

**HEIRS OF ABELARDO V. PALOMIQUE, DAFROSA O. DACUMOS,
DELFINA A. H. SANTIAGO, ELENITA V. JACINTO, ALMARIO D.
ALACON, JOVITA TONGOL-CRUZ, EVA S. SANCHEZ, LOURDES C.
GARCIA, JOSE E....**

G.R. Nos. L-39288-89. January 31, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the dismissal of an appeal for failure of appellants' counsel in his brief to make page references to the record to support his statement of facts.

The officials of Caloocan City appealed from the decision dated November 29, 1973 of Judge Santiago O. Tañada, declaring illegal the abolition of petitioners' positions which were deleted in Ordinance No. 1749, City Budget for 1972-73. Said officials were ordered to appropriate the amounts necessary for petitioners' salaries from the time of the illegal abolition of their positions.

Judge Tañada in his 25-page decision found that all the 19 petitioners were permanent employees. Ten of them had appropriate civil service eligibilities while the other nine occupied unclassified positions. No administrative case had been filed against any of them. They had good performance ratings (Exh. A to A-9 and C to C-11). But they were Nacionalistas or Asistio appointees (pp. 32, 41 and 44, Rollo).

The trial judge held that the abolition of petitioners' positions was made in bad faith and in violation of the security of tenure of civil service employees. It was illegal (*Ocampo vs. Duque*, 123 Phil. 842). It was tantamount to removal without just cause, made for political reasons and in contravention of the Civil Service Law (p. 48, Rollo).

The respondent officials appealed to the Court of Appeals. They alleged that the decision was not supported by the evidence (p. 55, Rollo). The petitioners filed a motion to dismiss the appeal because in respondents' brief there are no page references to the record as required by Rule 50 of the Rules of Court which 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:

x x x x x x x x x x

"(g) Want of x x x page references to the record as required in section 16(d) of Rule 46;"

Rule 46 in turn provides:

"SEC. 16. Contents of appellant's brief. - The appellant's brief shall contain in the order herein indicated the following:

x x x x x x x x x x

"(d) Under the heading 'Statement of Facts,' a clear and concise statement in a narrative form of the facts

admitted by both parties and of those in controversy, together with the substance of the proof relating thereto in sufficient detail to make it clearly intelligible, with page references to the record;"

Appellants' brief in this case does not contain a statement of facts. Their claim that their statement of the case includes their statement of facts is not entirely true. As pointed out by the petitioners, appellants' factual conclusions are made in their arguments on the assignment of errors. Those factual averments are not supported by any page references to the record.

Appellants opposed the motion to dismiss their appeal. The Appellate Court in a minute resolution dated August 26, 1974 denied the motion (p. 92, Rollo). The petitioners assailed that resolution in their amended petition for certiorari, prohibition and mandamus.

We hold that the Appellate Court erred in not dismissing the appeal. Appellants' failure to make page references to the record to support their factual allegations together with their failure to make a separate statement of facts justifies the dismissal of their appeal (*Genobiagon vs. Court of Appeals*, L-44323, March 2, 1977, 76 SCRA 37, 39, cited in 2 *Moran's Comments on the Rules of Court*, 1979 Ed., p. 509). It may even be argued that the appeal is frivolous and dilatory.

WHEREFORE, the appeal of the Caloocan City officials is dismissed. No costs.

SO ORDERED.

Makasiar, (Chairman), Abad Santos, Escolin, and Cuevas, JJ., concur.
Concepcion, Jr., J., did not take part.

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