

HEIRS OF MARCELINO B. PALATTAO, REPRESENTED BY CARMELITA P. PALATTAO, PLAINTIFFS-APPELLEES, VS. MALLIG PLAINS RURAL BANK (ISA), INC., REPRESENTED BY ABEL LAUREANO, DEFENDANT-APP...

Ponente: BATO, JR., J.

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BATO, JR., J.:

It appearing from the Motion For Extension Of Time To File Appellant's Brief[1] dated October 13, 2014 that defendant-appellant's counsel, Atty. Edwin Orias Betguen, "received a copy of the order of the Court dated August 12, 2014 last September 1, 2014, requiring the Defendant to file its Appellant's brief within 45 days from receipt", taking into account that the envelope containing the aforesaid motion (praying for an extension up to December 15, 2014 or sixty (60) days to file appellant's brief) was filed out of time because it was filed by registered mailed only on October 21, 2014 or after the expiration of the forty five (45)-day period on October 16, 2014, as shown by the Registered Mail No. 187 addressed to the Court of Appeals; considering the pronouncement of the Supreme Court that the motion for extension of time must be filed before the expiration of the period sought to be extended,² otherwise there is no longer any period to extend,³ the motion is DENIED.

ACCORDINGLY, pursuant to Section 1 (e) of Rule 50 of the 1997 Rules of Civil Procedure, the instant appeal is DISMISSED for failure to file the required appellant's brief.

[SO ORDERED.]

Zalameda, and Diy, JJ., concur.

[1] Rollo, pp. 20-22.

[2] PNB vs. Deang Marketing Corp., G.R. No. 177931, December 8, 2008, citing Vda. De Victoria vs. Court of Appeals, G.R. No. 147550, January 26, 2005.

[3] Ditching vs. Court of Appeals, G.R. No. 109834, October 18, 1996.

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