

LOURDES ADELWISA BROCE, MARGARITO BROCE, ORVEN KEITH BROCE, ELAIN FATIMA BROCE, CYNTHIA BACARON AND JOHN DOES, PETITIONERS, VS. REMEDIOS VDA. DE BROCE, ASUNCION BROCE AND SOCORR...

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

Previously, on October 1, 2013, petitioners filed a Motion for Extension[1] to Submit Petition for Review, praying for an extension of time within fifteen (15) days or until October 16, 2013 within which to file a Petition for Review under Rule 42 of the Rules of Court.

On October 10, 2013, this Court issued a Resolution granting the Motion for Extension to Submit Petition for Review.

Per Judicial Records Division Verification report[2] dated January 30, 2014, no petition was filed by petitioners.

Section 1, Rule 42 of the Revised Rules of Court, provides:

Section 1. How appeal taken; time for filing. — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.(emphasis supplied).

WHEREFORE, for failure of petitioners to file their petition within the prescribed period, the instant case is hereby DISMISSED.

SO ORDERED.

Ingles, (Chairperson) and [*]Quijano-Padilla, JJ., concur.

[*] Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1] Rollo, pp. 3-4.

[2] Rollo, dorsal portion of page 36.

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