

THIRD DIVISION

[G.R. No. 122409, September 25, 1998]

**ROPALI TRADING CORPORATION, PETITIONER, VS. NATIONAL
LABOR RELATIONS COMMISSION AND WILMAR DALUPANG,
RESPONDENTS.**

D E C I S I O N

ROMERO, J.:

On January 2, 1986, private respondent was hired as "Branches Department Manager" by petitioner Ropali Trading Corporation. On August 3, 1989, petitioner issued Memorandum No. 89-058, addressed to the private respondent, providing that effective July 1, 1989 he will be receiving the equivalent of 20% overriding commission, including sales commission and interest income on all sales he successfully obtained.^[1]

However, despite the increase in his sales commissions, on December 5, 1990, private respondent resigned from the petitioner corporation and transferred to another corporation. Nine (9) months later or on September 4, 1991, private respondent filed a complaint before the arbitration branch of the NLRC against petitioner for his alleged unpaid commissions from the period July 1, 1989 to December 5, 1990 in the total amount of P245,923.57.^[2]

On October 21, 1994, Labor Arbiter Ricardo N. Olarez rendered his decision^[3] in favor of the private respondent which, not only granted private respondent's claims, but even increased the same:

"WHEREFORE, with all the foregoing consideration, judgement (sic) is hereby rendered declaring complainant entitled to his money claims and respondent Ropali Trading Corporation is hereby ordered to pay complainant P256,623.71 representing his unpaid commissions plus one percent per month as legal interest from the time of the filing of the complaint until actual payment, and ten percent of the award as attorney's fees there being illegal withholding of wages.

All other claims are hereby dismissed.

In view of the unfavorable decision, petitioner filed an appeal before the NLRC seeking the reversal of the Labor Arbiter's finding. Unfortunately for petitioner's cause, on May 12, 1995, the NLRC, except for the deletion of the award of one (1%) legal interest and attorney's fees, affirmed the Labor Arbiter's decision.^[4]

"WHEREFORE, premises considered, the appealed decision is accordingly modified by deleting the award of one percent (1%) legal interest and attorney's fees for lack of factual and legal basis. All other dispositions

stand affirmed.

SO ORDERED."

Petitioner's subsequent motion for reconsideration was denied in a Resolution dated July 14, 1995.^[5]

Evidently, the only issue to be resolved is whether private respondent had been actually paid by the petitioner his alleged commissions from July 1, 1989 to December 5, 1990.

Prefatorily, it is quite obvious that the instant case deals with a factual question which, as a general rule, we do not review. It is a settled ruling that the Supreme Court is not a trier of facts.^[6] This applies with greater force in labor cases, where it is the consistent pronouncement of this Court that findings of fact of the National Labor Relations Commission (NLRC) are accorded great respect and even finality.^[7] To be sure, the same findings should be supported by substantial evidence from which the NLRC can make its own independent evaluation of the facts.^[8] Likewise, it must not be rendered with grave abuse of discretion.^[9] Otherwise, this Court will not uphold the NLRC's conclusion.^[10]

With these doctrinal pronouncements out of the way, we find the evidence insufficient to justify the conclusion that private respondent still had unpaid commissions owing from the petitioner. Hence, we deviate from the NLRC's ruling.

To begin with, there is no question that private respondent, as "Branches Department Manager," was entitled to commissions, as provided for in Memorandum No. 89-058. Considering this admitted fact, our ruling in *Jimenez v. NLRC*^[11] and *Pacific Maritime Service, Inc. v. Ranay*^[12] finds applicability, thus:

"When the existence of a debt is fully established by the evidence contained in the record, the burden of proving that it has been extinguished by payment devolves upon the debtor who offers such a defense to the claim of the creditor. Where the debtor introduces some evidence of payment, the burden of going forward with the evidence - as distinct from the general burden of proof - shifts to the creditor, who is then under a duty of producing some evidence to show non-payment."

Reviewing the records of the instant case, we are convinced that petitioner has presented substantial evidence to prove payment of private respondent's commissions.

First, upon his resignation, private respondent accepted and encashed six (6) checks with a total amount of P11,546.38^[13] from the petitioner. Curiously, he never protested nor objected to the amounts he received. We are baffled by his passivity and silence. To be sure, it would not be unreasonable to expect that private respondent, as an employee, would keep track of all his monetary receivables from his employer if only as a means of protecting his interest and the moment there is a discrepancy, immediately report the matter to the company officials.

Second, while it is true that the onus is on the petitioner to prove that it had already