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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **March 23, 2015** *which reads as follows:*

"G.R. No. 215622 ***(Elsa Balagtas & Lea Condesa v. Whooppee Canteen, Eva Ravago & Florence Balagtas).*** – After a judicious review of the records, the Court resolves to **DENY** the Petition and **AFFIRM** the Court of Appeals Decision dated 30 June 2014 and Resolution dated 26 November 2014 in CA – G.R. SP No. 129880 for failure to show that the CA committed a reversible error in dismissing the appeal.

When there are several petitioners, all of them must execute and sign the certification against forum shopping.[1] The fact that this case is anchored on one of the most cherished constitutional rights afforded to an employee is of no moment, since the Rules of Court may not be ignored at will and at random, to the prejudice of the orderly presentation and assessment of the issues and their just resolution. It is true that litigation is not a game of technicalities, and that rules of procedure shall not be strictly enforced at the cost of substantial justice. It must be emphasized, though, that procedural rules should not be belittled or dismissed simply because their non observance might result in prejudice to a party's substantial rights. Like all rules, they are required to be followed, except only for the most persuasive of reasons.[2]

Before employers are burdened with the obligation to prove that they did not commit illegal dismissal, fair evidentiary rule dictates that the fact of dismissal must first be established by substantial evidence. It is an age-old rule that the one who alleges a fact has the burden of proving it and the

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[1] *Pigcaulan v. Security and Credit Investigation, Inc,* G.R. No. 173648, 16 January 2012.
[2] *Colegio de San Juan de Letran v. De la Rosa-Meris,* G.R. No. 178837, 1 September 2014.

proof should be clear, positive and convincing. Mere allegation is not evidence.[3] Petitioners' argument that the letter[4] of Balagtas to Ravago, which was acknowledged by Florence on 8 June 2011, is sufficient proof of their dismissal lacks merit. In the said letter Balagtas merely asked to be *retained* in employment, which did not necessarily mean that she had been dismissed from employment. If, indeed, she was already dismissed from employment when she wrote the letter, she would have asked Ravago to *reinstate* her.

Besides, the question of whether there was proof of the fact of dismissal is a question of fact that properly falls within the jurisdiction of the CA and the labor tribunals. Findings of fact of administrative agencies and quasi-judicial bodies, such as the NLRC, are generally accorded not only great respect but even finality. They are binding upon this Court unless there is a showing of grave abuse of discretion or where it is clearly shown that they were arrived at arbitrarily or in utter disregard of the evidence on record.[5]

SO ORDERED."

Very truly yours,

EDGAR O. ARICHETA
Division Clerk of Court
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[3] *Noblejas v. Italian Maritime Academy Phils. Inc.*, G.R. No. 207888, 9 June 2014.
[4] Rollo, p. 139.
[5] *Colegio de San Juan de Letran-Calamba v. Tardeo*, G.R. No. 190303, 9 July 2014.