

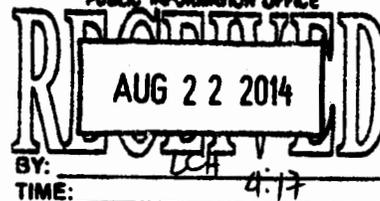


Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 23, 2014, which reads as follows:

“G.R. No. 162776 – ROMEO C. ABOBO, Petitioner, v. LIBERTY COMMODITIES CORPORATION, Respondent.

The petitioner appeals the decision promulgated on March 5, 2004,¹ whereby the Court of Appeals (CA) dismissed the petition for *certiorari* he had brought to assail the adverse resolution issued by the National Labor Relations Commission on August 6, 2002² affirming the decision of the Labor Arbiter dated March 29, 1999 (directing the respondent as the employer “to pay the complainant his separation benefits equivalent to one-half (1/2) month pay for every year of service from date of hiring on February 26, 1976 up to date hereof, which amounts to SEVENTY-SEVEN THOUSAND FOUR HUNDRED FORTY ONE (₱77,441.00) pesos.”)

The respondent employed the petitioner as a truck driver for more than 17 years. The petitioner received a memorandum dated May 27, 1993 from Jose S. Gana, the assistant vice president for personnel, requiring him to explain in writing within 48 hours why no disciplinary action should be taken against him regarding a stolen handcart. On May 28, 1993, the petitioner received another memorandum placing him under preventive suspension. The respondent conducted an investigation regarding the loss of the handcart.

¹ *Rollo*, pp. 127-133; penned by Associate Justice Rodrigo V. Cosico (retired), with Associate Justice Mariano C. Del Castillo (now a Member of this Court) and Associate Justice Vicente Q. Roxas concurring.

² *Id.* at 72-103.

On August 26, 1993, despite the pendency of the investigation, the petitioner filed a complaint for illegal suspension, illegal dismissal, non-payment of salaries, backwages and other wage benefits. Hence, on September 14, 1993, the respondent sent a letter informing him that his employment was terminated for serious misconduct on the ground of theft of company property and for betrayal of trust and confidence.

On March 29, 1999, Labor Arbiter Daisy G. Cauton-Barcelona rendered her decision finding sufficient evidence to hold the petitioner guilty of breach of trust for stealing the handcart,³ but ruling that the respondent should reinstate him without backwages. However, recognizing that the relationship between the parties being already strained, the Labor Arbiter declared the awarding instead of separation pay of 1/2 month for every year of service in lieu of reinstatement, *viz*:

WHEREFORE, with the foregoing premises considered, the respondent is hereby ordered to pay the complainant his separation benefits equivalent to one-half (1/2) month pay for every year of service from the date of hiring on February 26, 1976 up to date hereof, which amounts to seventy-seven thousand four hundred forty one (P77,441.00) pesos.⁴

On appeal, the NLRC affirmed the decision of the Labor Arbiter.⁵

Thus, the petitioner instituted a petition for *certiorari* in the CA, which, on March 5, 2004, promulgated its decision dismissing the petition for *certiorari* upon its finding that the NLRC and the Labor Arbiter had anchored their rulings upon substantial evidence, and thus did not commit grave abuse of discretion.⁶

Hence, this appeal by the petitioner, in which he alleges that the CA committed serious error in concluding that there was substantial evidence to warrant the dismissal of his petition for *certiorari*; and that there existed justifiable reasons to review their factual findings.

The appeal lacks merit.

As a rule, only questions of law may be raised on appeal in this Court because it is not a trier of facts. The limitation is applied with greater vigor in labor cases.⁷ Accordingly, judicial review by the Court cannot

³ Supra note 1, at 129.

⁴ Supra note 2, at 72.

⁵ Id. at 102.

⁶ Supra note 1, at 132.

⁷ *Gerlach v. Reuters Limited, Phil.*, G.R. No. 148542, January 17, 2005, 448 SCRA 535, 545.

extend to the re-evaluation of the sufficiency of the evidence upon which the labor tribunals have based their determinations.⁸

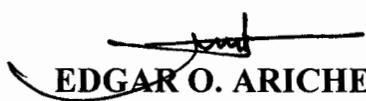
In administrative or quasi-judicial proceedings, including those by the NLRC, the standard of proof is substantial evidence, a standard that is understood to require more than just a scintilla of evidence, or such amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion.⁹ In labor cases, therefore, all that is required is for the employer to show by substantial evidence that the termination of the employee was valid and for cause.¹⁰

Here, the question of whether the petitioner committed theft and was guilty of betraying the trust and confidence reposed in him by the respondent was a factual one. Based on the evidence presented by the parties, the Labor Arbiter, NLRC and the CA were one in their findings to the effect that the handcart had been stolen, and that the petitioner had a hand in the theft. It appears that such factual findings were arrived at fairly and reasonably. Consequently, no persuasive reasons exist in the records to support any deviation from the factual findings of the CA and the labor tribunals.

WHEREFORE, the Court **AFFIRMS** the decision promulgated on March 5, 2004; and **ORDERS** the petitioner to pay the costs of suit.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court *et al*

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- over -

⁸ Id.

⁹ *Salvador v. Philippine Mining Service Corporation*, G.R. No. 148766, January 22, 2003, 395 SCRA 729, 738.

¹⁰ *Apo Cement Corporation v. Baptisma*, G.R. No. 176671, June 20, 2012, 674 SCRA 162, 163.

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