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2. In Criminal Case No. 10358, appellant shall serve an indeterminate sentence of six (6) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years of *prision mayor*, as maximum.

3. In Criminal Case No. 10357, appellant shall serve an indeterminate sentence of six (6) months and one (1) day of *prision correccional*, as minimum, to six (6) years of *prision correccional*, as maximum. The award of moral damages in favor of Pedrito Patajo is hereby deleted.

In the service of the aforementioned sentences, the provisions of Article 70 of the Revised Penal Code shall be observed.

SO ORDERED.

Melo, Puno, and *Martinez, JJ.*, concur.

Mendoza, J., on leave.

THIRD DIVISION

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

ROPALI TRADING CORPORATION, *petitioner, vs.* NATIONAL LABOR RELATIONS COMMISSION and WILMAR DALUPANG, *respondents.*

SYNOPSIS

Private respondent resigned from the petitioner corporation and transferred to another corporation. Nine months later, he filed a complaint before the arbitration branch of the NLRC against petitioner for his alleged unpaid commissions. The labor arbiter rendered his decision in favor of the private respondent which, not only granted private respondent claims, but even increased the same. Petitioner filed an appeal before the NLRC.

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The NLRC affirmed the labor arbiter's decision. The motion for reconsideration was also denied. The only issue to be resolved is whether private respondent had been actually paid by the petitioner his alleged commissions.

Reviewing the records of the instant case, the Supreme Court is convinced that petitioner has presented substantial evidence to prove payment of private respondent's commissions. In sum, the Court held that the NLRC abused its discretion when it merely relied on the labor arbiter's finding without even according due reconsideration to petitioner's weighty evidence.

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; LABOR CODE; NATIONAL LABOR RELATIONS COMMISSION (NLRC); FINDINGS OF FACTS; GENERALLY ACCORDED GREAT RESPECT AND EVEN FINALITY; EXCEPTION IN CASE AT BAR.**— 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. 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. 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. Likewise, it must not be rendered with grave abuse of discretion. Otherwise, this Court will not uphold the NLRC's conclusion. 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.

2. **ID.; ID.; ID.; GRAVELY ABUSED ITS DISCRETION WHEN IT MERELY RELIED ON THE LABOR ARBITER'S FINDINGS.**— Reviewing the records of the instant case, we are convinced that petitioner has presented substantial evidence to prove payment of private respondent's commissions. In sum, we hold that the NLRC gravely abused its discretion when it merely relied on the labor arbiter's finding without even according due

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consideration to petitioner's weighty evidence. While the Constitution is committed to the policy of social justice and the protection of the working class, it should not be presumed that every dispute will automatically be decided in favor of labor. Although we have upheld their cause in case of doubt, this has not blinded this Court to its duty to dispense justice in light of the established facts and applicable law and doctrine.

APPEARANCES OF COUNSEL

Sobrevinas Diaz Hayudini & Bogedon for petitioner.
Public Attorneys Office for private respondent.

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 ₱245,923.57.[2]

On October 21, 1994, Labor Arbiter Ricardo N. Olairez rendered his decision[3] in favor of the private respondent which,

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[1] *Rollo*, p. 45.

[2] *Rollo*, p. 63.

[3] *Rollo*, pp. 52-54.

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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 ₱256,623.71 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,

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[4] *Rollo*, pp. 36-49.

[5] *Rollo*, p. 50.

[6] *Ilocos Sur Electric Cooperative, Inc. v. NLRC*, 241 SCRA 36 (1995); *Union Insurance Society of Canton v. Court of Appeals*, 260 SCRA 431 (1996).

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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.

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[7] *San Miguel Corporation v. NLRC*, 255 SCRA 580 (1996); *Ex-Bataan Veterans Security Agency, Inc. v. NLRC*, 250 SCRA 418.

[8] *North Davao Mining Corporation v. NLRC*, 254 SCRA 721 (1996); *Catatista v. NLRC*, 247 SCRA 46 (1995).

[9] *Balayan College v. NLRC*, 255 SCRA 1 (1996).

[10] *Labor v. NLRC*, 248 SCRA 183 (1995).

[11] 256 SCRA 84 (1996).

