

**[ SP No. 110250, May 12, 2010 ]**

**ANTONIO MAGSIPOC, PETITIONER, VS. NATIONAL LABOR  
RELATIONS COMMISSION AND SAN MIGUEL CORPORATION,  
RESPONDENTS.**

This petition for certiorari<sup>[1]</sup> seeks to nullify the *Decision*<sup>[2]</sup> of the National Labor Relations Commission (NLRC) which affirmed the *Decision*<sup>[3]</sup> of the Labor Arbiter in NLRC-NCR Case No. 00-09-09911-07. Also challenged is the *Resolution*<sup>[4]</sup> denying reconsideration thereof.

**The Facts<sup>[5]</sup>**

On November 24, 1962, Antonio Magsipoc<sup>[6]</sup> (Magsipoc) was employed as a daily-paid Filler Operator by San Miguel Corporation<sup>[7]</sup> (SMC) assigned at its Polo Brewery Plant in Valenzuela City.

Subsequently, on August 8, 1979, Magsipoc was temporarily assigned as Bottling Production Foreman Trainee with authority to sign the timecards and the vacation leaves of his immediate subordinates.<sup>[8]</sup>

On February 6, 2004, or after almost forty-two (42) years of service, Magsipoc informed Eileen Miranda<sup>[9]</sup> of his intention to retire from employment and to avail of the benefits under the retirement plans of SMC.<sup>[10]</sup>

Thereafter, on August 13, 2004, Magsipoc was orally advised of his severance from employment under the Involuntary Separation Package of SMC effective September 15, 2004. At the time of his separation from employment, his salary amounted to Seven Hundred Fifty-Four Pesos and Eleven Centavos (PhP754.11) per day, or an equivalent of Twenty-Two Thousand Six Hundred Twenty-Three Pesos and Thirty Centavos (PhP22,623.30) per month. Accordingly, on October 26, 2004, in consideration of his forty-two(42) years and four (4) months of service, he received as separation or retirement pay the amount of Two Million Four Hundred Forty-Seven Thousand Six Hundred Fifty-Two Pesos and Fifty-Four Centavos (PhP2,447,652.54). Subsequently, he executed a *Release and Receipt*<sup>[11]</sup> acknowledging receipt of the retirement pay and discharging SMC from any and all claims or cause/s of action relative to his employment.

After almost three (3) years from the execution of the *Receipt and Release*, or on September 10, 2007, however, a complaint for payment of separation benefits differentials, interest, and attorney's fees, was filed by Magsipoc before the Labor Arbiter against SMC and/or Wilfredo Camaclang<sup>[12]</sup> (collectively, Private Respondents).

In support of his complaint, Magsipoc avers that, when he was promoted as Bottling Production Foreman, he continued to be a daily-paid employee until his separation from service, instead of being a monthly-paid employee. He claims that Ernesto

Camorongal, a co-employee who was promoted as Foreman at about the same time of his promotion and was assigned at the same brewery plant, was a monthly-paid employee who received the amount of Thirty Thousand Fifty-Five Pesos (PhP30,055.00) per month.<sup>[13]</sup> Thus, he was entitled to the payment of additional separation benefits as a monthly-paid employee, and not as a daily-paid employee. Moreover, Magsipoc asserts that, by virtue of the execution of the Collective Bargaining Agreement (CBA) between SMC and Maw at Buklod ng Manggagawa - SMC Chapter<sup>[14]</sup> (IBM-SMC), he was likewise entitled to the CBA Grant of One Hundred Twenty-Five Thousand Pesos (PhP125,000.00) as a lump sum payment in lieu of a wage increase from July 1, 2004 to June 30, 2005.

By way of opposition thereto, the Private Respondents counter that Magsipoc was only appointed as a Bottling Production Foreman Trainee; and, that the same was merely temporary in nature and was subsequently recalled. They also add that his claim of promotion is utterly false as his position at the time of his separation was that of a Bottling Crew at the Packaging Department - Multi-Product Line of SMC, and not that of a Foreman. Further, his position as Bottling Crew was confirmed by him in his letter to Eileen Miranda signifying his intent to retire from said position and the Receipt and Release he previously executed.<sup>[15]</sup> The Private Respondents maintain that, even assuming he was promoted as Foreman, he is now barred from recovering any additional benefits considering his voluntary execution of a valid release and quitclaim in favor of SMC. To allow him to recover despite the execution of the same would amount to unjust enrichment on his part.

