.J., *Chairperson*,

LAZARO-JAVIER,

LOPEZ, M.,*

LOPEZ, J., and

KHO, JR., JJ.

Promulgated:

SEP 28 2022

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DECISION

KHO, JR., J.:

Assailed in this petition for review on *certiorari*¹ under Rule 45 of the Rules of Court is the Decision² dated March 30, 2016 of the Court of Appeals (CA) in CA-GR. SP. No. 139312, dismissing the Petition for *Certiorari*³ filed by petitioner Cesar D. Taruc (Taruc) for lack of merit, and the Resolution⁴ dated October 5, 2016 denying Taruc's Motion for Reconsideration of the CA Decision.

* On official business.

¹ *Rollo*, pp. 3-10.

² *Id.* at 11-21. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Ramon A. Cruz and Henri Jean Paul B. Inting (now a member of this Court), concurring.

³ *CA rollo*, pp. 3-17.

⁴ *Id.* at 160-161.

ATC

The Facts

Taruc was the respondent in a labor case docketed as National Labor Relations Commission (NLRC) Case Nos. RAB-IV-07-00806-09-C and RAB-IV-07-00807-09-C filed by complainants therein and herein respondents, Angelina D. Maximo, Maricel Buenaventura, George Jordan, and Jennifer Burgos (respondents).

On October 21, 2013, Labor Arbiter (LA) Enrico Angelo C. Portillo of the NLRC Regional Arbitration Branch (RAB) No. IV issued an Alias Writ of Execution for recovery, by way of distraint, of the total sum of ₱1,737,400.00 representing the monetary award adjudged in favor of respondents including execution fees.⁵ Pursuant to the writ, Sheriff Apolinario D. Del Rosario of RAB IV of Calamba City sent Taruc a demand letter dated June 30, 2014, notifying the latter that a levy was effected against the 240 sq. meters parcel of land covered by Transfer Certificate of Title (TCT) No. T-221363 (subject land) registered under Taruc's name, and demanding payment of the monetary award, otherwise, the subject land will be sold at a public auction.⁶

Taruc filed a Motion To Lift Levy⁷ arguing that the subject land was part of his family home where he and his family resided, and thus, exempt from execution. Taruc presented a Building Permit⁸ dated May 27, 1998 as proof that he constructed his family home in the subject land in May 1998.

The LA Ruling

The LA dismissed Taruc's Motion to Lift Levy in an Order⁹ dated October 14, 2014. He ruled that other than the bare attachment of the Building Permit in his motion, there was no showing that he actually utilized the family home constructed on the subject land as his dwelling house.¹⁰

Aggrieved, Taruc filed a petition to annul the above order¹¹ before the NLRC, this time, attaching electricity and water bills¹² (utility bills).

⁵ Id. at 22.

⁶ Id. See also p. 42.

⁷ Id. at 23-24.

⁸ Id. at 25.

⁹ Id. at 27-29. Penned by Labor Arbiter Enrico Angelo C. Portillo.

¹⁰ Id. at 28-29.

¹¹ Id. at 30-37. The petition is actually denominated as a "Petition for Annulment of Order with Application For Temporary Restraining Order/Writ of Preliminary Injunction."

¹² Id. at 46. See also pp. 47, 48, and 49.

The NLRC Ruling

In a Resolution¹³ dated November 13, 2014, the NLRC denied Taruc's petition for lack of merit. It ruled, among others, that the LA correctly dismissed Taruc's Motion to Lift Levy because he failed to prove that he constituted the subject land as part of his family home in accordance with the provisions of the Family Code.¹⁴

Taruc filed a Motion for Reconsideration¹⁵ which the NLRC denied in Resolution¹⁶ dated December 29, 2014.

Aggrieved, Taruc filed a Petition for *Certiorari*¹⁷ under Rule 65 before the CA.

In his petition, Taruc mainly argued that the NLRC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the above-mentioned resolutions.¹⁸ Taruc contended, among others, that the LA would have found the subject land exempt from execution had it followed the procedure in handling executions affecting family homes laid down by the Court in *Albino Josef v. Otelio Santos*¹⁹ (*Josef*).

