

**DEOGRACIAS C. ESTRELLA, JR., PLAINTIFF-APPELLANT, VS. ACE
& SONS REALTY CO., INC. DULY REPRESENTED BY ITS
TREASURER CONSUELO E. OCANA, DEFENDANT-APPELLEE.**

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

On March 19, 2014, a Notice[1] to file Brief within forty-five (45) days from receipt of notice, was sent to counsel for plaintiff-appellant, Atty. Roem J. Arbolado.

As of June 10, 2014, no Appellant's Brief has been filed by plaintiff-appellants as per Cebu Civil docket[2].

Section 7, Rule 44 of the 1997 Revised Rules of Civil Procedure, provides:

SEC. 7. Appellant's brief. – It shall be the duty of the appellant to file with the court, within forty-five (45) days from receipt of the notice of the clerk that all the evidence, oral and documentary, are attached to the record, seven (7) copies of his legibly typewritten, mimeographed or printed brief, with proof of service of two (2) copies thereof upon the appellee.

WHEREFORE, for failure to comply with the foregoing rule, the instant appeal is hereby DISMISSED.

SO ORDERED.

Ingles,[*] and Lopez, JJ., concur.

[*] In lieu of Justice Edgardo L. Delos Santos who is on wellness leave per Office Order No. 13-14-GTI.

[1] Rollo, page 15.

[2] Rollo, dorsal portion of page 15.

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