The Private Respondents argue that Magsipoc is also not entitled to the CBA grant since the same was not given to employees who were involuntarily separated from the service the year before June 14, 2005, the date of execution of the Memorandum Agreement between SMC and IBM-SMC.<sup>[16]</sup> Additionally, since he failed to prove that Wilfredo Camaclang acted in bad faith or with malice, the latter cannot be held liable for the payment of his monetary claims. Therefore, the Private Respondents pray for the dismissal of the instant complaint. On May 27, 2008, the Labor Arbiter rendered judgment in favor of the Private Respondents by dismissing the complaint for payment of separation benefits differentials and other monetary claims of Magsipoc, viz:

*IN VIEW OF THE FOREGOING, instant case is dismissed for lack of merit.*

*SO ORDERED.*<sup>[17]</sup>

Finding the judgment unsatisfactory, Magsipoc appealed the same to the NLRC.<sup>[18]</sup> In his appeal, he alleges that the Labor Arbiter committed serious errors amounting to grave abuse of discretion in failing to award the separation pay differentials despite being entitled thereto due to his promotion as Foreman. Magsipoc also insists that his promotion was never recalled by SMC, thus, entitling him to the separation benefits of a Foreman, which is a monthly-paid supervisory position. Also, he contends that the quitclaim he executed cannot bar his recovery of the separation pay benefits and CBA grant.<sup>[19]</sup>

On December 23, 2008, however, the NLRC denied the appeal for lack of merit and affirmed the judgment of the Labor Arbiter.<sup>[20]</sup> The motion for reconsideration of the same was likewise denied.<sup>[21]</sup> Hence, the instant petition.

### **The Issue:**

n seeking the grant of his petition, Magsipoc raises his lone assignment of error, to wit:

*IT WAS GRAVE ABUSE OF DISCRETION FOR THE PUBLIC RESPONDENT NLRC TO AFFIRM THE DENIAL OF THE RECOMPUTATION OF PETITIONER'S BENEFITS DESPITE CLEAR ENTITLEMENT THERETO.*<sup>[22]</sup>

### **This Court's Rulina:**

*The petition is without merit.*

It is a well-settled doctrine that the original and exclusive jurisdiction of this Court to review a decision of the NLRC in a petition for certiorari does not normally include an inquiry into the correctness of its evaluation of the evidence. Errors of judgment, as distinguished from errors of jurisdiction, are not within the scope of a writ of certiorari, which is merely confined to issues of jurisdiction or grave abuse of discretion. Grave abuse of discretion means such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. It must be shown that the discretion was exercised arbitrarily or despotically. It is thus incumbent upon the petitioner to satisfactorily establish that the NLRC or the Labor Arbiter acted capriciously and whimsically in total disregard of evidence material to or even decisive of the controversy, in order for the writ to lie.<sup>[23]</sup>

Moreover, it is axiomatic that when the findings of fact of the Labor Arbiter and the NLRC are not supported by substantial evidence or their judgments were based on a misapprehension of facts, this Court may make an independent evaluation of the facts of the case. Where the party's contention appears to be clearly tenable, or where the broader interest of justice and public policy so requires, the court may, in a certiorari proceeding, correct the error committed. Likewise, this Court may look into the records of the case and re-examine the questioned findings if it considers the same to be necessary to arrive at a just decision.<sup>[24]</sup>

At bench, none of the foregoing circumstances exists that would justify a reexamination of the evidence on record to determine whether the NLRC committed errors of judgment as regards thereto. Thus, in limiting Ourselves to whether the NLRC acted capriciously and whimsically in total disregard of evidence material to or decisive of the controversy, We find that Magsipoc failed to prove that the NLRC acted with grave abuse of discretion in denying his appeal. *We elaborate.*

Magsipoc insists that he was promoted as Foreman sometime in 1979, as such; he is entitled to additional separation benefits which correspond to the monthly salary of an employee with the same position. The records, however, reveal that the same is clearly belied by Magsipoc's own admission of being a Bottling Crew, instead of a Foreman. In his letter to Eileen Miranda, he informed her that he has been a regular employee of SMC, assigned as a Bottling Crew for a long period of time; and, that after almost forty-two(42) years of service, he intends to retire and avail of the retirement benefits under the Retirement Plans of SMC.<sup>[25]</sup> Moreover, this was further bolstered by the *Receipt and Release* he executed, wherein he categorically stated that he was employed as a Packaging Crew-MPL at the San