

Republic of the Philippines
Department of Labor and Employment
NATIONAL LABOR RELATIONS COMMISSION
REGIONAL ARBITRATION BRANCH NO. II
Tuguegarao City



NELISA B. BUNAGAN
CLARISSA T. BACCAY,
FE I. BALLESTA,
Complainants,

-versus-

NLRC RAB II CN. 07-00318-2019

MSY TRADING and/or
NANCY SY-Proprietress,
Respondents.

X ----- X

April 03, 2023


TO:

ATTY. MA. ROSARIO MAMBA-VILLAFLOR
Provincial Administrator
Province of Cagayan
Provincial Capitol
Regional Government Center
Carig, Tuguegarao City


Dear Ma'am:

In connection with the Writ of Execution issued in the above-entitled case and the Notice of Sale on Execution of Personal Property, may we request that the Notice of Sale be posted at your Office Bulletin Board for the information of the public. May we further request for a Certification that the Notice of Sale was posted at your Office Bulletin Board.

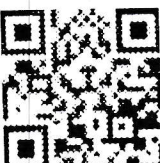
Thank you for the kind consideration.


GLORIA H. TABBU
Administrative Assistant V
& Acting Sheriff Designate

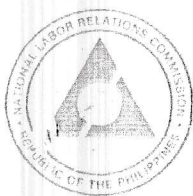
Approved:


MA. LOURDES R. BARICAUA
Labor Arbiter
& Officer-in-Charge

Governor's
Office
04/04/2023 11:37 AM



CO-18085



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NOTICE OF SALE ON EXECUTION OF PERSONAL PROPERTY

WHEREAS, by virtue of the Updated Writ of Execution issued in the above entitled case, dated July 01, 2022, wherein Nelisa B. Bunagan, et. al. are the complainants and **MSY TRADING and/or NANCY SY-Proprietress**, are the respondents for the recovery by way of distraint of the sum of **One Hundred One Thousand Five Hundred Twelve Pesos & 62/100 (Php101,512.62)**, representing the award due to the complainants including execution and deposit fees, sheriff's incidental expenses, charges, and other legal and necessary expenses for foreclosure, levy on execution. **LEVY** was made by Acting Sheriff Gloria F. Tabbu on March 30, 2023, on the rights, interests, and participation of said defendants in the personal property more particularly described as follows:

1. 3 pcs Millan Rattan Table 30"x48"
2. 2 pcs Twin Cylinder Electric Fyer 6L+ 6L
3. 3 pcs wireless speaker 12"
4. 3 pcs Portable Gas Stove
5. 2 pcs marble casserole 26CM
6. 3 pcs double burner 716 x 392 x100mm
7. 2 pcs solar fan 49 x 16 x 43.5 cm
8. 1 pc Centrix speaker 10"
9. 1 pc stand fan 16"
10. 2 pcs LED TV 32"
11. 1 pc Eureka Electric Airpot 3.0L
12. 1 pc multifunctional microwave oven 12L
13. 2 pcs Aire fyer 4.5L
14. 2 pcs Anti dry Electric Pot 1.7L
15. 3 pcs Kettle 20cm
16. 2 pcs Eureka Electric kettle 1L
17. 3 pcs magic mop
18. 5 pcs Big size plastic Pot
19. 5 pcs medium size plastic pot
20. 5 pcs small size plastic pot
21. 2 pcs water dispenser 325mm x 335mm x980mm

---- nothing follows-----

ly


NOW THEREFORE, by virtue of said Writ of Execution and in accordance with Rule VI, Sec. 1, Paragraph B of the 2012 NLRC Sheriffs' Manual on Execution of Judgment, the Sheriff of this Office will sell at Public Auction to the Highest Bidder, for **CASH and in Philippine Currency on April 12, 2023 at 9:00 in the morning to 4:00 in the afternoon with starting bid price of Php87,469.00 at NLRC RAB 02 Office located at No. 19 Dalan na Pappabalo, Regional Government Center, Cariq Sur, Tuguegarao City, Cagayan**, the rights interests, and participation of defendants in the described personal property in order to satisfy said Order of Execution.

Issued at Tuguegarao City, Cagayan, April 3, 2023.



GLORIA F. TABBU
Administrative Assistant V
& Acting Sheriff Designate

Approved:



MA. LOURDES R. BARICAUA
Labor Arbiter
Officer-in-Charge

Warning:

*It is prohibited to remove, deface
or destroy this Notice of Sale on or
before the date of Sale, under penalty of the law*



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CLARISSA T. BACCAY,
FE I. BALLESTA,
 Complainants,

-versus-

NLRC RAB II CN. 07-00318-2019

MSY TRADING and/or
NANCY SY-Proprietress,
 Respondents.

X ----- X

AMENDED
WRIT OF EXECUTION

TO:

GLORIA F. TABBU
 Administrative Assistant V
 & Acting Sheriff Designate
 Cp# 09657020311

GREETINGS:

WHEREAS, on June 09, 2020, the Undersigned rendered a Decision in the above-entitled case, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing JUDGMENT is hereby rendered declaring that complainants were not illegally terminated or that they abandoned their work. As such, complainants must be reinstated back to work but without backwages. Moreover, respondents MSY TRADING and/or NANCY SY-Proprietress, are hereby ORDERED to pay complainants NELISA B. BUNAGAN, CLARISSA T. BACCAY and FE I. BALLESTA, the sum of ONE HUNDRED FORTY THOUSAND FIVE HUNDRED TWENTY-NINE PESOS & 40/100 (P140,529.40), Philippine Currency, representing unpaid salaries, salary differential, holiday pay, 13th month pay, service incentive leave pay and attorney's fees.