The CA Ruling

In its Decision²⁰ dated March 30, 2016, the CA denied Taruc's petition for lack of merit. The CA held that since Taruc alleged that he had been occupying the subject land as part of his family home since May 1988, the provisions of the Civil Code shall apply. Thus, the petition was denied on the basis of Taruc's failure to prove that the subject land failed to comply with the requirements of constitution of a family home provided under the Civil Code. The CA ratiocinated:

The alleged constitution of the family home by the petitioner is doubtful considering that there is no evidence showing that such constitution complied with the requirements of the law. There being no absolute proof that the subject property was constituted as a family home extrajudicially, by the registration of a public instrument in the Registry of Deeds of Dasmariñas, Cavite or judicially, by registering the court's order approving the judicial constitution, the same cannot be considered a family

¹³ Id. at 50-56. Penned by Presiding Commissioner Grace E. Maniquiz-Tan with Commissioners Dolores M. Peralta-Beley and Mercedes R. Posada-Lacap, concurring.

¹⁴ Id. at 54.

¹⁵ Id. at 57-68.

¹⁶ Id. at 73-80.

¹⁷ Id. at 3-17.

¹⁸ Id. at 3.

¹⁹ 592 Phil. 438 (2008).

²⁰ *Rollo*, pp. 11-21.

home. Consequently, the law's protective mantle from execution cannot be availed of.

It would be different, however, had the property been constituted as a family home under the Family Code. In such a case, there would have been no need for registration since the constitution of the family home became automatic from the time of its occupation as a family residence, without need anymore for the judicial or extrajudicial processes provided under the defunct Articles 224 to 251 of the Civil Code and Rule 106 of the Rules of Court. Furthermore, Articles 152 and 153 specifically extend the scope of the family home not just to the dwelling structure in which the family resides but also to the lot on which it stands. Thus, applying these concepts, the subject house as well as the specific portion of the subject land on which it stands are deemed constituted as a family home by the petitioner from the moment he began occupying the same as a family residence since May 1988.²¹

While the CA dismissed Taruc's petition, it nevertheless held that it would have been more prudent on the part of the NLRC to make a preliminary determination of whether the subject land was exempt from execution in accordance with *Josef*.²²

Aggrieved, Taruc filed a Motion for Reconsideration²³ which the CA denied in its Resolution²⁴ dated October 5, 2016.

Thus, the present petition.

Taruc essentially argued that the CA erred in dismissing the petition based on the provisions on constitution of family homes provided under the Civil Code.

In the Comment²⁵ filed by respondent Angelina D. Maximo, she countered that the petition was filed merely to delay the execution of the NLRC decision in their labor case.

The Issue Before the Court

The issue for the Court's resolution is whether or not the subject land is exempt from levy and execution under the law.

²¹ Id. at 16-17.

²² Id. at 17-18.

²³ CA *rollo*, pp. 150 -152.

²⁴ Id. at 160-161.

²⁵ *Rollo*, p. 51.

The Court's Ruling

The petition is denied for lack of merit.

Prefatorily, the Court emphasizes that under Articles 225 and 233²⁶ of the Civil Code, judicial constitution of the family home requires the filing of a verified petition before the courts, and the registration of the court's order at the Registry of Deeds of the area where the property is located. Meanwhile, extrajudicial constitution is governed by Articles 240 to 242 of the Civil Code and involves the execution of a public instrument, which must also be registered with the Registry of Property. Failure to comply with either of these two modes of constitution will bar a judgment debtor from availing of the privilege.²⁷

Contrary to the CA's findings, there is nothing in the records or pleadings submitted by Taruc that state that he had been using the subject land as part of his family home as early as May 1988.²⁸ Records show that Taruc contended that as evidenced by the Building Permit, he constructed his alleged family home on the subject land in May 1998²⁹ or after the effectivity of the Family Code on August 3, 1988. It bears underscoring that for family homes constructed after the effectivity of the Family Code on August 3, 1988, there is no need to constitute them extrajudicially or judicially³⁰ in accordance with the provisions of the Civil Code.³¹ In this regard, the Court holds that the

²⁶ Article 225. The family home may be constituted by a verified petition to the Court of First Instance by the owner of the property, and by approval thereof by the court.

x x x x

Article 233. The order of the court approving the establishment of the family home shall be recorded in the Registry of Property.

²⁷ See *Spouses Aballe v. PCI Leasing and Finance, Inc.*, G.R. No. 225837 (Notice), June 23, 2021.

²⁸ *Rollo*, p. 17.

²⁹ *CA rollo*, p. 43.

