SUPREME COURT
THIRD DIVISION

ELMER G. ANDAYA,
Petitioner,

-versus-

G.R. No. 157371
July 15, 2005

NATIONAL LABOR RELATIONS COMMISSION,* **INTERNATIONAL HAM & SAUSAGE MANUFACTURING CO., INC.,**
Respondents.
x----------x

D E C I S I O N

PANGANIBAN, *J.*:

Technical rules of procedure are not strictly adhered to in labor cases. In the interest of substantial justice, new or additional evidence may be introduced on appeal before the National Labor Relations Commission (NLRC). Allowing this move would be proper, provided due process is observed by giving the opposing party sufficient opportunity to meet and rebut the new or additional evidence.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, challenging the November 11, 2002 Decision[2] and the February 27, 2003 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 70464. The assailed Decision disposed as follows:

> "WHEREFORE, foregoing premises considered, this petition is dismissed for lack of merit."[4]

The CA denied petitioner's Motion for Reconsideration via its February 27, 2003 Resolution.

The Facts

The antecedents were summarized by the appellate court as follows:

> "This case arose from a complaint for illegal dismissal and money claims filed by Noli Paligutan, Exequiel Tabiosas and petitioner Elmer Andaya. After the contending parties have filed their respective position papers and their respective reply position papers, a decision was rendered on June 14, 2000, with the following dispositive portion:
>
> > 'WHEREFORE, premises considered, respondent is directed to pay the complainants their S/L, holiday pay, overtime pay, to wit:
> >
> > (1) Elmer Andaya
> >
> > SILP (2/5/96-2/5/99)
> > ~~₱~~195.33 x 5 x 3 yrs.=~~₱~~2,929.95
> > HOLIDAY PAY (1/20/96-2/28/99)=30 days
> > ~~₱~~195.33 x 30 days=~~₱~~5,859.90
> > OT (2/5/96-2/5/99)=36
> > ~~₱~~195.33/8=~~₱~~24.40 x 1.25
> > =~~₱~~30.52 x 4 hrs x 28 x 26=
> > ~~₱~~123,056.64=~~₱~~131,846.49
> >
> > (2) NOLI PALIGUTAN=~~₱~~131,846.49 - ~~₱~~45,000.00
> >
> > (3) EXEQUIEL TABIOSAS

SILP (1/20/96-1/30/99) 3 yrs.
₱226 x 5 x 3=₱3,390.00
HOLIDAY PAY (1/20/96-1/20/99)=30 days
₱226 x 30 days=₱6,780.00
OT (1/20/96-1/30/99)=36
₱226/8=₱28.25 x 1.25 x 4 hrs
x 28 x 26=₱142,380.00= ₱152,550.00

'The rest of the claims and causes of action are dismissed.

'SO ORDERED.'

"Private respondent made a partial appeal on the Labor Arbiter's decision, docketed as NLRC-CA No. 026356-00 which was reversed therein in a decision dated October 16, 2001, which reads, thus:

'All told, we find no basis in the grant of monetary awards to complainants.

'Consequently, they should be omitted.

'Wherefore, the instant partial appeal is hereby given due course. The monetary awards contained in the appealed decision are hereby deleted and this case dismissed for lack of merit.

'SO ORDERED.'

to which a motion for reconsideration was filed but was denied by public respondent in its Resolution dated January 16, 2002."[5]

Petitioner elevated the case to the CA via a Petition for Certiorari, claiming that the NLRC had erred in 1) admitting as evidence the Collective Bargaining Agreement (CBA) and the payroll, even if the latter had no entry of the amount supposedly paid to him, and both documents were submitted only on appeal; and 2) disregarding the logbook entries he had submitted in evidence.[6]

Ruling of the Court of Appeals

Denying the Petition, the appellate court ruled that the NLRC had not gravely abused its discretion in setting aside the technicalities of the law in order to ascertain the facts. Moreover, petitioner was not prejudiced, because he had the opportunity to present counter evidence before the NLRC. The CA added that the labor arbiter would have ruled similarly, had the same evidence been presented before him. [7]

It said that the CBA and the payroll sufficiently corroborated the Affidavits earlier presented, attesting to the lack of entitlement of petitioner to service incentive leave, as well as to holiday and overtime pays. It further stated that he had failed to present convincing and satisfactory evidence to show that his labor union was remiss in its duty to protect his rights as a laborer. Furthermore, the logbook entries that he presented did not indicate the nonpayment of his overtime pay.

In sum, the CA gave more evidentiary weight to the payroll presented as evidence by respondent company, because the signature of petitioner on those documents showed that he had been duly recompensed with overtime and holiday pays.[8]

Hence, this Petition.[9]

The Issue

In his Memorandum, petitioner raises this sole issue for our consideration:

> "Whether or not the Court of Appeals gravely erred and abused its discretion in affirming the NLRC's Decision in reversing the labor arbiter's Decision."[10]

This Court's Ruling

The Petition is unmeritorious.

Sole Issue:

Alleged Grave Abuse of Discretion

Petitioner argues that the NLRC should not have given evidentiary weight to the payroll, which did not indicate the amount he had allegedly received as overtime and holiday pays. Those documents alone, he avers, cannot ascertain whether he was in fact paid those benefits.

By his allegations, he is clearly asking this Court to reevaluate the evidence presented before the labor tribunals, which included the NLRC. Determining the evidentiary value to be assigned to such evidence lies within the province of that body and the CA, not this Court.

