

**STA. BARBARA FOOD MANUFACTURING CORP.,
PLAINTIFF-APPELLEE, VS. RELIANCE SURETY AND INSURANCE CO.,
INC., DEFENDANT-APPELLANT.**

Ponente: BUESER, J.

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BUESER, J.:

On 02 April 2014, this Court issued a Notice[1], which required herein appellant to file its Brief within forty-five (45) days from receipt thereof.

On 05 June 2014, this court received the returned copy of the above-mentioned notice with postal notation “RTS – Moved Out[2].”

An astute perusal of the Judicial Records Division Report dated 17 June 2014 reveals that to date NO Brief has been filed by herein appellant[3].

Thus, the service of the Notice to file Brief upon appellant is now deemed complete pursuant to Sections 7 and 8, Rule 13 of the Rules of Court.

At this juncture, Section 1(e), Rule 50 of the Revised Rules of Civil Procedure provides:

“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 GROUNDS:

- (a) xxx;
- (b) xxx;
- (c) xxx;
- (d) xxx;
- (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;
- (f) xxx;
- (g) xxx;
- (h) xxx; and
- (i) xxx. “

WHEREFORE, in view of the foregoing, this Court have no recourse but declare the instant appeal as deemed ABANDONED and perforce DISMISSED, for appellants' failure to file the required appellants' Brief pursuant to Section 1 (e), Rule 50 of the Rules of Court.

SO ORDERED.

De Guia-Salvador and Garcia, JJ., concur.

[1] Rollo, p. 43

[2] Id. back portion

[3] Id.- back

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