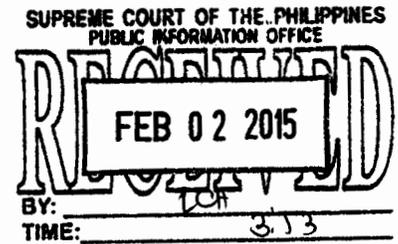




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 24, 2014 which reads as follows:

“G.R. No. 213125 – NORMA PAGUNTALAN BRAVO, Petitioner v. AIR MATERIEL WING SAVINGS AND LOAN ASSOCIATION, INC., Respondent.

This Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assails both the Decision¹ and the Resolution² of the Court of Appeals in CA-G.R. SP No. 129073 dated 16 January 2014 and 19 June 2014, respectively.

The facts are:

On 29 April 2005, herein petitioner Norma Paguntalan Bravo, who started out as Bookkeeper and later became a branch manager of herein respondent Air Materiel Wing Savings and Loan Association, Inc. (AMWSLAI),³ availed of the company’s early retirement program. Petitioner’s approved total retirement package amounted to ₱18,732,755.61. It appears, however, that during petitioner’s tenure with respondent, the former obtained various types of loans in the forms of real estate mortgage amounting to ₱4,261,085.94, a consumption loan amounting to ₱400,000.00, a mutual relief fund (MRF) loan amounting to

¹ Penned by Associate Justice Amelita G. Tolentino with Associate Justices Ricardo R. Rosario and Leoncia R. Dimagiba, concurring. *Rollo*, pp. 20-27.

² Id. at 28-29.

³ A non-stock savings and loan association catering to soldiers, military dependents and regular civilian employees of the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Department of National Defense (DND) and its attached agencies, receiving a gross monthly salary of ₱65,000.00.

₱50,000.00 and personal capital-backed loans, which amounted to ₱7,130,413.36, inclusive of interest and surcharges. To collect the same, respondent deducted petitioner's total outstanding loan obligations from her retirement benefits. Thereafter, petitioner's retirement benefits was reduced to ₱6,337,172.90, her net benefits, which had been approved by the respondent's Board to be paid in several tranches. However, it appears from the records that before the final tranche of petitioner's retirement benefits could be paid, then respondent's President and CEO Col. Carlyzar Divinagracia wrote a demand letter to petitioner demanding payment of her unpaid Joint Capital-Backed Loans. In her reply-letter, petitioner requested a re-computation of her retirement benefits but it was denied by the respondent. As such, petitioner sought the intervention of the *Bangko Sentral ng Pilipinas*. Through the latter's Office of the General Counsel and Legal Services-Supervised Banks Complaints Evaluation Group-Public Assistance Panel, conciliation proceedings were successively conducted for the parties to thresh out their differences and settle the case amicably but to no avail.⁴

As a consequence, on 29 February 2012, petitioner filed before the Labor Arbiter a **Complaint for Illegal and Erroneous Deductions against her Retirement Benefits**, among others, against the respondent.⁵

In a Decision⁶ dated 31 August 2012, the **Labor Arbiter rendered a Decision dismissing petitioner's Complaint for lack of merit**. The Labor Arbiter held that **petitioner did actually conform to the deduction** of her outstanding real estate loan, consumption loan and MRF cash advance loan from her approved retirement pay **based on her signature in the Summary of Benefits and Accountabilities**, which detailed her approved gross retirement pay and deductible accountabilities. With respect to petitioner's capital-backed loans, although it was not deducted as accountabilities in the above-mentioned document, the Labor Arbiter pointed out that the Application for Loan and Promissory Note signed by petitioner contained an authorization in favor of respondent to collect whatever balance she failed to pay from other sources, such as, but not limited to, her salaries, wages, allowances, bonuses, and allied emoluments. Thus, the Labor Arbiter concluded that when respondent imposed the deduction, it was just exercising its rights under their loan contract.⁷

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⁴ Court of Appeals Decision dated 16 January 2014. *Rollo*, pp. 20-21.

⁵ *Id.* at 21.

⁶ Penned by Labor Arbiter Alberto B. Dolosa. *Id.* at 34-41.

⁷ *Id.* at 22.

On appeal to the National Labor Relations Commission (NLRC), the latter dismissed the same also for lack of merit in a Resolution⁸ dated 14 December 2012. The NLRC agreed that the deduction or the offsetting of petitioner's outstanding loans against her retirement benefits is justified by the loan agreements/promissory notes she executed, as well as the Summary of Retirement Benefits and Accountabilities, to which she duly conformed by affixing her signature thereon. The NLRC also stated that considering that the parties were creditors and debtors with respect to each other, their obligations should be offset by legal compensation to the extent of their respective claims to each other.⁹

Petitioner moved for its reconsideration but it was denied in another Resolution¹⁰ dated 28 January 2013.

