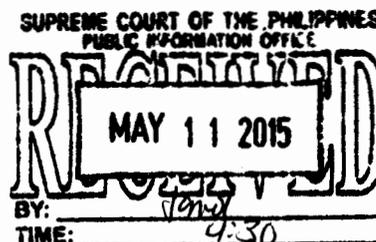




Republic of the Philippines
Supreme Court
Manila

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. 216801 (Jocelyn L. Mendez v. V. Roque Corporation, Virgilio Roque, and Manolito Roque). - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the September 30, 2014 Decision¹ and February 5, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 131090 for failure of Jocelyn L. Mendez (petitioner) to show that the CA committed any reversible error in holding that she was not illegally dismissed by respondents V. Roque Corporation, Virgilio Roque, and Manolito Roque.

As correctly ruled by the CA, there was no illegal dismissal to speak of in this case, considering that petitioner opted to resign rather than be subjected to administrative proceedings regarding her poor work performance. It is settled that there is nothing illegal for an employer to allow its employee to resign instead of terminating her for just cause so as not to smear her employment record,³ as in this case. Further, findings of fact of the labor tribunals, as affirmed by the CA, are generally binding and conclusive upon this Court,⁴ and are not to be disturbed unless they fall under the recognized exceptions,⁵ which do not obtain in this case.

- over - two (2) pages

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¹ *Rollo*, pp. 37-43. Penned by Associate Justice Mario V. Lopez with Associate Justices Jose C. Reyes, Jr. and Socorro B. Inting, concurring.

² *Id.* at 45.

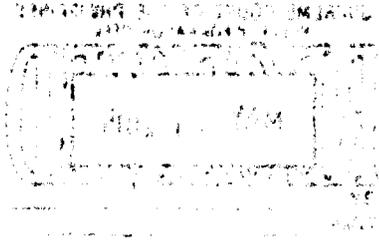
³ See *“J” Marketing Corp. v. Taran*, 607 Phil. 414, 427 (2009); citation omitted.

⁴ See *Acevedo v. Advanstar Company, Inc.*, 511 Phil. 279, 287 (2005).

⁵ *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, G.R. No. 190515, June 6, 2011, 650 SCRA 656, 660.

SO ORDERED.”

Very truly yours,




EDGAR O. ARICHETA
Division Clerk of Court ^{Manila}
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(NLRC Case No. NCR-
01-00684-12))

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