

**MAURICE C. FLORES, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION AND PREMIERE DEVELOPMENT BANK,
REPRESENTED BY PROCOPIO C. REYES, JR., RESPONDENTS.**

G.R. No. 116419. February 09, 1996

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Private respondent Premiere Development Bank employed petitioner on probationary status for a period of six (6) months as a loan processor. Her performance was evaluated by the management of respondent bank every month, on the results of which depended her chances of permanent or regular appointment with said bank. The results of the monthly evaluations were as follows:

First month:

"She's very shy and with a soft voice. I advised her to be more active." (Rollo, p. 68)

Second month:

"She can now interview proposed client but she's still soft-spoken. I advised her to speak more louder." (Rollo, p. 67)

Third month:

"Improvement in memory and communication (interview) skills." (Rollo, p. 66)

Fourth month:

"Still ineffective in communication." (Rollo, p. 65)

Fifth month:

"Still ineffective in terms of communication & interview." (Rollo. p. 64)

In mid-August 1992, petitioner was assigned as Department Secretary of the bank's Account Management Group. The evaluation report for the last month of her probationary period contained the following comments by petitioner's supervisor:

"Should put a little sophistication in answering phone calls, talking to people and in appearance. As a Dept. Secretary, she should eliminate the habit of soliciting other people's opinion be it a personal or official matter. Solution to problems can be done 'internally.'

xxx xxx xxx

"Demonstrate(s) a tolerable qualities (sic) as a Dept. Secretary. Should brush up her talent in spelling. Practice common sense from time to time." [1] (italics supplied.)

On September 23, 1992, respondent Bank notified petitioner that her probationary employment was considered automatically terminated, she having failed to meet the reasonable standards imposed by the bank for a permanent employee. Thus, petitioner filed in October 1992 a complaint for illegal dismissal against respondent bank.

The labor arbiter[2] in his decision dated January 17, 1993[3] held that the dismissal by respondent bank was not valid and ordered said bank to reinstate petitioner and to pay her backwages and attorney's fees. On appeal, respondent NLRC[4] in its Decision[5] dated April 20, 1994, reversed and set aside the arbiter's decision and held that the termination was lawful and valid. Her motion for reconsideration having been denied, petitioner now comes to this Court with this petition.

We rule for respondents and uphold the ruling of NLRC.

It should be noted, in the first place, that the instant petition is a special civil action for certiorari under Rule 65 of the Revised Rules of Court. An extraordinary remedy, its use is available only and restrictively in truly exceptional cases - those wherein the action of an inferior court, board or officer performing judicial or quasi-judicial acts is challenged for being wholly void on grounds of jurisdiction. The sole office of the writ of certiorari is the correction of errors of jurisdiction including the commission of grave abuse of discretion amounting to lack or excess of jurisdiction. It does not include correction of public respondent NLRC's evaluation of the evidence and factual findings based thereon, which are generally accorded not only great respect but even finality. [6]

No question of jurisdiction whatsoever is being raised and/or pleaded in the case at bench. Instead, what is being sought is a judicial re-evaluation of the adequacy or inadequacy of the evidence on record, which is certainly beyond the province of the extraordinary writ of certiorari. Such demand is impermissible for it would involve this Court in determining what evidence is entitled to belief and the weight to be assigned it. As we have reiterated countless times, judicial review by this Court in labor cases does not go so far as to evaluate the sufficiency of the evidence upon which the proper labor officer or office based his or its determination but is limited only to issues of jurisdiction or grave abuse of discretion amounting to lack of jurisdiction.[7]

In the instant case, as held by respondent NLRC, the labor arbiter's finding that petitioner was already a regular employee has no basis at all.

First, the arbiter's ruling that petitioner became a regular employee simply because of petitioner's functions as a loan processor and/or secretary is a legal non sequitur. The nature of petitioner's functions as loan processor and/or secretary did not, ipso facto, make her a regular employee.

Second, the arbiter's ruling that petitioner became a regular employee inasmuch as she was allowed to work after the lapse of the probationary period is devoid of factual basis. Records show that as early as September 23, 1992, prior to the lapse of the six-month probationary period, petitioner had already been notified that her probationary employment was "automatically terminated."

Petitioner's claim that she was allowed to work beyond the probationary period is anchored on her work records, Annexes "F" and "F-1".

But as the NLRC correctly observed, a careful examination of said annexes reveals that the entries therein, particularly the dates, had been altered. The first entry is "9/22/92", followed by "9/24/92" and "9/25/92"; there is no entry for "9/23/92", even though Sept. 23, 1992 was a Wednesday and banks were open for business that day. It is highly unlikely that petitioner worked on that day but did not have any entry for that day. The only plausible explanation was that petitioner's probationary employment was in fact terminated on that very date. Moreover, there is a very apparent attempt to cover up and obscure the alterations to entries made on Annex "F", as the

middle part thereof was blotched up, blotting out some entries, and the words "Annex 'F'" were splashed across the middle portion of the exhibit, in contrast to other exhibits of the petitioner which had their markings on the upper margins thereof.

WHEREFORE, there being no showing that grave abuse of discretion had been committed by respondent NLRC, whose findings are supported by substantial evidence, the instant petition is hereby DISMISSED for lack of merit.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Mela, and Francisco, JJ., concur.

[1] Vide back of p. 70 of Rollo.

[2] Labor Arbiter Jesus N. Rodriguez, Jr.

[3] Rollo, pp. 82-88.

[4] Second Division, composed of Comm. Rogelio I. Rayala, ponente. and Edna Bonto-Perez, Presiding Commissioner, and Domingo H. Zapanta, member,

[5] Rollo, pp. 108-117.

[6] Sajonas vs. NLRC, 183 SCRA 182 (March 15, 1990); Special Events & Central Shipping Office Workers Union vs. San Miguel Corporation, 122 SCRA 557 (May 30, 1983).

[7] Yap vs. inciong, 186 SCRA (June 21, 1990).

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