Thus, petitioner filed a Petition for *Certiorari* under Rule 65 of the Rules of Court before the Court of Appeals. **On 16 January 2014, the Court of Appeals rendered its assailed Decision dismissing petitioner's Petition, thereby affirming the Resolutions of the NLRC.** Petitioner's subsequent Motion for Reconsideration was likewise denied in the questioned Resolution dated 19 June 2014.

Hence the instant Petition submitting the following issues: (1) whether or not the Court of Appeals gravely erred in not holding that application of legal compensation was premature as the respective amounts due and owing from the parties are still undetermined; (2) even assuming that the respondent may deduct payment of the capital back loans from petitioner's retirement benefits, the Court of Appeals committed grave error in not finding that the requisites of legal compensation have not yet been met; and (3) the Court of Appeals seriously erred in not directing the parties to reconcile their records first to determine whether legal compensation is proper and the amounts due and owing from each of them.¹¹

This Court resolves to DENY the Petition.

The afore-stated issues presented by the petitioner were the same issues raised before the Court of Appeals, which the latter had already resolved extensively.

⁸ Penned by Commissioner Teresita D. Castillon-Lora with Presiding Commissioner Raul T. Aquino and Commissioner Erlinda T. Agus, concurring. Id. at 42-59.

⁹ Id. at 22-23.

¹⁰ Id. at 60-61.

¹¹ Petition for Review on *Certiorari* under Rule 45 of the Rules of Court dated 31 July 2014. Id. at 12.

Settled is the rule that findings of the Labor Arbiter, when affirmed by the NLRC and the Court of Appeals, are binding on this Court unless patently erroneous.¹² Here, this Court finds no patent errors to reverse or deviate from their findings.

Time and again, this Court held that it is not its function to analyze or weigh all over again the evidence already considered in the proceedings below. This Court's jurisdiction is limited only to reviewing errors of law that may have been committed by the lower courts. In the same way, it is not for this Court to re-examine conflicting evidence, re-evaluate the credibility of witnesses, or substitute the findings of fact of an administrative tribunal which has expertise in its special field.¹³

WHEREFORE, finding no reversible error in the appealed Decision and Resolution of the Court of Appeals, the instant Petition is **DENIED**. The Decision and Resolution dated 16 January 2014 and 19 June 2014, respectively, in CA-G.R. SP No. 129073 are hereby **AFFIRMED**.

At any rate, the petition must likewise be denied for:

- (1) failure to state the material date when the motion for reconsideration of the assailed decision was filed, in violation of Secs. 4(b) and 5, Rule 45 in relation to Sec. 5(d), Rule 56, 1997 Rules of Civil Procedure, as amended;
- (2) failure to give an explanation why service was not done personally as required by Sec. 11, Rule 13 in relation to Sec. 3, Rule 45 and Sec. 5(d), Rule 56, 1997 Rules of Civil Procedure, as amended; and
- (3) failure of petitioner to submit a valid verification of the petition/certification against forum shopping under Secs. 4 and 5, Rule 7, 1997 Rules of Civil Procedure, as amended, and a valid affidavit of service under Secs. 3 and 5, Rule 45, Sec. 5(d), Rule 56, and Sec. 13, Rule 13, 1997 Rules of Civil Procedure, as amended, there being no indication in the *jurats* that affiant Norma Paguntalan Bravo exhibited before the notary public at least one (1) current identification document issued by an official agency **bearing the photograph and signature** of the individual as required under Secs. 2, 6 and 12, Rule II of the 2004 Rules on Notarial Practice, as amended by A.M. No. 02-8-13-SC (*En Banc* Resolution dated February 19, 2008).

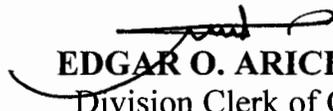
¹² *Metro Transit Organization, Inc. v. Court of Appeals*, 440 Phil. 743, 754 (2002).
¹³ *Id.* at 754-755.

The manifestation/compliance of Atty. Judith Venus-Bermejo, counsel for petitioner, submitting copies of the receipts of her IBP dues and PTR, details of which are stated therein, pursuant to the Resolution dated July 28, 2014 is **NOTED** and **ACCEPTED**.

Atty. Judith Venus-Bermejo is hereby directed to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed manifestation/compliance pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED. PERLAS-BERNABE, J., on leave; VILLARAMA, JR., J., acting member per S.O. No. 1885 dated November 24, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{m/2/17}
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Atty. Judith Venus-Bermejo
Counsel for Petitioner
Blk. 24, Lot 25, J. Fuentes St.
Chrysanthemum Village
San Pedro 4023 Laguna

Court of Appeals (x)
Manila
(CA-G.R. SP No. 129073)

LEGAL DEPARTMENT
Counsel for Respondent
Office of the AVP-SEA
3rd Flr., AMWLAI Bldg.
Cor. 18th and B. Serrano Avenues
Murphy, Cubao
1109 Quezon City

NATIONAL LABOR RELATIONS
COMMISSION
PPSTA Bldg., Banawe St.
1100 Quezon City
(NLRC LAC No. 10-002819-12;
NLRC NCR Case No. 02-03494-12)

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