



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 January 2021** which reads as follows:*

G.R. No. 252617 (*Melissa T. Alvarez and Jessica M. Singson v. OPSSS Cellphone Center, Lorina N. Bitangcol, and Chona C. Adriano*).

At the outset, we **GRANT** petitioners' motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

In illegal termination cases, the employee must first prove, through substantial evidence, the fact of his/her dismissal by the employer. If there is no dismissal, then there can be no question as to its legality or illegality. Absent any showing of an overt or positive act proving that the employer had dismissed the employee, the claim of illegal dismissal cannot be sustained – as the same would be self-serving, conjectural, and of no probative value.¹ Here, the Court of Appeals (CA) and the National Labor Relations Commission (NLRC) both found that petitioners Melissa T. Alvarez and Jessica M. Singson (petitioners') bare assertion of dismissal from employment is unsubstantiated. The documents attached to the petitioners' position paper failed to establish that they were terminated from employment.² Moreover, the petitioners did not discuss the details of the supposed dismissal. They did not point out the date of their termination. They failed to narrate who terminated them and how it was done.³ Worse, the records reveal that petitioners were the ones who voluntarily severed their employment.⁴

Anent the monetary awards, the CA and the NLRC's computation of unpaid wages, proportionate 13th month pay,⁵ wage differential,⁶ and

¹ *Doctor v. NII Enterprises*, 821 Phil. 251, 266 (2017).

² *Rollo*, p. 38.

³ *Id.* at 38 and 83.

⁴ *Id.* at 38-39.

⁵ *Id.* at 40.

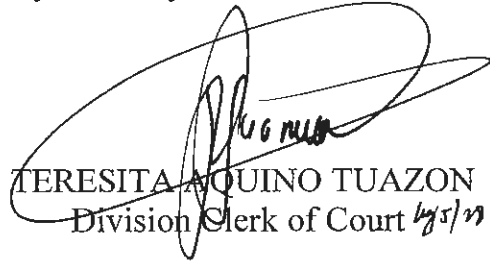
⁶ *Id.* at 40.

attorney's fees⁷ were all based on sufficient evidence on record. However, the awards must be modified in that the amounts must earn interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until fully satisfied.

FOR THESE REASONS, the petition is **DENIED**. The Court of Appeals' Decision dated November 8, 2019 and Resolution dated June 4, 2020 in CA-G.R. SP No. 154347 is **AFFIRMED with MODIFICATION** in that the monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until fully satisfied.

SO ORDERED. (Rosario, J., designated additional Member per Special Order No. 2797 dated November 5, 2020.)"

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *lgs/m*

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(NLRC LAC No. 07-002423-17;
NLRC Case No. RAB-II-09-00207-16)

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*with copy of CA Decision dated 8 November 2019.
Please notify the Court of any change in your address.
GR252617. 1/13/2021(202)URES

⁷ *Id.* at 40-41.