

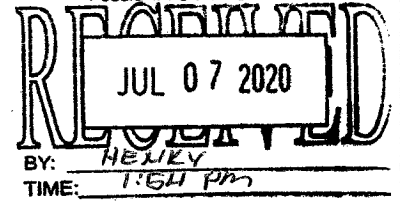


Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
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Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 4, 2020**, which reads as follows:*

“G.R. No. 204631 (*Sampaguita Auto Transport Corporation and Mr. Andy Adagio v. Ronald D. Del Rosario*).—This is an appeal by *certiorari* seeking to reverse and set aside the April 19, 2012 Decision¹ and December 4, 2012 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 117414. The CA denied the Petition for *Certiorari* which sought to modify a portion of the August 17, 2010 Decision³ and October 19, 2010 Resolution⁴ of the National Labor Relations Commission (NLRC) granting the refund of cash bond in favor of Ronald D. Del Rosario (*respondent*).

The case stemmed from a complaint for non-payment of separation pay and refund of cash bond filed by respondent against Sampaguita Auto Transport Corporation (SATC) and Mr. Andy Adagio (*collectively, petitioners*). Respondent was a bus driver of SATC. The Labor Arbiter (LA) found that respondent was constructively dismissed and ordered petitioners to pay separation pay, backwages and the balance of cash bond.⁵ On appeal to the NLRC, the latter sustained petitioners’ contention that respondent voluntarily resigned. The NLRC reversed and set aside the decision of the LA, but maintained the disposition relative to the refund of cash bond.⁶

Petitioners appealed to the CA the sole issue of the refund of cash bond.⁷ In denying the petition, the CA held that petitioners failed to convince, to the satisfaction of the LA and NLRC, that the total accumulated cash bond of respondent had already been refunded to him. The Summary of Cash Bond⁸ presented by petitioners made mention of partial releases which were

¹Rollo, pp. 18-23; penned by Associate Justice Jose C. Reyes, Jr. (now Member of this Court) with Associate Justices Priscilla J. Baltazar-Padilla and Manuel M. Barrios, concurring.

²Id. at 24-25.

³Id. at 90-98; rendered by Commissioner Dolores M. Peralta-Beley with Presiding Commissioner Leonardo L. Leonida and Commissioner Mercedes R. Posada-Lacap, concurring.

⁴Id. at 121-122.

⁵Id. at 29-41.

⁶Id. at 90-99.

⁷Id. at 20.

⁸Id. at 71.

purportedly given on May 7, 2009 and May 20, 2009, respectively, but no documentary evidence was adduced to show that they had indeed been received by respondent. Petitioners also failed to account why the summary of total cash bond deducted from respondent reflected only the amount starting November 2007 when records showed that he began his employment as far back as July 6, 2005.⁹

In their Motion for Reconsideration, petitioners attached documents which were allegedly already existing although not presented before the lower tribunals. The CA refused to give probative value to the evidence as there was no justification for the delay in presenting them. The Rules of Court are clear that a motion for reconsideration cannot be a vehicle to introduce new evidence.¹⁰

Now this appeal.

It bears stressing that under Rule 45 of the 1997 Rules of Civil Procedure, as amended, jurisdiction over cases brought to this Court is limited to reviewing and correcting errors of law committed by the appellate court¹¹ and does not extend to questions of fact.¹² We reiterate that the Supreme Court is not a trier of facts;¹³ thus, it is not our function to review factual issues and examine, evaluate or weigh the probative value of the evidence presented by the parties.¹⁴ We are not bound to analyze and weigh, all over again, the evidence already considered in the proceedings below.

Apart from the fact that only questions of law may be raised in this present petition, the pieces of evidence were belatedly submitted before the appellate court and attached only in the Motion for Reconsideration.¹⁵ Thus, We do not find any error in the disposition of the CA in refusing to give probative value to the evidence. Petitioners failed to explain, even to this Court, why it was only then that said evidence were presented.

After a careful perusal of the case, the Court resolves to **DENY** the petition for failure to sufficiently show that the CA committed any reversible error as to warrant the exercise of the Court's appellate jurisdiction.

WHEREFORE, premises considered, the instant petition is **DENIED**. The April 19, 2012 Decision and December 4, 2012 Resolution of the Court

⁹ Id. at 22.

¹⁰ Id. at 24.

¹¹ See *Manotok Realty, Inc. v. CLT Realty Development Corporation*, 512 Phil. 679, 706 (2005).

¹² *Commissioner of Internal Revenue v. Apo Cement Corporation*, 805 Phil. 441, 463 (2017).

¹³ *Republic of the Philippines v. Court of Tax Appeals*, 418 Phil. 758, 766 (2001).

¹⁴ *Manotok Realty, Inc. v. CLT Realty Development Corporation*, supra note 11.

¹⁵ *Rollo*, p. 24.

of Appeals in CA-G.R. SP No. 117414 are **AFFIRMED**. The disposition relative to the refund of the cash bond stays.

SO ORDERED.”

Very truly yours,

Misael C Batt
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Division Clerk of Court *grm 4/3/20*

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