³⁰ See *Ramos v. Pangilinan*, 639 Phil. 192 (2010).

³¹ Article 225. The family home may be constituted by a verified petition to the Court of First Instance by the owner of the property, and by approval thereof by the court.

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Article 229. The petition shall contain the following particulars:

- (1) Description of the property;
- (2) An estimate of its actual value;
- (3) A statement that the petitioner is actually residing in the premises;
- (4) The encumbrances thereon;
- (5) The names and addresses of all the creditors of the petitioner and of all mortgagees and other persons who have an interest in the property;
- (6) The names of the other beneficiaries specified in Article 226.

Article 230. Creditors, mortgagees and all other persons who have an interest in the estate shall be notified of the petition, and given an opportunity to present their objections thereto. The petition shall, moreover, be published once a week for three consecutive weeks in a newspaper of general circulation.

Article 231. If the court finds that the actual value of the proposed family home does not exceed twenty thousand pesos, or thirty thousand pesos in chartered cities, and that no third person is prejudiced, the petition shall be approved. Should any creditor whose claim is unsecured, oppose

applicable provisions are those provided under the Family Code and not the provisions of the Civil Code, as held by the CA.³² Stated differently, the issue of exemption of the subject land from levy and execution as a family home shall be resolved on the basis of whether Taruc successfully established compliance with the requirements of exemption provided under the Family Code.

Article 152 of the Family Code states that a family home consists, not only of the dwelling house, constituted jointly by the husband and the wife or by an unmarried head of a family where they and their family reside, but also the land on which it is situated. A family home constitutes not only the house where the family actually resides but also the lot on which it is situated.³³

Articles 156 and 157 of the Family Code further requires that:

Article 156. The family home must be **part of the properties of the absolute community or the conjugal partnership, or of the exclusive properties of either spouse** with the latter's consent. **It may also be constituted by an unmarried head of a family on his or her own property.**

Article 157. **The actual value of the family home shall not exceed, at the time of its constitution, the amount of three hundred thousand pesos in urban areas, and two hundred thousand pesos in rural areas,** or such amounts as may hereafter be fixed by law. (Emphases supplied)

the establishment of the family home, the court shall grant the petition if the debtor gives sufficient security for the debt.

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Article 233. The order of the court approving the establishment of the family home shall be recorded in the Registry of Property.

x x x x

Article 240. The family home may be extrajudicially constituted by recording in the Registry of Property a public instrument wherein a person declares that he thereby establishes a family home out of a dwelling place with the land on which it is situated.

Article 241. The declaration setting up the family home shall be under oath and shall contain:

- (1) A statement that the claimant is the owner of, and is actually residing in the premises;
- (2) A description of the property;
- (3) An estimate of its actual value; and
- (4) The names of the claimant's spouse and the other beneficiaries mentioned in Article 226.

Article 242. The recording in the Registry of Property of the declaration referred to in the two preceding articles is the operative act which creates the family home.

³² *Rollo*, pp. 15-16.

³³ See *Ramos v. Pangilinan*, *supra* note 30.

Generally, a family home is exempt from execution, forced sale or attachment according to Article 155 of the Family Code.³⁴ In *Taneo, Jr. v. Court of Appeals*,³⁵ this Court has held that:

A family home is the dwelling place of a person and his family. It is said, however, that **the family home is a real right, which is gratuitous, inalienable and free from attachment**, constituted over the dwelling place and the land on which it is situated, which confers upon a particular family the right to enjoy such properties, which must remain with the person constituting it and his heirs. **It cannot be seized by creditors except in certain special cases.**³⁶ (Emphases and underscoring supplied)

The liabilities for which a family home may be held answerable for are provided under Article 155 of the Family Code, *viz.*:

- (1) For nonpayment of taxes;
- (2) For debts incurred prior to the constitution of the family home;
- (3) For debts secured by mortgages on the premises before or after such constitution; and
- (4) For debts due to laborers, mechanics, architects, builders, materialmen and others who have rendered service or furnished material for the construction of the building.

Thus, one claiming exemption under Article 155 must establish that the property was actually a family home and is not liable for payment of the foregoing obligations.

