

**S.L. TEVES, INC./HACIENDA NUESTRA SENORA DEL PILAR, AND/OR
RICARDO M. TEVES, AS PRESIDENT AND VICENTE M. TEVES, AS
GENERAL MANAGER PETITIONERS, VS. CASIANO ERAN,
RESPONDENT.**

G.R. No. 172890. April 30, 2008

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TINGA, J.:

Petitioners filed the present Petition for Review[1] dated May 25, 2006, seeking the reversal of the Decision[2] of the Court of Appeals in CA-G.R. SP No. 00789 dated February 3, 2006, and its Resolution[3] dated May 3, 2006, declaring respondent entitled reinstatement and to his monetary claims.

The facts, as culled from the record in the assailed Decision, follow:

The petitioner started working as laborer since 1978, and was paid P53.00 per day, paid every fifteen (15) days, with a daily work schedule of [sic] from 6:00 a.m. to 5:00 p.m.[,] from Monday to Saturday. His work consists of preparing/clearing and weeding the sugar plantation fields for planting, “CARGA” and “TAPAS,” gathering/harvesting and hauling sugar canes, within the sugar plantation, under the direct control and supervision of the “cabo.” Sometime in the morning of November 22, 2001, he was informed by the “cabo” that his services were terminated by Milagros “Maitos” Teves-Aldeguer, and since that time, he was not given work assignments, even if he was still interested to work. Hence, he filed a complaint for illegal dismissal and other monetary claims with the NLRC, Sub-Arbitration Branch, Dumaguete City.

On the other hand, the private respondents alleged that the petitioner was employed in Hacienda Cambuilao in Bais City owned by the Montenegros. They further alleged that last March 4, 2002[,], petitioner filed a complaint for illegal dismissal and money claims with the NLRC, Sub-Arbitration Branch, Dumaguete City; and that on March 18, 2002 after paying the amount of One Hundred Seventy Five (P175.00) Pesos to the petitioner herein, the latter withdrew the complaint against them, which prompted the Labor Arbiter to issue an Order dismissing the case with prejudice.

To sum it all, this case began on September 2, 2002, when the petitioner filed a complaint against the respondent for illegal dismissal, underpayment, separation pay, damages and attorney’s fees. The petitioner filed a Position Paper With Affidavit on October 2, 2002, while the respondents filed their Position Paper and Affidavit on October 7, 2002. On October 27, 2002, by refusing to discuss the merits and demerits of the case; by relying on the March 18, 2002 Order issued by him on the case between the same parties; and by applying the principle of *res judicata*, Labor Arbiter Geoffrey P. Villahermosa dismissed the complaint for lack of merit. As a result, on November 19, 2002, the petitioner filed a Notice of Appeal And Memorandum of Appeal. The NLRC rendered a Decision dismissing the said appeal on October 20, 2004. Consequently, on November 22, 2004, the petitioner filed a Motion For Reconsideration, which was in turn denied by the NLRC thru a Resolution dated February 2, 2005, thus petitioner filed this petition. (Citations omitted)[4]

According to the Court of Appeals, the National Labor Relations Commission (NLRC) committed grave abuse of discretion when it agreed with the Labor Arbiter’s finding that respondent’s voluntary withdrawal of his previous

complaint for illegal dismissal resulted in the dismissal of his suit “with prejudice” such that respondent can no longer file another complaint with the same cause of action against petitioners.

Petitioners argue that the Order[5] of the Labor Arbiter dated March 18, 2002, dismissing respondent’s first complaint for illegal dismissal had already become final and executory since the latter did not interpose an appeal. This dismissal operates to bar the second complaint, based on the same cause of action, on the ground of res judicata. Further, the dismissal of the first complaint was not based on a mere technicality but on an alleged admission made by respondent that he was not an employee of petitioners.

In his Comment[6] dated August 31, 2006, respondent avers that the instant petition asks the court to review a question of fact, i.e., whether respondent admitted to having worked in petitioners’ hacienda without the knowledge and consent of petitioners, which is not allowed in petitions for review under Rule 45 of the 1997 Rules of Civil Procedure (Rules of Court).

