

COSMOS BOTTLING CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, SERGIO G. REY, SIXTO BATINO, RIZALINO T. TAMONDONG, ROBERTO SANTOS, HERMINIO G. DELA ROSA, EMIL...

G.R. No. 146397. July 01, 2003

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

We reiterate here that only questions of law, not questions of fact, may be raised before us in a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended.

At bar is a petition for review on certiorari assailing the Decision[1] dated August 4, 2000 and Resolution[2] dated December 13, 2000 of the Court of Appeals in CA-G.R. SP No. 53548.

The facts as borne by the records are:

Sometime in the months of December, 1992 and January, 1993, Cosmos Bottling Corporation, petitioner, through Leonardo Makasili, Personnel Manager, and Manuel Lim, Comptroller, conducted an investigation of the participation of seven (7) salesmen and three (3) checkers assigned at its San Pedro Plant, on the reported tampering, falsification and alteration of the Load Tally Statement Sheets (LTSS) which deprived petitioner of unremitted sales proceeds in the sum of P130,000.00. The said salesmen and checkers are the respondents herein, namely: Sergio C. Rey, Sixto Batino, Rizalino T. Tamondong, Roberto Santos, Herminio G. Dela Cruz, Emilio B. Magleo, Johnny G. Bacani, Zaldy G. Guzman, Jonathan Y. Relevo and Ireneo Solis.

During the investigation, respondents denied their participation in the alleged illegal acts and pointed to the guards, assigned to check the deliveries, as the real culprits. However, petitioner, relying heavily on the statement of Saturnino Montecalvo, terminated respondents' employment on the grounds of "fraudulent conspiracy" and dishonesty.

Feeling aggrieved, respondents filed with the Labor Arbiter a complaint against petitioner for illegal dismissal with prayer for reinstatement and payment of full backwages, damages and attorney's fees, docketed as NLRC NCR Case No. 02-00968-93.

On December 27, 1996, the Labor Arbiter rendered a decision finding the dismissal of respondents illegal and ordering petitioner to pay them their separation pay and backwages, thus:

"WHEREFORE, Decision is hereby rendered ordering respondent Cosmos Bottling Corporation to pay the complainants their separation pay and backwages, as follows:

1. Sergio C. Rey

Separation Pay: P 6,552.00

Backwages P 102,069.24 P 108,621.24

2. Sixto Batino

Separation Pay: P 51,120.00

Backwages P 176,969.86 P 228,089.86

3.

Rizalino T. Tamondong

Separation Pay: P 8,840.00

Backwages P 110,169.97 P 119,009.97

4. Roberto Santos

Separation Pay: P 27,040.00

Backwages P 129,611.73 P 156,651.73

5. Herminio G. dela Rosa

Separation Pay: P 10,608.00

Backwages P 110,169.97 P 120,777.97

6. Emilio Magleo

Separation Pay:

P 27,378.00

Backwages P 131,231.88 P 158,609.88

7. Johnny Bacani

Separation Pay: P 33,904.00

Backwages P 132,041.95 P 165,945.95

8. Zaldy G. Guzman

Separation Pay: P 6,240.00[3]

Backwages P 129,611.73 P 135,851.73[4]

9. Jonathan Relevo

Separation Pay: P 5,421.00

Backwages P 112,600.19 P 118,021.19

10. Ireneo Solis

Separation Pay: P 8,265.00

Backwages P 171,673.23 P 179,938.23

TOTAL AWARD P1,491,517.75[5]

"SO ORDERED."

On appeal, the NLRC issued a Resolution which modified in part the Arbiter's Decision by ordering a re-computation of respondent Zaldy G. Guzman's separation pay on the basis of his thirteen (13) years of service, instead of three (3). In upholding the factual findings of the Arbiter, the NLRC held:

"xxx xxx xxx

"All told, respondent simply failed to establish by substantial evidence the complainants' individual culpability on the alleged tampering or alteration. The sweeping charge of 'fraudulent conspiracy' leveled by the respondent against the complainants does not stand on firm legal ground sufficient to warrant the dismissal of any of the complainants for valid cause.

"Moreover, as the Supreme Court has consistently held: 'In dismissal cases, the employer has the burden of proving that the termination from the service of an employee is for valid or authorized cause.' Herein respondent clearly failed to discharge that burden.

"xxx xxx xxx

"We, however, sustain complainants' claim that the computation of complainant Zaldy G. Guzman's separation pay should be based on the 13 years of service and not three (3) as found by the Labor Arbiter. x x x.

