

**PROVINCE OF CAMARINES SUR, REPRESENTED BY ITS GOVERNOR
LUIS RAYMOND F. VILLAFUERTE, PLAINTIFF-APPELLEE, VS.
GERONIMO ABRACOSA, ET AL., DEFENDANTS-APPELLANTS.**

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GALAPATE-LAGUILLES, J:

On April 30, 2014, the Judicial Records Division (JRD) of this Court issued a Notice to File Brief (NTFB) directing the defendants-appellants, thru counsel Atty. Ramon SG. Cabanes, Jr., to file their appellants' brief within forty-five (45) days from receipt of notice. [1]

In her reply[2] to this Court's Tracer letter dated September 29, 2014[3] regarding the circumstances surrounding registered letter No. IMS-3471 bearing the April 30, 2014 NTFB, Nenita B. Pan of the Office of the Postmaster, Naga City replied that the letter addressed to Atty. Ramon SG. Cabanes, Jr. of DAR Provincial Office was received by a certain Mark Joseph Dela Vega last May 14, 2014.[4]

Accordingly, the forty-fifth (45[th]) day within which defendants-appellants should have filed their brief was last June 30, 2014.[5]

In its report dated October 28, 2014, the JRD stated that no appellants' brief has been filed as of said date.[6] On this score, Rule 50, Section 1(e) of the 1997 Rules of Civil Procedure, as amended, states:

Section 1. Grounds for dismissal of appeal. - An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following ground:

- (a) xxxx
- (b) xxxx
- (c) xxxx
- (d) xxxx
- (e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules; (emphasis Ours)

Foregoing considered and for appellants' failure to file their brief within the reglementary period despite receipt of notice, the instant appeal is hereby DISMISSED.

SO ORDERED.

Punzalan Castillo, M.P., Chairperson and Lazaro-Javier, A. C., JJ., concur.

[1] Rollo, p. 21

[2] Rollo, p. 23

[3] Rollo, p. 22

[4] Supra note 1

[5] Supposedly June 28, 2014 a Saturday, however, as provided by Section 1, Rule 22 of the Rules of Court, which states:

Section 1. How to compute time. — In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

[6] Rollo, dorsal of p. 21

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