PFIZER, INC. AND MARIA ANGELICA B. LLEANDER, PETITIONERS, VS. EDWIN V. GALAN, RESPONDENT.

G.R. No. 158460. August 24, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is a Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals (Third Division) promulgated on January 16, 2003 in CA-G.R. SP No. 53671.

This is not the first time that the parties herein are before this Court. In Pfizer, Incorporated, et al. v. Galan,[2] which involves the same parties and the same incidents, Pfizer, Inc., herein petitioner, challenged the Resolution of the Court of Appeals dismissing its petition for certiorari for having been filed beyond the 60-day reglementary period. This Court, through then Chief Justice Hilario G. Davide, Jr., set aside the questioned Resolution and remanded the case to the Court of Appeals for further proceedings. Apparently, the proceedings have been terminated as the parties are once again before this Court.

Petitioner Pfizer, Inc. is a domestic corporation engaged in the manufacture of medicines. It sells its products through its distributors who deliver them to retail drugstores nationwide.

Maria Angelica B. Lleander, also a petitioner, is the Human Resource Director of Pfizer, Inc.

Edwin V. Galan, respondent, is a former employee of Pfizer, Inc. In August 1982, he was initially hired as a professional sales representative, more commonly known as a "medical representative." A recipient of several company awards, respondent was promoted to the position of District Manager for Mindanao in 1986. He continued to garner more awards for having exceeded the company's sales targets.

Sometime in September 1997, Pfizer, Inc. issued a memorandum requiring respondent to explain his unauthorized use of the company's vehicle and his questionable expense claims; and to comment on the doubtful liquidation of his cash advance of US$5,000 incurred during his official trip to Indonesia. After respondent submitted his explanation, a formal investigation was conducted and thereafter, he was preventively suspended.

On October 31, 1997, petitioner Maria Angelica B. Lleander sent respondent a "Notice of Termination"[3] on the ground of loss of trust and confidence.

Thereupon, respondent filed with the Regional Arbitration Branch No. 9, Zamboanga City a complaint for illegal dismissal against Pfizer, Inc. and Lleander, docketed as NLRC Case No. RAB-09-02-00048-98.

On August 14, 1998, Labor Arbiter Rhett Julius Plagata issued a Resolution finding that respondent was illegally dismissed from the service; and that, therefore, he is entitled to backwages, 13[th] month pay, incentives, reimbursement of expenses, and attorney's fees in the total sum of P2,052,013.50.

On appeal, the National Labor Relations Commission (NLRC) rendered a Decision dated December 17, 1998 affirming the judgment of the Labor Arbiter. Petitioners filed a motion for reconsideration but it was denied by

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the NLRC in its Resolution promulgated on April 29, 1999.

On July 5, 1999, the NLRC Decision became final and executory. Upon respondent's motion, the NLRC issued a writ of execution.

Meanwhile, on July 12, 1999, petitioners filed with the Court of Appeals a petition for certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended, docketed as CA-G.R. SP No. 53671.

On November 11, 1999, the Court of Appeals issued a Resolution[4] dismissing the petition for having been filed beyond the 60-day period in violation of Section 4, Rule 65 of the same Rules. Petitioners filed a motion for reconsideration, but this was denied by the appellate court in its Resolution of May 25, 2000.

Petitioners then filed with this Court a petition for review on certiorari, docketed as G.R. No. 143389. As previously stated, this Court set aside the Resolution of the Court of Appeals dismissing the petition and remanded the case to the same court for further proceedings. Thus, on January 16, 2003, the Court of Appeals rendered its Decision, the dispositive portion of which reads:

> WHEREFORE, in the light of all the foregoing, the Petition is DENIED. The assailed Resolutions of the NLRC are hereby AFFIRMED.
>
> SO ORDERED.

The appellate court upheld the factual findings of the Labor Arbiter and the NLRC that there was no deliberate attempt on respondent's part to defraud his employer. Hence, his dismissal from the service is unjustified.

