



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 June 2021** which reads as follows:*

“G.R. No. 256146 (Apolinario O. Cruzat v. Nawras Manpower Services, Inc., International for Modern Industries Co., Ltd., and Antonina P. Aburayyan). - After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated June 30, 2020 and the Resolution³ dated February 19, 2021 of the Court of Appeals (CA) in CA-G.R. SP No. 152540 for failure of petitioner Apolinario O. Cruzat (petitioner) to show that the CA committed any reversible error in ruling that petitioner was not illegally dismissed.

As correctly ruled by the CA, petitioner was not illegally dismissed, as records are bereft of evidence proving that he was in fact dismissed and that respondent International for Modern Industries Co., Ltd., Inc. had taken steps to impose any sanction against him. It is settled that in illegal dismissal cases, the employee must first establish by substantial evidence the fact of dismissal. If there is no dismissal, then there can be no question as to the legality or illegality thereof,⁴ as in this case. Moreover, it bears stressing that findings of fact of the labor tribunals, as affirmed by the CA, are generally binding and conclusive upon this Court,⁵ and are not to be disturbed unless they fall under the recognized exceptions,⁶ which are not present in this case.

¹ *Rollo*, pp. 3-14.

² *Id.* at 20-30. Penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Danton Q. Bueser and Alfredo D. Ampuan, concurring.

³ *Id.* at 32-33.

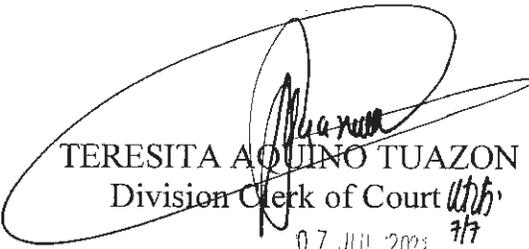
⁴ See *Italkarat 18, Inc. v. Gerasmio*, G.R. No. 221411, September 28, 2020.

⁵ See *Valencia v. Classique Vinyl Products Corporation*, 804 Phil. 492, 503 (2017).

⁶ See *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, 665 Phil. 784, 789 (2011).

SO ORDERED.” (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court
07 JUL 2021

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(NLRC LAC No. (OFW-L) 01-000069-17/
NLRC NCR Case No. OFW (L) 08-09712-16)

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Please notify the Court of any change in your address.
GR256146. 06/14/2021(152)URES