

**ERLINDA R. CUICO, ALSO KNOWN AS ERLINDA R. LEE, PETITIONER
AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR
AND APPELLEE.**

Ponente: ZALAMEDA, R.V., J.

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ZALAMEDA, R.V., J.:

As per Our Resolution[1] dated 23 July 2014, counsel for the appellant was directed to submit proof of receipt of the Appellant's Brief[2] by the Office of the Solicitor General.[3] On 02 September 2014, appellant through counsel filed a Motion for Extension of Time[4] to file her compliance therewith, which was granted[5] by this Court giving appellant until 12 September 2014. Per CMIS verification, no compliance has yet been filed.[6]

Section 1(e), Rule 50 of the Rules of Court provides that the court may dismiss an appeal for failure of the appellant to serve and file the required number of copies of his brief within the prescribed period. As the Supreme Court has said –

“X x x

Rule 50, Section 1(e), of the 1997 Rules of Civil Procedure provides that an appeal may be dismissed by the Court of Appeals on its own accord or on motion of the appellee for failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time prescribed by the Rules. The obvious reason for this rule is that upon appeal, the appellate court can only but place reliance on the pleadings, briefs and memoranda of parties such as may be required. The dereliction of duty by counsel affects the client. While, exceptionally, the client may be excused from the failure of counsel, xxx as long as a party is given the opportunity to defend his interests in due course, he would have no reason to complain, for it is this opportunity to be heard that makes up the essence of due process.

X x x[7]

WHEREFORE, premises considered, the instant Appeal is hereby deemed ABANDONED and accordingly, DISMISSED.

The case is deemed CLOSED and TERMINATED.

SO ORDERED.

Bato, Jr., (Chairperson), and Sempio Diy, JJ., concur.

[1] Rollo, page 37.

[2] Id. at 17 to 28.

[3] “OSG,” for brevity.

[4] Rollo, pages 38 to 40.

[5] Id. at 41.

[6] Id., dorsal portion of page 41.

[7] Philhouse Development Corporation and/or Spouses Jovenal and Celia Toring vs. Consolidated Orix Leasing and Finance Corporation, G.R. No. 135287, 04 April 2001.

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