

FIRST DIVISION

[G.R. No. 158460, August 24, 2007]

**PFIZER, INC. AND MARIA ANGELICA B. LLEANDER,
PETITIONERS, VS. EDWIN V. GALAN, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For our resolution is a Petition for Review on *Certiorari* assailing the Decision^[1] of the Court of Appeals (Third Division) promulgated on January 16, 2003 in CA-G.R. SP No. 53671.

This is not the first time that the parties herein are before this Court. In *Pfizer, Incorporated, et al. v. Galan*,^[2] which involves the same parties and the same incidents, Pfizer, Inc., herein petitioner, challenged the Resolution of the Court of Appeals dismissing its petition for *certiorari* for having been filed beyond the 60-day reglementary period. This Court, through then Chief Justice Hilario G. Davide, Jr., set aside the questioned Resolution and remanded the case to the Court of Appeals for further proceedings. Apparently, the proceedings have been terminated as the parties are once again before this Court.

Petitioner Pfizer, Inc. is a domestic corporation engaged in the manufacture of medicines. It sells its products through its distributors who deliver them to retail drugstores nationwide.

Maria Angelica B. Lleander, also a petitioner, is the Human Resource Director of Pfizer, Inc.

Edwin V. Galan, respondent, is a former employee of Pfizer, Inc. In August 1982, he was initially hired as a professional sales representative, more commonly known as a "medical representative." A recipient of several company awards, respondent was promoted to the position of District Manager for Mindanao in 1986. He continued to garner more awards for having exceeded the company's sales targets.

Sometime in September 1997, Pfizer, Inc. issued a memorandum requiring respondent to explain his unauthorized use of the company's vehicle and his questionable expense claims; and to comment on the doubtful liquidation of his cash advance of US\$5,000 incurred during his official trip to Indonesia. After respondent submitted his explanation, a formal investigation was conducted and thereafter, he was preventively suspended.

On October 31, 1997, petitioner Maria Angelica B. Lleander sent respondent a "Notice of Termination"^[3] on the ground of loss of trust and confidence.

Thereupon, respondent filed with the Regional Arbitration Branch No. 9, Zamboanga

City a complaint for illegal dismissal against Pfizer, Inc. and Lleander, docketed as NLRC Case No. RAB-09-02-00048-98.

On August 14, 1998, Labor Arbiter Rhett Julius Plagata issued a Resolution finding that respondent was illegally dismissed from the service; and that, therefore, he is entitled to backwages, 13th month pay, incentives, reimbursement of expenses, and attorney's fees in the total sum of P2,052,013.50.

On appeal, the National Labor Relations Commission (NLRC) rendered a Decision dated December 17, 1998 affirming the judgment of the Labor Arbiter. Petitioners filed a motion for reconsideration but it was denied by the NLRC in its Resolution promulgated on April 29, 1999.

On July 5, 1999, the NLRC Decision became final and executory. Upon respondent's motion, the NLRC issued a writ of execution.

Meanwhile, on July 12, 1999, petitioners filed with the Court of Appeals a petition for *certiorari* under Rule 65 of the 1997 Rules of Civil Procedure, as amended, docketed as CA-G.R. SP No. 53671.

On November 11, 1999, the Court of Appeals issued a Resolution^[4] dismissing the petition for having been filed beyond the 60-day period in violation of Section 4, Rule 65 of the same Rules. Petitioners filed a motion for reconsideration, but this was denied by the appellate court in its Resolution of May 25, 2000.

Petitioners then filed with this Court a petition for review on *certiorari*, docketed as G.R. No. 143389. As previously stated, this Court set aside the Resolution of the Court of Appeals dismissing the petition and remanded the case to the same court for further proceedings. Thus, on January 16, 2003, the Court of Appeals rendered its Decision, the dispositive portion of which reads:

WHEREFORE, in the light of all the foregoing, the Petition is DENIED. The assailed Resolutions of the NLRC are hereby AFFIRMED.

SO ORDERED.

The appellate court upheld the factual findings of the Labor Arbiter and the NLRC that there was no deliberate attempt on respondent's part to defraud his employer. Hence, his dismissal from the service is unjustified.

Petitioners seasonably filed their motion for reconsideration, but it was denied by the Court of Appeals in its Resolution dated May 29, 2003.

Hence, the instant petition.

The fundamental issue here is whether the Court of Appeals erred in dismissing petitioners' action for *certiorari*.

In *Odango v. National Labor Relations Commission*^[5], this Court held that with respect to labor cases, the appellate court's jurisdiction to review a decision of the NLRC in a petition for *certiorari* is confined to issues of jurisdiction or grave abuse of discretion. Differently put, the extraordinary writ of *certiorari* issues only for the