439 Phil. 309

THIRD DIVISION

[G.R. No. 141608, October 04, 2002]

ANFLO MANAGEMENT & INVESTMENT CORP. AND/OR LINDA F. LAGDAMEO, PETITIONERS, VS. RODOLFO D. BOLANIO, RESPONDENT.

D E C I S I O N

CORONA, J.:

The instant petition assails (1) the decision of the Court of Appeals in CA-G.R. SP No. 50908, dated August 6, 1999, which annulled and set aside the decision of the National Labor Relations Commission (NLRC) and (2) the resolution of the appellate court dated January 14, 2000 denying petitioner's motion for reconsideration.

The generative facts of the case are chronicled as follows:

Respondent Rodolfo Bolanio was employed as company driver by petitioner corporation in 1992 and was assigned to the residence of its senior vice-president Linda F. Lagdameo at Dasmariñas Village, Makati City. He was mainly tasked to transport Linda's daughter, Regina Floirendo Lagdameo, to and from her work at Sky Cable in Quezon City. On November 3, 1994, respondent got involved in a heated argument with Regina while they were on their way home, stemming from respondent's failure to follow Regina's instructions regarding road directions. Upon arrival at Dasmariñas Village, Regina ordered respondent to buy an ointment from a drug store. When he returned, he was confronted by Linda who accused him of verbally abusing her daughter. Respondent tried to explain that he did not say anything against petitioner's daughter but Linda would not give him a chance and instead shouted the words "you're fired" at him. He was then ordered to return his company and Dasmariñas Village identification cards as well as his uniforms. He was not allowed to report for work anymore. Thus, he filed a complaint for illegal dismissal on November 4, 1994 with a prayer for reinstatement and payment of monetary claims.

In their answer, petitioners denied dismissing respondent from employment. They maintained that respondent abandoned his work when he failed to report for work on November 4, 1994, the day after his altercation with Linda Lagdameo's daughter. In fact, on November 5, 1994, the company's personnel manager even visited respondent at his residence and assured him that he had not been dismissed from work but was merely reassigned to the company's pool of drivers. However, respondent still refused to report back for work. This prompted petitioners to send, on November 10, 1994, a notice of offense upon respondent but the latter simply ignored the same.

On December 28, 1995, labor arbiter Jovencio Mayor, Jr. dismissed the complaint for illegal dismissal on the ground that herein respondent had abandoned his work.

Respondent appealed to the NLRC which, on February 25, 1997, set aside the decision of the labor arbiter. It directed respondent Bolanio to report for work and ordered petitioners to accept him back as company diver. The NLRC held that respondent did not abandon his work nor was he illegally dismissed by petitioners.

Aggrieved by the decision of the NLRC, respondent filed a petition for certiorari with the Court of Appeals which rendered the assailed decision finding that respondent was illegally dismissed. In so ruling, the appellate court reasoned out that:

> "x x x The dismissal of petitioner on November 3, 1994 is too vivid to be understood from the actuations of respondent Linda Lagdameo, who at that time was holding the position of Senior Vice-President and to whom petitioner was particularly assigned as family/residential driver. Having been told 'you're fired' and ordered to return his identification cards and uniforms, there can be no other interpretation thereto except that petitioner is already being discharged from his employment. The fact that thereafter the personnel manager exerted efforts to convince petitioner to return to his work as he was not dismissed but merely re-assigned to the company's pool of drivers did not cure the vice of petitioner's earlier arbitrary dismissal inasmuch as the wrong had already been committed and the harm done."[1]

Petitioners moved for a reconsideration of the above decision but the same was denied by the Court of Appeals in its resolution dated January 14, 2000.

Petitioners now come to this Court seeking the reversal of the judgment of the Court of Appeals, arguing that:

> I.
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> THE FINDINGS OF FACT OF THE NLRC, BEING SUPPORTED BY SUBSTANTIAL EVIDENCE, SHOULD HAVE BEEN GIVEN DUE WEIGHT AND RESPECT, IF NOT FINALITY.
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> II.
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> THE EVIDENCE ON HAND CLEARLY SHOWS THAT RESPONDENT WAS NOT DISMISSED BY THE COMPANY, AND THAT IT WAS RESPONDENT WHO ABANDONED HIS EMPLOYMENT.
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> III.
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> CONSIDERING THAT IT WAS RESPONDENT WHO SEVERED HIS EMPLOYMENT WITH THE COMPANY, THERE IS NO BASIS TO RULE THAT RESPONDENT WAS DENIED DUE PROCESS.
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> IV.
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> AN AWARD FOR PAYMENT OF BACKWAGES CANNOT BE PROPERLY MADE IN THE PRESENT CASE, AS RESPONDENT WILFULLY REFUSED TO REPORT BACK TO WORK.[2]

It is immediately apparent that the foregoing arguments are questions of fact. We have consistently ruled that it is not the function of this Court to assess and evaluate the facts and the evidence all over again, our jurisdiction being generally