



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 10, 2020 which reads as follows:

“G.R. No. 249052 – MELECIO CAVAN, petitioner, versus WENNIE ENGRACIAL, respondent.

After a judicious review of the case, the Court resolves to **DENY** the Petition for Review on *Certiorari*¹ filed by petitioner Melecio Cavan (Cavan) assailing the Court of Appeals (CA) Decision² and Resolution³ in CA-G.R. SP No. 10918 which affirmed the uniform findings of the National Labor Relations Commission⁴ (NLRC) and Labor Arbiter⁵ (LA) in favor of respondent Wennie Engracial (Engracial).

The issue raised by Cavan before the Court, as to the cause of his separation from employment, is a factual matter which generally cannot be raised in a petition for review under Rule 45. It is an established doctrine that a Rule 45 petition is generally limited to a review of legal issues. The Court is not a trier of facts. It is not the function of the Court to assess and re-evaluate the evidence which has already been passed upon by the courts and tribunals below, especially when their findings are consistent, as in this case.⁶ Findings of fact of administrative agencies and quasi-judicial bodies, such as

¹ *Rollo*, pp. 3-13, filed under Rule 45 of the Rules of Court.

² *Id.* at 114-124. Penned by Associate Justice Marilyn B. Lagura-Yap with the concurrence of Associate Justices Gabriel T. Ingles and Edward B. Contreras.

³ *Id.* at 139-141.

⁴ See NLRC Decision, *id.* at 105-109. Penned by Commissioner Julie C. Rendoque, with the concurrence of Presiding Commissioner Violeta Ortiz-Bantug and Commissioner Jose G. Gutierrez.

⁵ See LA Decision, *id.* at 99-104. Penned by Labor Arbiter Marie Angelica Felizco-Padrid.

⁶ *Heirs of Pacencia Racaza, v. Abay-Abay*, G.R. No. 198402, June 13, 2012, 672 SCRA 622, 627-628.

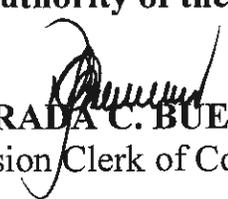
the NLRC and LA, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect, but finality when affirmed by the CA.⁷

In the present case, the Court holds that the CA did not commit any reversible error in affirming the findings of the NLRC, which in turn, had upheld the findings of the LA. The CA and the labor agencies uniformly held that Cavan failed to prove that he was dismissed from employment, whether illegally or legally. On the other hand, Engracial was able to sufficiently prove that it was Cavan who voluntarily terminated his employment in refusing to return to work. These are factual matters which are generally beyond the scope of the Court's review. Herein Cavan merely reiterated his arguments before the court *a quo* and failed to prove that the CA committed any reversible error dismissing the petition for *certiorari* under Rule 65 filed before it. Thus, the instant petition must fail.

WHEREFORE, the assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 10918 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁷ *Sarona v. National Labor Relations Commission*, G.R. No. 185280, January 18, 2012, 663 SCRA 394, 414-415.



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