Aside from the foregoing, the exemption of a family home from execution, forced sale or attachment requires that said family home must be duly constituted as such.³⁷ A family home is deemed constituted in the house and land from the time it is actually occupied as a family residence.³⁸ Thus, Article 153 of the Family Code provides:

Article 153. The family home is **deemed constituted on a house and lot from the time it is occupied as a family residence**. From the time of its constitution and so long as any of its beneficiaries actually resides therein, the family home continues to be such and is exempt from execution, forced sale or attachment except as hereinafter provided and to the extent of the value allowed by law. (Emphasis and underscoring supplied)

³⁴ See Article 153 of the Family Code.

³⁵ 363 Phil. 652 (1999).

³⁶ *Id.* 663.

³⁷ See *Ramos v. Pangilinan*, *supra* note 30.

³⁸ See *Arriola v. Arriola*, 566 Phil. 654 (2008).

Case law explicitly mandates that the occupancy of the family home must be actual³⁹ in order to exempt it from execution. In the case of *Salazar v. Felias*⁴⁰ (*Salazar*), this Court held:

In addition, residence in the family home must be actual. **The law explicitly mandates that the occupancy of the family home, either by the owner thereof, or by any of its beneficiaries must be actual. This occupancy must be real, or actually existing**, as opposed to something merely possible, or that which is merely presumptive or constructive.⁴¹ (Emphasis and underscoring supplied)

Furthermore, it is not sufficient that the person claiming exemption merely alleges that such property is a family home.⁴² It is imperative that the claim for exemption must be set up and proven. The right to exemption being a personal privilege granted to the judgment debtor, the law imposes upon the latter the burden of proving that he is entitled to claim the exemption.⁴³ Thus, in *Spouses Versola v. Court of Appeals*,⁴⁴ the Court ruled:

The settled rule is that the right to exemption or forced sale under Article 153 of the Family Code is a personal privilege granted to the judgment debtor and as such, it must be claimed not by the sheriff, but by the debtor himself before the sale of the property at public auction. It is not sufficient that the person claiming exemption merely alleges that such property is a family home. **This claim for exemption must be set up and proved to the Sheriff. Failure to do so would estop the party from later claiming the exception.**⁴⁵ (Emphases and underscoring supplied)

Thus, the Court has held in *Salazar* that the claim for exemption from levy and execution must be “backed with evidence showing that [indeed], the home (i) [was] duly constituted as a family home, (ii) [was] constituted jointly by the husband and wife or by an unmarried head of a family, (iii) [was] resided in by the family (or any of the family home’s beneficiaries),⁴⁶ (iv) forms part of the properties of the absolute community or the conjugal partnership, or of the exclusive properties of either spouse with the latter’s

³⁹ See *Cordova and Cordova v. Ty*, G.R. No. 246255, February 3, 2021, citing *FEB Mitsui Marine Insurance Co., Inc. v. Manalastas*, G.R. No. 236001, March 18, 2019 (Resolution).

⁴⁰ 825 Phil 30 (2018), citing *Manacop v. Court of Appeals and E & L Mercantile, Inc.*, 342 Phil. 735 (1997).

⁴¹ Id. at 41.

⁴² See *Salazar v. Felias*, supra note 40.

⁴³ Id. at 42.

⁴⁴ 529 Phil. 377 (2006), citing *Honrado v. Court of Appeals*, 512 Phil. 657 (2005).

⁴⁵ Id. at 386.

⁴⁶ Under Article 154 of the Family Code, the beneficiaries of a family home are:

- (1) The husband and wife, or an unmarried person who is the head of a family; and
- (2) Their parents, ascendants, descendants, brothers and sisters, whether the relationship be legitimate or illegitimate, who are living in the family home and who depend upon the head of the family for legal support.

consent, or property of the unmarried head of the family; and (v) has an actual value of Php300,000.00 in urban areas, and Php200,000.00 in rural areas."⁴⁷

Guided by the foregoing, the Court rules that the subject land is not a family home and thus, is not exempt from levy and execution, as will be explained below.

Taruc contended that the subject land was part of the family home he allegedly constructed in May 1998, and he submitted in evidence, the Building Permit⁴⁸ and utility bills,⁴⁹ to back up his claim for exemption.

The Court is not convinced.

