



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **05 January 2022** which reads as follows:*


“**G.R. No. 256356 (Francisco Guamos III and Alvin Hilario Duran v. HJS Manpower Services and Henry M. Polo)**. — It appearing from the records that a petition for review on *certiorari*¹ was filed on May 10, 2021 which was received by the Office of the Clerk of Court, this Division only on December 14, 2021, the Court resolves to **RECALL** the Resolution² dated August 4, 2021 which resolved to inform the parties that no petition for review on *certiorari* has been filed in this case and that the judgment sought to be reviewed has now become final and executory, and declared the case closed and terminated.

After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the Resolution³ dated September 30, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 165867 for failure of petitioners Francisco Guamos III and Alvin Hilario Duran (petitioners) to show that the CA committed any reversible error in ruling that there was no illegal dismissal.

As correctly ruled by the CA, there was no illegal dismissal since petitioners failed to prove the fact of their dismissal. It is settled that in illegal dismissal cases, before the employer must bear the burden of proving that the dismissal was legal, the employee must first establish by substantial evidence the fact of his dismissal from service.⁴ Logically, if there is no dismissal, then there can be no question as to its legality or illegality.⁵ Bare allegations of dismissal, when uncorroborated by the evidence on record, cannot be given credence,⁶ as in this case.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court p 3/2
11 JAN 2022

¹ *Rollo*, pp. 30-49.

² *Id.* at 26-27.

³ *Id.* at 55. Signed by Division Clerk of Court Celedonia M. Ogsimer.

⁴ *Rodriguez v. Sintron Systems, Inc.*, G.R. No. 240254, July 24, 2019.

⁵ *Rodriguez v. Sintron Systems, Inc.*, *supra*.

⁶ See *Tacis v. Shields Security Services, Inc.*, G.R. No. 234575, July 7, 2021.

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Please notify the Court of any change in your address.
GR256356. 01/05/2022(124)URES *1/3/2*