"In the light of the foregoing, We find respondent's appeal insufficient to warrant reversal of the appealed decision. However, as regard complainants' partial appeal, the same is granted only in so far as the recomputation of complainant Zaldy G. Guzman's separation pay which should be reckoned from April 24, 1982.

"WHEREFORE, premises considered, respondent's appeal is hereby DENIED for lack of merit and the appealed decision is hereby MODIFIED only in so far as the recomputation^[6] of complainant Zaldy G. Guzman's separation pay is concerned which should be based on his thirteen (13) years of service.

"SO ORDERED."

Petitioner then filed a motion for reconsideration but was denied by the NLRC in a Resolution dated May 17, 1999.

On July 5, 1999, petitioner filed with the Court of Appeals a petition for certiorari alleging that the NLRC committed grave abuse of discretion by failing to uphold the validity and legality of respondents' termination from employment.

In a Decision dated August 4, 2000, the Court of Appeals dismissed the petition, thus:

"Perusal of the record reveals that petitioner miserably failed to establish by substantial evidence the private respondents' individual culpability on the alleged tampering or alteration. The sweeping charge of fraudulent conspiracy leveled by the petitioner against the private respondents does not stand on firm legal ground, sufficient to warrant their dismissal for valid cause.

"Moreover, as the Supreme Court has consistently held, 'In dismissal cases, the employer has the burden of proving that the termination from the service of an employee is for a valid or authorized cause.' After careful assessment of the facts and evidence obtaining in the case at bench, petitioner clearly failed to discharge that burden.

"Well-settled is the rule that factual findings of the National Labor Relations Commission, particularly when they coincide with those of the Labor Arbiter, are accorded respect, even finality, and will not be disturbed as long as such findings are supported by substantial justice.

"Grave abuse of discretion is committed only when the judgment is rendered in a capricious, whimsical, arbitrary or despotic manner. There being no puissant justification for us to adjudge both the Labor Arbiter's and NLRC's appreciation of such evidence as indicative of any grave abuse of discretion, petitioner's case before this Court has no leg to stand on.

"WHEREFORE, premises considered, the instant petition is hereby DENIED DUE COURSE and DISMISSED for lack of merit. The Resolutions dated February 23, 1999 and May 17, 1999 are hereby AFFIRMED in toto.

"SO ORDERED."

On August 28, 2000, petitioner filed a motion for reconsideration but was denied in a Resolution dated December 13, 2000.

Hence, this petition for review on certiorari.

Petitioner's grievance is that the Court of Appeals seriously erred in affirming the assailed Resolutions of the NLRC which upheld the legality of respondents' termination from employment.

We have always accorded respect and finality to the findings of fact of the Court of Appeals, particularly if they coincide with those of the Labor Arbiter and the NLRC when supported by substantial evidence. The reason for this is that quasi-judicial agencies, like the Arbitration Board and the NLRC, have acquired a unique expertise because their jurisdictions are confined to specific matters.[7] Whether or not respondents committed dishonesty and "fraudulent conspiracy" is indeed a factual question.

The jurisdiction of this Court in a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, is limited to reviewing only errors of law, not of fact, unless the factual findings being assailed are not supported by evidence on record or the impugned judgment is based on a misapprehension of facts.[8] These exceptions are not present here.

The lone issue being raised by petitioner does not involve a question of law but merely a question of fact. This is not cognizable by this Court under Rule 45.

WHEREFORE, the instant petition is hereby DENIED. The assailed Decision dated August 4, 2000 and the Resolution dated December 13, 2000 of the Court of Appeals are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Puno, (Chairman), Panganiban, Corona, and Carpio-Morales, JJ., concur.

[1] Rollo at 143-150.

[2] Id. at 162.

[3] Recomputed to P27,040.00, per NLRC Resolution dated February 23, 1999.

[4] Respondent Zaldy G. Guzman's total monetary award, as recomputed: P156,651.73.

[5] Total monetary award, as recomputed: P1,512,317.75.

[6] Respondent Zaldy G. Guzman's separation pay should be recomputed as follows:

$4/24/82 - 6/15/95 = 13 \text{ years}$

$P160.00 \times 13 \text{ days} \times 13 \text{ years} = P27,040.00$

[7] Vide, *German Marine Agencies, Inc. vs. NLRC*, G.R. No. 142049, January 30, 2001, 350 SCRA 629.

[8] *De Rama vs. Court of Appeals*, G.R. No. 131136, February 28, 2001, 351 SCRA 94, citing *Linzag vs. Court of Appeals*, G.R. No. 122181, June 26, 1998, 291 SCRA 304, 321 and *Congregation of the Religious of the Virgin Mary vs. Court of Appeals*, G.R. No. 126363, June 26, 1998, 291 SCRA 385, 392.

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