The reinstatement aspect shall be immediately executory even pending appeal. Respondents are hereby ordered to show proof that they reinstated complainants within ten (10) calendar days from receipt hereof.

All other claims including damages are hereby DISMISSED for lack of basis.

SO ORDERED."

WHEREAS, on June 22, 2020, respondents thru counsel filed an Appeal Memorandum and posted an appeal bond in the amount of **Php127,754.00** with O.R. No. 4940350 Y and deposit fees of **Php658.77**; *W*

WHEREAS, on July 13, 2020, a Supplemental Appeal Memorandum was filed by the Respondents;

WHEREAS, on November 03, 2020, complainants thru counsel filed a Reply (To Appellant-Respondent's Appeal Memorandum);

WHEREAS, on January 19, 2021, the Fourth Division of the Commission promulgated a Decision, the dispositive portion of which, stated viz:

"WHEREFORE, the appeal filed by respondents is DISMISSED for lack of merit.

The Decision dated June 9, 2020 is AFFIRMED.

SO ORDERED."

WHEREAS, on June 23, 2021, respondents filed a Motion for Reconsideration;

WHEREAS, on September 07, 2021, the Fourth Division of the Commission promulgated a Resolution, the dispositive portion of which, stated viz:

"WHEREFORE, the Motion for Reconsideration filed by respondents is DENIED for lack of merit.

SO ORDERED."

WHEREAS, on January 05, 2022, an Entry of Judgment was issued certifying that the January 19, 2021 Decision affirming the Decision dated June 09, 2020, became final and executory on October 26, 2021;

WHEREAS, on April 29, 2022, complainants filed a Manifestation seeking separation pay as respondent failed to reinstate them back to work;

WHEREAS, on May 02, 2022, respondents were ordered to file their Comment on the Manifestation filed by complainants;

WHEREAS, respondents failed to file their Comment on the Manifestation of complainants; as such since respondent failed to reinstate complainants, they should be entitled to separation pay;

WHEREAS, on June 24, 2022, the Writ of Execution was issued;

WHEREAS, in the said Writ of Execution the separation pay of Clarissa T. Baccay was not included in the computation. Hence, this **Amended Writ of Execution**.

NOW THEREFORE, you are hereby commanded to collect, in accordance with Section 9, Rule XI of the 2011 NLRC Rules of Procedure, as amended, the total sum of **Two Hundred Twenty Seven Thousand Six Hundred Forty-Nine Pesos & 40/100 (Php227,649.40)**, Philippine Currency, representing unpaid salaries, salary differential, holiday pay, 13th month pay, service incentive leave pay, separation pay and attorney's fees from respondents **MSY TRADING and/or NANCY SY-Proprietress** located at Luna St., Centro 3, Tuguegarao City, Cagayan or anywhere in the Philippines where they may be located. *M*


Further, collect from respondents the Execution fees of **Php1,776.49** and Deposit fees of **Php499.50 only considering that respondents already deposited an amount of Php658.77** pursuant to the 2012 Sheriffs' Manual on Execution of Judgment. Thus, you are to collect the total amount of **Two Hundred Twenty Nine Thousand Nine Hundred Twenty-Five Pesos & 39/100 (Php229,925.39)**, Philippine Currency. Any amount collected shall be deposited to the Cashier of this Office for proper disposition.

In case you fail to collect the amount above-mentioned from respondents, or the amount collected is insufficient to satisfy the judgment award, you are hereby ordered to cause the satisfaction of the judgment award in accordance with the order of enforcement stated in Section 9(a) Rule XI of the 2011 NLRC Rules of Procedure, as amended to wit: (a) Cash Bond; (b) Bank Deposits; (c) Surety Bond; (d) Personal Properties of the respondent not exempt from execution; and (e) Real Properties of respondent.

If the bonding company refuses to comply with the Writ of Execution, you may proceed to levy on the personal properties, and if insufficient, the real properties of the bonding company, without prejudice to contempt proceedings against its officers or authorized representatives.

SO ORDERED.

Tuguegarao City, Cagayan, July 01, 2022.


MA. LOURDES R. BARICAUA
Labor Arbiter
& Officer-In-Charge

#gft

Copy furnished:

Ms. Nelisa B. Bunagan
Ms. Clarissa T. Baccay
Ms. Fe I. Ballesta
All residence of Cabbo, Peñablanca, Cagayan

Atty. Jhoanna Marie M. Abel
Counsel for the Complainants
PAO, Carig, Tuguegarao City, Cagayan

MSY TRADING and/or NANCY SY-Proprietress
Luna St., Centro 3, Tuguegarao City, Cagayan

Atty. Melchor A. Battung
Counsel for the Respondents
10 Aguinaldo Street cor. Taft Street
Tuguegarao City, Cagayan