

## GRAND SUCCESS INTERNATIONAL VENTURES, INC. AND VICTORIA SINGSON, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND MARY SARAH L. JOAQUIN, RESPONDENTS.

Ponente: DE GUIA-SALVADOR, R., J.

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### DE GUIA-SALVADOR, R., J.:

Before Us is a petition for certiorari under Rule 65 of the 1997 Rules of Civil Procedure (Rules) seeking to nullify and set aside: (1) the December 27, 2013 Resolution[1] of the public respondent National Labor Relations Commission in NLRC LAC No. 08-002435-12 which granted private respondent's motion for reconsideration of the February 20, 2013 Decision[2] and reinstated the May 31, 2012 Decision[3] of the Labor Arbiter finding the existence of employer-employee relationship between the parties; and (2) the May 30, 2014 Resolution[4] which denied the motion for reconsideration of the December 27, 2013 Resolution.

The instant petition for certiorari merits outright dismissal.

In their Verification/Certification,[5] petitioners disclosed that on June 13, 2013 they filed with this Court a Rule 65 petition docketed as CA-G.R. SP No. 135775,[6] assailing the same December 27, 2013 and May 30, 2014 NLRC Resolutions subject of this petition. Records further show that CA-G.R. SP No. 135775 was dismissed by the Ninth Division of this Court in a Resolution[7] dated June 27, 2014 as "the petition is fatally defective"[8] for the reason, among others, that "(t)he petition raises factual questions pertaining to illegal dismissal and this necessitates a reevaluation by the Court of the evidentiary basis for the unanimous ruling of the labor arbiter and public respondent NLRC. x x x it is basic that factual issues are beyond the province of the Court in a special civil action of (sic) certiorari." [9] On August 1, 2014, petitioners filed a Motion to Withdraw Petition and Waiver of the Filing of a Motion for Reconsideration.[10] By Minute Resolution[11] dated August 18, 2014, the Ninth Division ruled, thus:

"In view of petitioner's Motion to Withdraw Petition and Waiver of the Filing of a Motion for Reconsideration, the Resolution of June 27, 2014, dismissing the petition is now considered final and an entry of judgment is now ordered issued."

A circumspect perusal of the petition at bench shows that it is anchored on the same essential facts and circumstances, involves the same parties, and raises the same issues pleaded in CA-G.R. SP No. 135775. With the finality of the June 27, 2014 Resolution of dismissal issued in said case, We find the dismissal of the instant petition in order. Settled is the rule that a judgment which has acquired finality becomes immutable and unalterable;[12] it may no longer be modified in any respect except only to correct clerical errors or mistakes.[13]

Furthermore, while imputing grave abuse of discretion or lack or excess of jurisdiction on the part of the NLRC, the petition at bench actually raises factual issues, viz.: whether or not an employer-employee relationship existed between the parties, and whether or not private respondent was illegally terminated, the resolution of which clearly calls for a review and re-evaluation of the evidence upon which the NLRC and the Labor Arbiter based their assailed rulings. As correctly ruled in CA-G.R. SP No. 135775, such issues are beyond the ambit of a

petition for certiorari like the one at bench.

As time and again held, judicial review of the decisions of the NLRC in a Rule 65 petition is confined to issues of jurisdiction[14] or grave abuse of discretion.[15] It does not include an inquiry as to the correctness of the evaluation of the evidence or its factual findings,[16] more so when both the Labor Arbiter and the NLRC share the same findings.[17] Neither is it for the appellate court to re-examine conflicting evidence, re-evaluate the credibility of witnesses nor substitute the finding of fact of an administrative tribunal which has gained expertise in its specialized field.[18]

WHEREFORE, premises considered, the instant petition is DENIED DUE COURSE and accordingly DISMISSED.

**SO ORDERED.**

Rosario, and Dimagiba, JJ., concur.

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[1] Rollo, pp. 43-49.

[2] Ibid., pp. 31-40.

[3] Ibid., pp. 78-86.

[4] Ibid., pp. 67-74.

[5] Ibid., pp. 25-26.

[6] Rollo of CA-G.R. SP No. 135775, p. 3.

[7] Ibid., pp. 73-74.

[8] "(1) There is no allegation as to the date of filing of petitioners' motion for reconsideration of the Resolution dated May 30, 2014. x x x; (2) The assailed Resolutions attached to the petition are mere photocopies; (3) Copies of pertinent pleadings/documents and such material portions of the records, such as the labor arbiter's Decision dated May 31, 2012, the complaint, answer, parties' position papers, memorandum of appeal, among others, are not attached as annexes to the petition."

[9] Rollo, p. 74.

[10] Ibid., pp. 75-76.

[11] Ibid., p. 79.

[12] Florentino vs. Rivera, G.R. No. 167968, January 23, 2006; Gallardo-Corro vs. Gallardo, 350 SCRA 568, 578.

[13] C-E Construction vs. National Labor Relations Commission, G.R. No. 145930, August 19, 2003.

[14] Diaz vs. Diaz, 331 SCRA 302, 317.

[15] Leonardo vs. National Labor Relations Commission, 333 SCRA 589, 602.

[16] Loadstar Shipping Co., Inc. vs. Gallo, 299 SCRA 659-660.

[17] Chuayuco Steel Manufacturing Corp. vs. Buklod ng Manggagawa sa Chuayuco Steel Manufacturing Corp, G.R. No. 167347, January 31, 2007.

[18] German Machineries Corporation vs. Endaya, 444 SCRA 329, citing Comsavings Bank vs. National Labor Relations Commission, 257 SCRA 307, 317.

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