Petitioners filed a Reply[7] dated January 26, 2007, insisting that their petition is anchored on the question of whether res judicata bars the second illegal dismissal complaint filed by respondent.

It is at once evident that the parties in this case present two conflicting sides regarding the circumstances surrounding respondent’s employment and termination.

Petitioners vigorously insist that respondent had previously admitted having worked at petitioners’ hacienda without their knowledge and consent. This assertion, however, appears to be unsupported by any evidence on record, except petitioners’ own Position Paper[8] submitted before the NLRC.

The Receipt dated March 18, 2002, which petitioners submit as proof that respondent decided to withdraw the first illegal dismissal complaint on the condition that he be paid the amount of P175.00 equivalent to four (4) days’ work proves just that and nothing more—that respondent received remuneration for his work. It does not indicate, much less prove, that respondent admitted having voluntarily worked at petitioners’ hacienda without petitioners’ knowledge and consent or that he voluntarily agreed to withdraw his complaint.[9]

The Order dated March 18, 2002, which petitioners insist had already attained finality and should operate as res judicata to any further claims of respondent does not confirm the factual assertion made by petitioners. The Labor Arbiter, relying on this perfunctory Order dismissing the first complaint “with prejudice,”[10] merely narrated the factual submissions of the parties and chose “not to discuss anymore the merits or demerits of this case”[11] in his decision dated October 27, 2002 on the second complaint.

In order for res judicata to apply, however, the following requisites must concur: (a) the former judgment must be final; (b) the court which rendered it had jurisdiction over the subject matter and the parties; (c) it must be a judgment on the merits; and, (d) there must be as between the first and second actions identity of parties, subject matter and causes of action.[12] Whether the first complaint for illegal dismissal was dismissed on the merits depends, in turn, on the voluntariness of respondent’s withdrawal of his first complaint and on the truth or falsity of the allegation that respondent admitted that he was not really an employee of petitioners. These questions require an inquiry into the facts, a function which this Court does not exercise in an appeal by certiorari.

Under Rule 45 of the Rules of Court which governs appeals by certiorari, only questions of law may be raised as the Supreme Court is not a trier of facts. A question of law which the Court may pass upon must not involve an examination of the probative value of the evidence presented by the litigants. There is a question of law in a given case when the doubt or difference arises as to what the law is on a certain state of facts; there is a question of fact when the doubt or difference arises as to the truth or the falsehood of alleged facts.[13]

All of these notwithstanding, the Court of Appeals had ruled that respondent is a regular employee of petitioners; that he was illegally dismissed; and is, thus, entitled to reinstatement and to his monetary claims. We find these factual findings and conclusions in accord with the evidence on record.

WHEREFORE, the instant petition is DENIED. The Decision of the Court of Appeals dated February 3, 2006, and its Resolution dated May 3, 2006, in CA-G.R. SP No. 00789 are AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Carpio-Morales, Tinga, Velasco, Jr., and Brion, JJ., concur.

[1] Rollo, pp. 3-20.

[2] Id. at 22-30; Penned by Associate Justice Enrico A. Lanzas and concurred in by Executive Justice Arsenio J. Magpale and Associate Justice Pampio A. Abarintos.

[3] Id. at 39-40.

[4] Id. at 23-24.

[5] Id. at 52.

[6] Id. at 216-220.

[7] Id. at 224-227.

[8] Id. at 45-48.

[9] Id. at 51. The Receipt states in full:

March 18, 2002

RECEIPT

Received the amount of P175.00 from HDA. DEL PILAR through ATTY. DIRKIE Y. PALMA as full and complete payment for the 4 days work rendered with the Hacienda.

Signed

CASIANO IRAN
COMPLAINANT

With my consent:

Signed
CONSING IRAN
MOTHER

[10] Id. at 42.

[11] Id. at 63.

[12] *Aldovino, v. NLRC*, 359 Phil. 54, 61 (1998).

[13] *Naguiat v. Court of Appeals*, 459 Phil. 237, 241-242 (2003).

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