We see nothing in the Building Permit and utility bills which prove that the subject land complied with the requirements for exemption from levy and execution provided under the Family Code. For one, the Building Permit merely states that Taruc was granted permission for new construction of a residential type of structure on the subject land. For another, the utility bills only show consumption of electricity and water at the subject land. The Building Permit and utility bills fell short of proving that: (i) the alleged family home was duly constituted on the subject land; (ii) the alleged family home on the subject land was constituted jointly by the husband and wife or by an unmarried head of a family; (iii) the alleged family home on the subject land was resided in by Taruc's family (or any of the family home's beneficiaries); (iv) the alleged family home and the subject land form part of the properties of the absolute community or the conjugal partnership, or of the exclusive properties of either spouse with the latter's consent, or property of the unmarried head of the family; and (v) the alleged family home and the subject land has an actual value of ₱300,000.00 or ₱200,000.00, as the case may be. Indubitably, Taruc failed to adduce evidence that the subject land complied with the requisites that would exempt it from levy and execution under the Family Code.

At this juncture, it bears stressing that factual findings of labor administrative officials, if supported by substantial evidence, are entitled not only to great respect but even to finality, unless there is a showing that the Labor Arbiter and the NLRC simply and arbitrarily disregarded evidence before them or had misapprehended evidence of such nature as to compel a contrary conclusion if properly appreciated.⁵⁰ On this score, the Court finds no reason to deviate from the findings of both the LA and the NLRC and quote with approval the disquisitions in the Resolution dated November 13, 2014. Thus:

⁴⁷ See *Salazar v. Felias*, supra note 40.

⁴⁸ See *CA rollo*, p. 11.

⁴⁹ See *id.* at 46.

⁵⁰ See *American Home Assurance Co. v. National Labor Relations Commission*, 328 Phil. 606 (1996).

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While petitioner was able to present in his motion a copy of the building permit issued by the local government in May 1998, We agree with the Labor Arbiter that said document does not prove anything except that it merely shows that an improvement was allowed to be constructed on the indicated parcel of land during said year. And, with only bare allegations that what is to be constructed therein is a family home, the building permit is far from being a substantial proof to bolster such claim.

With no evidence, it is only apt for the Labor Arbiter to find that petitioner failed to show that the property subject of the levy is indeed part of a family home duly constituted in accordance with Chapter 2, Title V of the Family Code.

Equally, the utility bills presented by petitioner likewise do not bear evidentiary weight to support the claim for exemption as they only tend to prove that water and electricity was consumed in the address indicated in said bills. They do not establish due constitution of the houses bearing said address as a family home within the definition of the family Code. To stress, it still behooves the claimant to prove due constitution as a family home and that it continues to be such at the time of the questioned levy. This, of course, goes without saying that that (sic) the address indicated in the bills must be that which corresponds to the lot covered under TCT No. T-221361.⁵¹

In assailing the validity of the levy on the subject land, Taruc faulted the LA and the NLRC for not observing the procedure laid down by the Court in *Josef*.⁵²

The Court holds that *Josef* finds no application in this case.

Certainly, this Court in *Josef* laid down the procedure that the trial court therein should have observed upon being apprised that the property subject of execution allegedly constitutes petitioner's family home, viz.:

1. Determine if petitioner's obligation to respondent falls under either of the exceptions under Article 155 of the Family Code;
2. Make an inquiry into the veracity of petitioner's claim that the property was his family home; conduct an ocular inspection of the premises; an examination of the title; an interview of members of the community where the alleged family home is located, in order to determine if petitioner actually resided within the premises of the claimed family home; order a submission of photographs of the premises, depositions, and/or affidavits of proper individuals/parties; or a solemn examination of the petitioner, his children and other witnesses. At the same time, the respondent is given the opportunity to cross-examine and present evidence to the contrary;
3. If the property is accordingly found to constitute petitioner's family home, the court should determine:

⁵¹ CA rollo, p. 54.

⁵² *Albino Josef v. Otelio Santos*, supra note 19.

- a) if the obligation sued upon was contracted or incurred prior to, or after, the effectivity of the Family Code;
- b) if petitioner's spouse is still alive, as well as if there are other beneficiaries of the family home;
- c) if the petitioner has more than one residence for the purpose of determining which of them, if any, is his family home; and
- d) its actual location and value, for the purpose of applying the provisions of Articles 157 and 160 of the Family Code.⁵³

Suffice it to state that in *Josef*, as early as during proceedings prior to the issuance of the writ of execution, petitioner brought to the fore the issue of exemption from execution of his home, which he claimed to be a family home in contemplation of the civil law. In opposition to the motion for issuance of a writ of execution, petitioner in *Josef* claimed that he was insolvent; that he had no property to answer for the judgment credit; that the house and lot in which he was residing at the time was his family home thus, exempt from execution; that the household furniture and appliances found therein are likewise exempt from execution; and that these furniture and appliances belonged to his children.

