

FIRST DIVISION

[G.R. No. 158922, May 28, 2004]

**FERNANDO GO, PETITIONER, VS. COURT OF APPEALS AND
MOLDEX PRODUCTS, INC., RESPONDENTS.**

D E C I S I O N

YNARES-SATIAGO, J.:

This is a petition for review under Rule 45 of the Rules of Court seeking the reversal of the decision^[1] of the Court of Appeals dated June 30, 2003, in CA-G.R. SP No. 73349, which set aside the twin resolutions^[2] of the National Labor Relations Commission (NLRC).

The antecedent facts are as follows:

On April 26, 1986, petitioner Moldex Products, Inc. hired private respondent, Fernando Go as a salesman with a monthly salary of One Thousand Six Hundred Ninety One Pesos (P1,691.00) and an allowance of Five Hundred Ten Pesos (P510.00).^[3] Over the years, private respondent worked himself within petitioner's corporate structure until he eventually attained the rank of Senior Sales Manager with a monthly compensation of Fifty Thousand Pesos (P50,000.00) and an average sales commission of Fifteen Thousand Pesos (P15,000.00) per month.^[4]

As the Senior Sales Manager of private respondent, petitioner was responsible for overseeing and managing the sales force of the company such as dealing with clients, getting orders, entering into agreement with clients, subject to the approval of higher management.^[5]

Sometime in the middle of 1998, petitioner's attention was called by Antonio Roman, the Executive Vice-President and Chief Operating Officer of respondent corporation, regarding the discovery of alleged anomalies purportedly committed by the sales people under the Commercial and Industrial Division of the respondent's Marketing Department. The anomalies stemmed from the disbursement of funds by the respondent to government officials for the purpose of getting big supply contracts from the government.^[6]

It appears that sometime in 1998, the accounts handled by the petitioner and his staff experienced collection problems. This difficulty in collection necessitated the conduct of an investigation by the respondent,^[7] which led to the discovery of anomalies. Among the sales personnel investigated was a member of petitioner's division. Consequently, respondent corporation dismissed a number of its personnel.^[8]

For its part, respondent claimed that it also questioned petitioner and that

"obviously feeling guilty for not exercising effective supervision over his subordinates, (petitioner) submitted a letter of resignation^[9] dated October 12, 1998 but effective on November 16, 1998."^[10] Respondent added that petitioner went on leave from October 12, 1998 to November 16, 1998. While on leave, petitioner worked for the release of his clearance and the payment of 13th month pay and leave pay benefits.

On the other hand, petitioner averred that he was not investigated. During his talk with the higher management of the respondent corporation, petitioner contended that the sales people who were found to be involved in the anomalies were directly getting instructions, relative to the disbursement of funds to government officials, from respondent's personnel who were occupying management positions higher than that of the petitioner.^[11]

Petitioner further alleged that after the investigation, he was surprised to receive an advice from the respondent that his services were being terminated by the latter on account of command responsibility. But since the petitioner was not involved in the anomalies, he was promised payment of separation pay, commission and other benefits due him on account of his long and dedicated employment with the respondent. In addition, the respondent also granted to petitioner a distributorship agreement for the right to be a distributor of its products. In exchange, petitioner was asked to submit a courtesy resignation to the respondent.^[12] Thereafter, petitioner's responsibility as the senior sales manager of the respondent was eventually stripped from him.

On March 21, 2000, petitioner filed with the NLRC a complaint^[13] for constructive dismissal, separation pay, service incentive leave including damages and attorney's fees against the respondent.^[14] The case was docketed as NLRC NCR Case No. 00-03-01684-2000 and it was raffled to the office of Labor Arbiter Ermita T. Abrasaldo-Cuyuca.

On April 30, 2001, Labor Arbiter Abrasaldo-Cuyuca rendered a Decision^[15] the dispositive portion of which states:

WHEREFORE, judgment is hereby rendered in favor of the complainant and against the respondent.

1. Declaring the dismissal of complainant to be illegal;
2. Ordering respondent to pay complainant his backwages in the amount of P1,597,916.67;
3. To pay complainant his separation pay in the amount of P375,000.00

Ten Percent of the total award as attorney's fees.

Respondent appealed^[16] the aforesaid decision to the NLRC. On May 31, 2002, the Third Division of the NLRC promulgated a Resolution^[17] which affirmed with modification the Labor Arbiter's decision. As modified, the NLRC deleted the award of attorney's fees for lack of factual basis but it affirmed the rest of the Labor

Arbiter's award in favor of herein petitioner. The dispositive portion of the decision reads:

WHEREFORE, the appealed decision is hereby AFFIRMED, with modification deleting the award of attorney's fees.

SO ORDERED.

Respondent sought a reconsideration of the NLRC decision which was denied in a Resolution^[18] dated July 31, 2002. Respondent filed a petition for certiorari with the Court of Appeals.^[19]

As stated earlier, the Court of Appeals annulled and set aside the twin resolutions of the NLRC. In arriving at its decision, the Court of Appeals relied heavily on the annexes^[20] attached to the affidavit^[21] of Antonio Roman, the Senior Executive Vice and Chief Operating Officer of the respondent. The said annexes purportedly showed that, contrary to the allegations of the petitioner that he was stripped of his responsibility as a sales manager, he was actively performing his normal duties and functions between the periods of July and September 1998, the months immediately prior to his resignation on October 12, 1998.

Hence, this petition for review, raising the following arguments:

The Court of Appeals committed reversible error considering that:

1. It weighed at face value the sworn statement of Antonio Roman and its annexes, which were both presented for the first time on appeal;
2. It ruled that herein petitioner was not constructively dismissed rather he voluntarily resigned from the respondent;
3. It held that the petitioner's witnesses are biased and therefore tainted with prejudice against the private respondent;
4. It ruled that the resignation of the petitioner was not a result of the manipulation and deception of the private respondent, and;
5. It held that the NLRC committed grave abuse of discretion when it misappreciated the facts and rendered judgment contrary to established evidence.^[22]

The petition lacks merit.

It is a well-established rule that the jurisdiction of the Supreme Court in cases brought before it from the Court of Appeals via Rule 45 of the 1997 Rules of Civil Procedure, as amended, is limited to reviewing errors of law.^[23] This Court is not a trier of facts. In the exercise of its power of review, the findings of fact of the Court of Appeals are conclusive and binding and consequently, it is not our function to analyze or weigh evidence all over again.^[24]

The above rule, however, is not iron-clad. In *Siguan v. Lim*,^[25] we enumerated the instances when the factual findings of the Court of Appeals are not deemed