

SALAH AL SALEH, PLAINTIFFS-APPELLEE, VS. TERESITA JASMIN ISRAEL, DEFENDANT-APPELLANT.

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On September 12, 2013, this Court issued a Resolution[1] directing the Clerk of Court to issue the corresponding notices to the parties to file their respective briefs within the period provided by the Rules of Court.

The record shows that copies of the September 12, 2013 Resolution was sent to defendant-appellant Teresita Jasmin Israel and her counsel Atty. Paulino del Socorro on October 17, 2013. The notice sent to defendant-Appellant Teresita Jasmin Israel was returned to this Court with the postal notation “insufficient address”.

As per Judicial Records Division Verification Report, no Appellant's Brief had been filed as of January 27, 2014.

As held in *Garrucho vs. Court of Appeals*,[2] in the absence of a proper and adequate notice to the court of a change of address, the service of the order or resolution of a court upon the parties must be made at the last address of their counsel on record.[3] It is the duty of the party and his counsel to device a system for the receipt of mail intended for them, just as it is the duty of the counsel to inform the court officially of a change in his address. It is also the responsibility of a party to inform the court of the change of his address so that in the event the court orders that an order or resolution be served on the said party to enable him to receive the said resolution or order.[4]

In the present case, the Notices to File Brief were sent not only to defendant-appellant but also to her lawyer, Atty. Paulino del Socorro. However, these notices were returned to us with postal notations “insufficient address.”

Defendant-appellant and her counsel failed to notify the court of their complete address or change of address. On the other hand, the record shows that this Court sent a Notice to File Brief to defendant-appellant Teresita Jasmin Israel and her counsel. It is defendant-appellant's responsibility to check the status of their case from time to time and to notify the court of her complete address or any changes in their address. Likewise, it is her counsel's duty to promptly inform the court of a change of his address because insofar as the Court is concerned, the last address on record is the place where all notices shall be served until the Court is officially informed to the contrary.[5]

Hence, the failure of defendant-appellant to file her Appellant's Brief renders her appeal dismissible pursuant to Section 8, Rule 124 of the Revised Rules of Criminal Procedure.

In view of the foregoing, this Court RESOLVES to:

- CONSIDER the Notice to File Brief as SERVED;
- DISMISS the appeal for failure of defendant-appellant to file Appellant's Brief, despite notice, within the period provided for under the Rules and by this Court; and
- DIRECT the Division Clerk of Court, upon finality of this Resolution to:
- Enter Judgment in the Book of Entries; and

- Return/Remand the entire record to the court of origin for further proceedings thereat in accordance with, and to implement, this Resolution.

SO ORDERED.

Ingles, (Chairperson) and [*]Quijano-Padilla, JJ., concur.

[*] Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1] Rollo, page 12.

[2] G.R. No. 143791, January 14, 2005; citing Thermochem Incorporated v. Naval, G.R. No. 131541, October 20, 2000.

[3] Ibid., citing Thermochem Incorporated v. Naval, G.R. No. 131541, October 20, 2000.

[4] Ibid., Rivera v. Litam & Company, Inc., 4 SCRA 1072.

[5] Supra, Thermochem Incorporated vs. Naval.

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