Petitioners seasonably filed their motion for reconsideration, but it was denied by the Court of Appeals in its Resolution dated May 29, 2003.

Hence, the instant petition.

The fundamental issue here is whether the Court of Appeals erred in dismissing petitioners' action for certiorari.

In Odango v. National Labor Relations Commission[5], this Court held that with respect to labor cases, the appellate court's jurisdiction to review a decision of the NLRC in a petition for certiorari is confined to issues of jurisdiction or grave abuse of discretion. Differently put, the extraordinary writ of certiorari issues only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction, its sole function being to keep the inferior court, board, tribunal, or officer within the bounds of its or his jurisdiction or to prevent it or him from committing grave abuse of discretion amounting to lack or excess of jurisdiction.[6]

There are two (2) jurisprudential rules of long-standing in this jurisdiction. First, is the hoary rule that factual issues are beyond the scope of certiorari as they do not involve any jurisdictional issue.[7] As held by this Court in Quiambao v. Court of Appeals,[8] in certiorari proceedings under Rule 65, questions of fact are not generally permitted, the inquiry being limited essentially to whether or not the respondent tribunal acted without or in excess of its jurisdiction. Second, is the cardinal principle that factual findings of the NLRC affirming those of the Labor Arbiter, when devoid of any unfairness or arbitrariness, are accorded respect if not finality by the Court of Appeals.[9] And where the findings of the Labor Arbiter are affirmed by the NLRC and the Court of Appeals, these are deemed binding, final, and conclusive upon the Supreme Court.[10] It is not the function of the Supreme Court to inquire into the correctness of the evaluation of the evidence which was the basis for the labor official's ruling. And this Court may not disturb the findings of facts of those officials who have gained expertise in their specialized field, where such findings have been given the stamp of approval by the Court of Appeals.

This Court, therefore, sustains the findings of fact by the labor agencies and the Court of Appeals which warrant

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the dismissal of petitioners' complaint for loss of trust and confidence against respondent.

WHEREFORE, we DENY the petition. The assailed Decision of the Court of Appeals in CA-G.R. SP No. 53671 is AFFIRMED in toto. Costs against the petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

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[1] Rollo, pp. 521-542. Per Associate Justice Candido P. Rivera and concurred in by Associate Justice Eubolo G. Verzola (deceased) and Associate Justice Amelita G. Tolentino.

[2] G.R. No. 143389, May 25, 2001, 358 SCRA 240.

[3] See Rollo, pp. 468-470.

[4] Id., pp. 314-315. Penned by Associate Justice Bernardo Ll. Salas (deceased) with Associate Justice Cancio C. Garcia (now a member of this Court) and Associate Justice Candido V. Rivera (retired) concurring.

[5] G.R. No. 147420, June 10, 2004, 431 SCRA 633.

[6] Toyota Motor Phils. Corp. Workers Association (TMPWCA) v. Court of Appeals, G.R. No. 148924, September 24, 2003, 412 SCRA 69, 84-85, citing Land Bank of the Philippines v. Court of Appeals, 409 SCRA 455 (2003).

[7] Ongpauco v. Court of Appeals, G.R. No. 134039, December 21, 2004, 447 SCRA 395, 401, citing Day v. RTC of Zamboanga City, Branch XIII, 191 SCRA 610 (1990), Abig v. Constantino, 2 SCRA 299 (1961).

[8] G.R. No. 128305, March 28, 2005, 454 SCRA 17.

[9] Bolinao Security and Investigation Service, Inc. v. Toston, G.R. No. 139135, January 29, 2004, 421 SCRA 406, 412, citing Cosmos Bottling Corp. v. National Labor Relations Commission, 405 SCRA 258 (2003).

[10] German Machineries Corp. v. Endaya, G.R. No. 156810, November 25, 2004, 444 SCRA 329, 340, citing Bolinao Security & Investigation Service, Inc. v. Toston, id.

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