However, it is worthy to emphasize that instead of inquiring into the truth of petitioner's allegations in his opposition, the trial court totally ignored them and granted respondent's motion for execution citing as basis, its ministerial duty to issue a writ of execution pursuant to Section 1, Rule 39 of the Rules of Court. In *Josef*, the trial court's order granting the motion for execution merely stated:

This resolves the "Motion for the Issuance of Writ of Execution" filed by plaintiff thru counsel and the "Opposition" thereto filed by the defendant on her own behalf.

The records show that a decision was rendered by this Court in favor of the plaintiff on December 18, 1995 which decision was affirmed by the Court of Appeals on June 26, 2001 and by the Supreme Court on February 18, 2002. On June 18, 2003, this Court received the entire records of the case from the Court of Appeals.

Considering the foregoing, it is now the ministerial duty of the Court to issue a writ of execution pursuant to Sec. 1, Rule 39 of the Rules of Court.

WHEREFORE, premises considered, the motion for issuance of writ of execution is hereby granted. Let a writ of execution be issued commanding the Sheriff of this Court to execute the decision dated December 18, 1996.

SO ORDERED.

⁵³ Id. at 445-447.

The above order clearly called for the trial court's observance of the procedure laid down in *Josef* to ascertain the veracity of the petitioner's claims.

Such is not the case here.

Unlike in *Josef*, the LA did not ignore Taruc's claims that the subject land was part of his alleged family home. Certainly, hearings were set giving Taruc the opportunity to present evidence to prove his claims. Thus:

What the records reveal is that petitioner had every opportunity in the three (3) hearings set by the Labor Arbiter to adduce proof as basis for his claim of exemption but failed to do so and instead simply relied on the strength of the supposed presumption in favor of exemption, thus, insisting that private respondents should be the one to present evidence that the land subject of the levy is not exempted from execution.⁵⁴

The foregoing notwithstanding, Taruc merely alleged that the subject land was part of his family home and presented only the Building Permit and utility bills to prove his claims for exemption, leaving the rest of the burden to herein respondents, the LA, and the NLRC⁵⁵ to prove otherwise. We reiterate the rule that the right to exemption under Article 153 of the Family Code is a personal privilege granted to the judgment debtor.⁵⁶ The duty, therefore, rests upon the movant to prove beyond cavil that the family home complied with the requirements for exemption provided under the law.

On a final note, let it be emphasized that the claim that the property is exempt from execution for being the movant's family home is not a magic wand that will freeze the court's hand and forestall the execution of a final and executory ruling.⁵⁷ It is not sufficient for the claimant to merely allege that such property is a family home.⁵⁸ Whether the claim is premised under the Old Civil Code or the Family Code, the rule still remains that the claim for exemption must be set up and proved⁵⁹ by the movant, which Taruc failed to do. The Court, therefore, rules that the subject land is not exempt from levy and execution.

All told, the Court agrees with the NLRC when it declared that Taruc failed to prove that the subject land complied with the requirements for exemption of a family home from execution provided under the Family Code. The Court affirms the CA Decision dated March 30, 2016 only in so far as it

⁵⁴ CA *rollo*, p. 53.

⁵⁵ *Id.*, at 59-60.

⁵⁶ See *Spouses Versola v. Court of Appeals*, supra note 44, citing *Honrado v. Court of Appeals*, supra note 44.

⁵⁷ See *Salazar v. Felias*, supra note 40.


⁵⁸ *Id.*

⁵⁹ *Id.*

dismissed Taruc's petition for *certiorari* and affirmed the NLRC Resolution dated November 13, 2014.


ACCORDINGLY, the petition is **DENIED**. The Decision dated March 30, 2016 of the Court of Appeals in CA-GR. SP. No. 139312, which affirmed the National Labor Relations Commission Resolution dated November 13, 2014 and the Resolution dated October 5, 2016 denying the motion for reconsideration are hereby **AFFIRMED**.

SO ORDERED.



ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice


On official business
MARIO V. LOPEZ
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

ATTESTATION

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.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

Handwritten initials

CERTIFICATION

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.


ALEXANDER G. GESMUNDO
Chief Justice

AG