



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **21 June 2021** which reads as follows:*

“**G.R. No. 256092 (Mida T. Riaz v. National Labor Relations Commission and Amalia Aguilar)**. – After a judicious study of the case, the Court resolves to **DISMISS** the petition<sup>1</sup> for violating the doctrine of hierarchy of courts. This doctrine ‘[r]equires that recourse must first be made to the lower-ranked court exercising concurrent jurisdiction with a higher court x x x.’<sup>2</sup> As such, decisions of the National Labor Relations Commission (NLRC) should be initially elevated to the Court of Appeals (CA) via a petition for *certiorari* under Rule 65 of the Rules of Court in strict observance of the doctrine of hierarchy of courts.<sup>3</sup>

In any event, the NLRC did not gravely abuse its discretion in awarding nominal damages, service incentive leave pay, salary differentials, and 13<sup>th</sup> month pay to respondent Amalia Aguilar (respondent), since petitioner Mida T. Riaz failed to substantiate her claim that her enterprise is a duly-registered Barangay Micro Business Enterprise entitled to avail of the incentives and benefits under the law,<sup>4</sup> and that respondent was hired only for less than a year.<sup>5</sup> Moreover, the computation of monetary awards is a factual issue, which cannot be raised in an extraordinary writ of *certiorari* where neither questions of fact nor of law are entertained, but only questions of lack or excess of jurisdiction or grave abuse of discretion,<sup>6</sup> as in this case.

**SO ORDERED.** (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021).”

<sup>1</sup> See Petition for *Certiorari* dated April 12, 2021; *Rollo*, pp. 3-19.

<sup>2</sup> *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1089 (2017), citing *Arroyo v. Department of Justice*, 695 Phil. 302, 334 (2012).

<sup>3</sup> See *St. Martin Funeral Home v. NLRC*, 356 Phil. 811, 824-825 (1998).

<sup>4</sup> *Rollo*, p. 48.

<sup>5</sup> *Id.* at 32.

<sup>6</sup> See *Malayang Manggagawa ng Stayfast Phils., Inc. v. NLRC*, 716 Phil. 500, 517 (2013), citing *Romy's Freight Service v. Castro*, 523 Phil. 540, 546 (2006).

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *by 7/c*  
07 JUL 2021

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(NLRC Case No. RAB-IV-01-00101-19-RI;  
NLRC LAC No. 12-004623-19)

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GR256092. 6/21/2021(216)URES