

THIRD DIVISION

[G.R. No. 146397, July 01, 2003]

COSMOS BOTTLING CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, SERGIO G. REY, SIXTO BATINO, RIZALINO T. TAMONDONG, ROBERTO SANTOS, HERMINIO G. DELA ROSA, EMILIO B. MAGLEO, JOHNNY G. BACANI, ZALDY G. GUZMAN, JONATHAN Y. RELEVO AND IRENEO SOLIS, RESPONDENTS.

DECISION

SANDOVAL-GUTIERREZ, J.:

We reiterate here that only questions of law, not questions of fact, may be raised before us in a petition for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended.

At bar is a petition for review on *certiorari* assailing the Decision^[1] dated August 4, 2000 and Resolution^[2] dated December 13, 2000 of the Court of Appeals in CA-G.R. SP No. 53548.

The facts as borne by the records are:

Sometime in the months of December, 1992 and January, 1993, Cosmos Bottling Corporation, petitioner, through Leonardo Makasili, Personnel Manager, and Manuel Lim, Comptroller, conducted an investigation of the participation of seven (7) salesmen and three (3) checkers assigned at its San Pedro Plant, on the reported tampering, falsification and alteration of the Load Tally Statement Sheets (LTSS) which deprived petitioner of unremitted sales proceeds in the sum of P130,000.00. The said salesmen and checkers are the respondents herein, namely: Sergio C. Rey, Sixto Batino, Rizalino T. Tamondong, Roberto Santos, Herminio G. Dela Cruz, Emilio B. Magleo, Johnny G. Bacani, Zaldy G. Guzman, Jonathan Y. Relevo and Ireneo Solis.

During the investigation, respondents denied their participation in the alleged illegal acts and pointed to the guards, assigned to check the deliveries, as the real culprits. However, petitioner, relying heavily on the statement of Saturnino Montecalvo, terminated respondents' employment on the grounds of "fraudulent conspiracy" and dishonesty.

Feeling aggrieved, respondents filed with the Labor Arbiter a complaint against petitioner for illegal dismissal with prayer for reinstatement and payment of full backwages, damages and attorney's fees, docketed as NLRC NCR Case No. 02-00968-93.

On December 27, 1996, the Labor Arbiter rendered a decision finding the dismissal of respondents illegal and ordering petitioner to pay them their separation pay and

backwages, thus:

"WHEREFORE, Decision is hereby rendered ordering respondent Cosmos Bottling Corporation to pay the complainants their separation pay and backwages, as follows:

1.	<u>Sergio C. Rey</u> Separation Pay:	P 6,552.00	
	Backwages	P <u>102,069.24</u>	P 108,621.24
2.	<u>Sixto Batino</u> Separation Pay:	P 51,120.00	
	Backwages	P <u>176,969.86</u>	P 228,089.86
3.	<u>Rizalino T. Tamondong</u> Separation Pay:	P 8,840.00	
	Backwages	P <u>110,169.97</u>	P 119,009.97
4.	<u>Roberto Santos</u> Separation Pay:	P 27,040.00	
	Backwages	P <u>129,611.73</u>	P 156,651.73
5.	<u>Herminio G. dela Rosa</u> Separation Pay:	P 10,608.00	
	Backwages	P <u>110,169.97</u>	P 120,777.97
6.	<u>Emilio Magleo</u> Separation Pay:	P 27,378.00	
	Backwages	P <u>131,231.88</u>	P 158,609.88
7.	<u>Johnny Bacani</u> Separation Pay:	P 33,904.00	
	Backwages	P <u>132,041.95</u>	P 165,945.95
8.	<u>Zaldy G. Guzman</u> Separation Pay:	P 6,240.00 ^[3]	
	Backwages	P <u>129,611.73</u>	P 135,851.73 ^[4]
9.	<u>Jonathan Relevo</u> Separation Pay:	P 5,421.00	
	Backwages	P <u>112,600.19</u>	P 118,021.19
10.	<u>Ireneo Solis</u> Separation Pay:	P 8,265.00	
	Backwages	P <u>171,673.23</u>	P <u>179,938.23</u>
		TOTAL AWARD	P1,491,517.75 ^[5]

"SO ORDERED."