

DANIEL C. ASPACIO, PETITIONER, VS. HONORABLE AMADO G. INCIONG, AND PEPSI COLA BOTTLING COMPANY OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-49893. May 09, 1988

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/721a56de55d8/>

GANCAYCO, J.

Daniel Aspacio was employed with the Pepsi Cola Bottling Company of the Philippines (company) since May 10, 1975. In the course of his employment, he contracted malignant hypertension. Upon recommendation of the company physician, he was retired on June 1, 1976 and received the amount of P6,820.00 in retirement benefits and P700.00 for 13th month Pay.

He then filed a complaint with the Region IV office of the Department of Labor for recovery of P7,535.62 representing the balance of his retirement benefits and for alleged commissions due upon retirement as stipulated under the collective bargaining contract between the petitioner and the company. He submitted his position paper. The company also submitted its position paper denying petitioner's claim and presenting an alleged quitclaim and release. On March 18, 1977, Hon. Vicente Leogardo, Jr., Officer-in-Charge of the Region, denied the certification of the case to the labor arbiter and dismissed the case pursuant to Section 7(a) and (c). Rule XII, Book V of the Implementing Rules and Regulations of the Labor Code. Aspacio appealed to the Bureau of Labor Relations disowning the signature on the release and quitclaim. On July 5, 1977, Acting director Francisco Estrella set aside the order of the Regional Director and certified the case for compulsory arbitration. After hearing, the labor arbiter rendered a decision on August 4, 1977, the dispositive part of which reads as follows:

"WHEREFORE, premises considered, respondent Pepsi Cola Bottling Company of the Philippines, Inc. is hereby ordered to pay complainant herein the sum of Seven Thousand Five Hundred Thirty-Five Pesos & 62/100 (P7,535.62) representing the balance of his retirement (disability) benefits, as well as the commission due him under the provisions of the Collective Bargaining Agreement of the parties.

"The Socio-Economic Analyst of the Commission is ordered to proceed to the premises of Pepsi-Cola Bottling Company of the Philippines, Baletc Drive, Corner Aurora Boulevard, Quezon City, and compute the commission due the complainant upon his retirement, and to submit his report to the undersigned for further disposition."

The company appealed the decision of the labor arbiter to the National Labor Relations Commission (NLRC) which was opposed by Aspacio. On February 13, 1978, the Second Division of the National Labor Relations Commission issued a resolution dismissing the appeal which resolution was appealed by the respondent company to the Secretary of Labor on March 7, 1978. Meanwhile, the labor arbiter issued a writ of execution on March 6, 1979 directing the deputy sheriff to collect the amount of P7,535.62 from the respondent company.

On April 4, 1978, the labor arbiter upon motion of Aspacio issued an order directing the deputy sheriff to release the amount collected to Aspacio. However, on April 12, 1978 after the amount was released, the labor arbiter

issued an order directing Aspacio to return the amount in view of the stay of execution ordered by the Secretary of Labor, as well as the motion of the respondent company on April 20, 1978.

Petitioner filed a motion to dismiss the appeal on the ground of partial satisfaction of the decision of the labor arbiter rendering the appeal filed by the company moot and academic. Meanwhile, on May 16, 1978, within the reglementary period, Aspacio filed an appeal from said order of the labor arbiter of April 12, 1978.

On July 18, 1978, the Deputy Minister of Labor issued an order affirming the decision of the labor arbiter awarding retirement benefits in the amount of P7,535.62 to the complainant but dismissing the award of unpaid commissions. A motion for reconsideration of this order was filed by Aspacio but it was denied in an order of December 18, 1978. Hence this petition filed by Aspacio wherein the following issues are raised:

" 1.

May the Deputy Minister of Labor validly reverse the findings of facts of the labor arbiter which are supported by substantial evidence?

"2. May the Deputy Minister of Labor entertain an appeal which is fatally defective?"

In respect to the award of the unpaid commissions, the Deputy Minister made the following disquisitions:

"However, with respect to the award of unpaid commissions of undetermined amount to complainant herein, the record is bereft of any clear and convincing evidence which would support an intelligible decision to this effect. Except to the allegations made by complainant in his pleadings, there is no other proof sufficient enough to sustain his claim for unpaid commissions.

"Considering further, that the present case was submitted for resolution upon motion of complainant's counsel, without hearing on the merits, it was incumbent upon the complainant to submit and introduce clear and convincing evidence showing that he was not really paid his commissions. In this, complainant failed to do so."

The foregoing findings of facts of the Deputy Minister are conclusive in these proceedings. This Court is not a trier of facts. Its sole role is to apply the law based on the findings of facts brought before it. It was certainly within the power of public respondent to reverse the findings of facts of the labor arbiter which do not appear to be supported by substantial evidence.

Moreover, this is a claim of petitioner for unpaid commissions without any specification of the approximate amount thereof, the period when it was due and the number and kind of bottles he sold. Even the labor arbiter himself could not determine the amount of the unpaid commission due to the complaint. He was constrained to order the Socio-Economic Analyst of the NLRC to compute the commission due. Obviously, the petitioner has not adduced adequate evidence to prove his claim.

Section 2 of the Collective Bargaining Agreement on which petitioner relies for his claim provides:

"Daily Average Commission - For purposes of this Agreement, the daily average commission shall be computed as follows:

Daily Average Total Actual Commission (Absences

Commission = Total Scheduled = with permission

Routing Days of without pay)

the Individual

"Annex 'B' of the said Collective Bargaining Agreement further provides:

"Effective on October 1, 1975 and during the duration of this Agreement, the Commission per case will be as follows:

Regular Size

Family Size

Salesman

.1325

.16656

Incumbent First

Helper

.0900

.11765

Truck Helper

.020

.0264"

The foregoing shows that commissions are paid on certain periods of the month, if not daily. Certainly, it can not be interpreted to mean that commissions can be paid only upon retirement.

It is the cardinal rule in this jurisdiction that each party must prove his affirmative allegations.[1] The suitor who relies upon the existence of a fact should be called upon to prove that fact.[2] Petitioner, having failed to prove his claim for commissions, his action must fail.

Moreover, respondent company presented a copy of the release of the claim of petitioner releasing said respondent from any or all claims arising from the employment of petitioner.[3] From this it can be implied that the claim for the payment of unpaid commission, if any, has already been paid. The release of claim executed by petitioner, and duly notarized by a notary public, is a public document. It constitutes the best evidence of the payment of any or all claims petitioner has against private respondent including the commissions.

The second point raised by petitioner is that the appeal of respondent company should not be entertained by public respondent due to the fact that the appeal fee has not been paid. The contention of petitioner is devoid of merit.

Under Section II, Rule XIII, Book V of the Rules and Regulations Implementing the Labor Code, "any party aggrieved by the decision of the Commission may appeal such decision to the Secretary of Labor within ten (10) working days from receipt thereof xxx." Section 12 thereof also provides that "the appeal must be filed with the Commission within ten (10) working days from receipt of the decision, copy furnished the appellee, who shall in turn file his answer within ten (10) working days from receipt of the appeal." There is no provision that payment of appeal fee is required to perfect the appeal.

WHEREFORE, the herein petition is DISMISSED for lack of merit. No costs.

SO ORDERED.

Narvasa, Cruz, and Griño-Aquino, JJ., concur.

[1] Section 1, Rule 131, Rules of Court.

[2] Ramcar, Inc. v. Garcia, 4 SCRA 1087 (1962).

[3] Annex "D" Manifestation Position Paper, p. 15, Records.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.