[12] 275 SCRA 717 (1997).

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First, upon his resignation, private respondent accepted and encashed six (6) checks with a total amount of ₱11,546.38[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 paid the commission, this does not mean that private respondent is relieved of his duty to present his own evidence to support his allegations. In this regard, the record is bereft of any credible documents to substantiate his claim. In fact, the only documents private respondent submitted were the alleged sales total of the petitioner[14] from July 1, 1989 to December 1990. Aside from these documents, no other competent evidence was presented by the private respondent adequate enough to justify the conclusion that he still has monetary receivables due from the petitioner.

We are not convinced about the accuracy and veracity of respondent's documents. A cursory reading of the purported sales documents shows the vagueness and generalities with respect to the bases of arriving at the amounts indicated therein. At best, these documents are founded on mere inferences and presumption. Furthermore, private respondent never bothered to explain how he procured these documents and from whom, especially since the same were not even written on petitioner's official stationery or signed by its corporate officer. All told, the alleged sales documents presented by the private respondent are mere speculations and probabilities, their bases left to conjectures and unsubstantiated assertions. Certainly, these sales documents can hardly be considered as sufficient, let

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[13] *Rollo*, pp. 153-164.

[14] *Rollo*, pp. 66-71.

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alone substantial evidence to conclude that he is still entitled to additional commissions. It is obvious that these can easily be concocted or fabricated to suit one's personal interest and purpose. Private respondent's bare claim that he is still entitled to unpaid commissions by simply presenting unsubstantiated documents will not win him judicial approval.

To make matters worse, the figures in the sales documents proffered by the petitioner were rebutted by the private respondent when it submitted its quarterly income tax returns for the years 1988 to 1990 reflecting its sales for the said period. These income tax returns,[15] being public documents, until controverted by competent evidence, are *prima facie* correct with respect to the entries therein.[16]

Third, it is puzzling why it took the private respondent more than nine months to demand the amounts still owing to him. It seems that he even treated his former co-employees to snacks when he resigned. Certainly, his behavior belied his assertion that he was "shortchanged" by his employer. Considering that private respondent's claim is being denied and several factual and documentary evidences have been presented by the petitioner to disprove his claim, it was incumbent upon him to submit rebuttal evidence. His failure to do so, taken in light of his uncorroborated evidence, is fatal to his case.

In sum, we hold that the NLRC gravely abused its discretion when it merely relied on the labor arbiter's finding without even according due consideration to petitioner's weighty evidence.

While the Constitution is committed to the policy of social justice and the protection of the working class, it should not be presumed that every dispute will automatically be decided in favor of labor. Although we have upheld their cause in case of doubt, this has not blinded this Court to its duty to dispense justice in light of the established facts and applicable law and doctrine.

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[15] *Rollo*, pp. 131-144.

[16] Rule 132, Section 23.

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WHEREFORE, in view of the foregoing, the instant petition is *GRANTED*. The assailed decision of the NLRC dated May 12, 1995 and its accompanying resolution dated July 14, 1995 are hereby *REVERSED* and *SET ASIDE*. Costs against private respondent.

SO ORDERED.

Narvasa, C.J. (Chairman), Kapunan, and *Purisima, JJ.*, concur.

FIRST DIVISION

[G.R. No. 122735. September 25, 1998]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **ROGELIO ANDRES, ANTONIO SUMILATA, BERNARDO LARGO, ROBERTO TUGADO, RUFO ADVINCULA, RAYMUN RIOS (at large) and JIMMY LAURENTE (at large), accused, ROGELIO ANDRES, ANTONIO SUMILATA, BERNARDO LARGO and ROBERTO TUGADO**, *appellants*.

SYNOPSIS

An amended Information for murder was filed against Laurente, Rios, Andres, Sumilata, Largo, Tugado and Advincula. After trial, Advincula was acquitted and herein appellants were found guilty as charged and were sentenced to *reclusion perpetua* to death. De la Cruz testified that he saw Sumilata stabbing prison guard Astrande and with him are prisoners Andres, Largo and Tugado. He also saw prisoners Laurente and Rios with the said prisoners but the two escaped from the