ASIATIC DEVELOPMENT CORPORATION, PETITIONER, VS. SPOUSES WELLINGTON AND FLORDELIZA BROGADA, RESPONDENTS.

G.R. No. 169136. July 14, 2006

Ponente: CORONA, J.

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CORONA, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court assails the May 31, 2005 decision[1] and July 28, 2005 resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 84702 affirming the September 24, 2003 resolution[3] of the Social Security Commission (SSC) in SSC Case No. 6-14922-99.

Respondents Wellington and Flordeliza Brogada are the parents of Fermin B. Brogada who was allegedly employed by petitioner Asiatic Development Corporation[4] from July 1994 up to his death in November 14, 1996. Respondents filed with the SSC a petition for social security coverage and payment of contributions in order to avail of the benefits accruing from the death of Fermin. They alleged that Fermin worked as survey aide under Engr. Bienvenido Orense, petitioner's geodetic engineer. Fermin was working on a project with Engr. Orense for one of petitioner's clients when he was shot and killed.

Petitioner denied its liability. It argued that there was no employer-employee relationship between it and Fermin. It claimed that Fermin was the employee of Engr. Orense. Thus, it was not obliged to report Fermin for social security coverage.

The SSC rendered judgment in favor of respondents:

> WHEREFORE, this Commission finds, and so holds, that the late Fermin Brogada was an employee[,] subject to [social security] compulsory coverage, of [petitioner] for the period July 1994 to November 14, 1996.
>
> Accordingly, [petitioner] is hereby ordered to pay the [Social Security System], within thirty (30) days from receipt of this Resolution, the amount of PI 2,419.00 representing the unpaid [social security] contributions in favor of the late Fermin Brogada for the aforestated period of employment, the amount of P35.815.84 as 3% per month penalty for late payment computed as of October 31, 2003 without prejudice to the collection of additional penalty that may accrue thereafter until fully paid, and the amount of P32,000.00 as damages for failure to report Fermin Brogada for [social security] coverage prior to his death pursuant to Section 24(a) of the [Social Security] Law, as amended.
>
> The [Social Security System] is directed to immediately pay the lump sum death benefit to the [respondents], in their capacity as secondary beneficiaries, in accordance with its existing rules and regulations, and to inform this Commission of its compliance herewith.

> As to the [petitioner's] liability, if any under [Employer's Compensation] Law, the [Social Security System] is advised to take appropriate action for the collection of the same.
>
> SO ORDERED.[5]

On appeal, the SSC resolution was affirmed by the CA. Undaunted, petitioner filed this petition insisting that Fermin was not its employee.

The petition is denied.

The issue of whether or not an employer-employee relationship exists in a given case is essentially a question of fact.[6] In petitions for review on certiorari under Rule 45, only questions of law may be raised by the parties and passed upon by this Court.[7] Factual findings of quasi-judicial bodies like the SSC, when adopted and confirmed by the CA and if supported by substantial evidence, are accorded respect and even finality by this Court.[8] While this Court has recognized several exceptions[9] to this rule, none of these exceptions finds application here.

Both the SSC and CA found that Fermin was petitioner's employee. Thus, petitioner is liable for unpaid social security contributions.

Petitioner's claims are a mere reiteration of arguments unsuccessfully raised before the SSC and the CA. No compelling reason whatsoever is shown by petitioner for this Court to reverse the SSC's findings and conclusions, as affirmed by the CA.

WHEREFORE, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

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[1] Penned b-y Associate Justice Mariano C. Del Castillo and concurred in by Associate Justices Salvador J. Valdez, Jr. and Magdangal M. de Leon of the Eighth Division of the Court of Appeals; rollo, pp. 9-20.

[2] Id., p. 22.

[3] Id., pp. 132-142.

[4] A domestic corporation engaged in the business of real estate development.

[5] Decided by Commissioner Tercsita M. Alegrc, rollo, p. 140.

[6] Manila Water Company v. Peña, G.R. No. 158255. 8 July 2004. 434 SCRA 53, 58, citing Fleischer Company, Inc. v. NLRC, G.R. No. 121608, 26 March 2001, 355 SCRA 105, 111.

[7] Pleyto v. Lomboy, G.R. No. 148737. 16 June 2004, 432 SCRA 329, 336: Metropolitan Bank and Trust Co. v. Wong, 412 Phil. 207,216(2001).

[8] Lazaro v. Court of Appeals, 423 Phil. 554. 558 (2001); Garrido v. Court of Appeals, 421 Phil. 872, 881 (2001); Santos v. Spouses Reyes, 420 Phil. 313, 317 (2001); Yu Bun Guan v. Ong, 419 Phil. 845, 854 (2001);

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Fernandez v. Fernandez, 416 Phil. 322, 337 (2001); Nagkakaisang Kapisanan Kapitbahayan sa Commonwealth Avenue v. Court of Appeals, 414 Phil. 146, 153-154 (2001).

[9] The exceptions are: (1) when the findings are grounded entirely on speculation, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (II) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, will justify a different conclusion.

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