We have repeatedly ruled that the Supreme Court is not a trier of facts.[11] That petitioner received overtime and holiday pays was a factual finding made by a labor tribunal, which had acquired expertise in matters within its specific and specialized jurisdiction. Especially when affirmed by the appellate court, as in this case, findings of fact made by such tribunals are generally accorded great respect, even finality. Their findings are binding upon this Court, unless the petitioners are able to show that their evidence has simply and arbitrarily been disregarded, or that the evidence that was misapprehended was of such nature as to compel a contrary conclusion if properly appreciated.[12] In the present case, petitioner has failed to show any disregard or misapprehension of evidence.

The only proof he presented to substantiate his claims were the pages of a logbook that he had allegedly taken from respondent company. The appellate court properly held, however, that even assuming the logbook entries to be true, he had nonetheless failed to controvert the contention that -- as shown by the payroll -- the company had paid him the benefits he was claiming.

According to the payroll, petitioner had already received his overtime and holiday pays. Significantly, at no time did he contest the validity of the payroll or controvert the authenticity of his signatures therein;

thus, he is deemed to have acquiesced to their genuineness. His bare negative allegation that he did not receive his overtime and holiday pays was belied by the payroll, which indicated that he had in fact received payments for the benefits being claimed.

The fact that the payroll and the CBA[13] were submitted for the first time on appeal before the NLRC does not mean that they cannot be given evidentiary weight. In labor cases, technical rules of evidence are not binding. Labor officials are encouraged to use all reasonable means to ascertain the facts speedily and objectively, with little resort to technicalities of law or procedure, all in the interest of substantial justice.[14] Thus, even if the evidence was not submitted to the labor arbiter, the fact that it was duly introduced on appeal to respondent commission was enough basis for it to admit them.[15]

Illegal Dismissal

Petitioner argues that his Complaint for illegal dismissal was improperly dismissed. He insists that the security guards' refusal to grant him entry to the company premises resulted in an illegal dismissal. He adds that subsequently being asked to report back to work did not cure the irregular termination of his employment.[16]

On the other hand, respondent company avers that he is barred from raising this issue, as he failed to appeal the labor arbiter's Decision dismissing his Complaint.[17]

We rule for private respondent. The labor arbiter's Decision dismissing the Complaint filed by petitioner for illegal dismissal became final and executory when he opted not to appeal the Decision. We have ruled thus in *Policarpio vs. CA*:[18]

> "A party who has not appealed from the decision may not obtain any affirmative relief from the appellate court other than what he had obtained from the lower court, if any, whose decision is brought up on appeal."

WHEREFORE, the Petition is **DENIED** and the challenged Decision and Resolution **AFFIRMED**. Costs against petitioner.

SO ORDERED.

Sandoval-Gutierrez, Corona, Carpio Morales, and Garcia, *JJ*., concur.

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* The Petition included the Court of Appeals as a respondent. However, the CA was omitted from the title of the case because, under Section 4 of Rule 45 of the Rules of Court, the appellate court need not be impleaded in petitions for review.

[1] Rollo, pp. 8-23.

[2] Id., pp. 25-30. Special Ninth Division. Penned by Justice Mercedes Gozo-Dadole, with the concurrence of Justices B. A. Adefuin-de la Cruz (Division chair) and Danilo B. Pine (member).

[3] Rollo, p. 31.

[4] Assailed CA Decision, p. 6; rollo, p. 30.

[5] Id., pp. 2-3 & 26-27.

[6] Id., pp. 3-4 & 27-28.

[7] Id., pp. 4 & 28.

[8] Id., pp. 5 & 29.

[9] The case was deemed submitted for decision on March 29, 2004, upon this Court's receipt of respondent company's Memorandum, signed by Attys. Jose C. Guico Jr. and Jeni Esther R. Tugade-Abrazaldo. Petitioner's Memorandum, signed by Atty. Ramon R. Mendez Jr., was received by this Court on March 12, 2004.

[10] Petitioner's Memorandum, p. 6; rollo, p. 158. Original in uppercase.

[11] Trade Unions of the Philippines vs. Laguesma, 236 SCRA 586, 591, September 21, 1994.

[12] Exceptions to the rule of conclusiveness of the findings of fact of the Court of Appeals are as follows: (1) when the conclusion is a finding grounded entirely in speculation, surmise and conjecture; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is a 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 the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) when the findings of the Court of Appeals are contrary to those of the trial court; (8) when the findings of fact 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 respondents; and (10) when the findings of fact of the Court of Appeals is premised on a supposed absence of evidence and is contradicted by the evidence on record. See Reyes vs. CA, 328 Phil. 171, July 11, 1996; Chua Tiong Tay vs. CA, 312 Phil. 1128, March 31, 1995; Floro vs. Llenado, 314 Phil.

715, June 2, 1995 (citing Remalante vs. Tibe, 158 SCRA 138, 145, February 25, 1988, per Cortes, J.).

[13] The basis of the NLRC's deletion of the award for service incentive leave pay.

[14] Philippine Telegraph and Telephone Corporation vs. NLRC, 183 SCRA 451, March 21, 1990.

[15] Id., pp. 457-458.

[16] Petitioner's Memorandum, pp. 9-10; rollo, pp. 161-162.

[17] Respondent company's Memorandum, p. 24; rollo, p. 192.

[18] 336 Phil. 329, 341, March 7, 1997, per Panganiban, J. See also Rural Bank of Sta. Maria, Pangasinan vs. CA, 373 Phil. 27, September 14, 1999; Pison-Arceo Agricultural and Development Corporation vs. NLRC, 344 Phil. 723, September 18, 1997; Quintanilla vs. CA, 344 Phil. 811, September 24, 1997.