

## **BANCO DE ORO UNIBANK, INC., PLAINTIFF-APPELLEE, VS. LANIE L. PABUSTAN, DEFENDANT-APPELLANT.**

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### **MACALINO, J:**

Aggrieved with the Decision of the Regional Trial Court, Branch 148, Makati City,[1] Defendant-Appellant filed a Notice of Appeal with the lower court on 13 June 2014.[2] An Order dated 17 June 2014 was then issued by said lower Court, giving due course to the Notice of Appeal and directing the entire records of the case to be forwarded to this Court for purposes of appeal.[3]

On 07 October 2014, Defendant-Appellant was directed by the Judicial Records Division of this Court to file her Appellant's Brief within forty-five (45) days from receipt of notice.[4] The notice was received by Defendant-Appellant on 21 October 2014 as per the registry return receipt, thus granting the latter until 05 December 2014, or forty-five (45) days from receipt, to file her Appellant's Brief with this Court, pursuant to Sec. 7, Rule 44 of the 1997 Rules of Civil Procedure.

It is worth noting that verification from the Court's Case Management Information System reveals that as of 09 February 2015, no Appellant's Brief has yet been filed by Defendant-Appellant.[5]

Due to failure of the Defendant-Appellant to file her Appellant's Brief for more than two (2) months from the last day of filing, her appeal with this Court is now deemed abandoned and dismissed pursuant to Section 1(e), Rule 50, of the 1997 Rules on Civil Procedure which states:

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“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:

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(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;” (Emphasis Ours)

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Further, the case of *Moneytrend Lending Corp. v. Court of Appeals*[6] is clear on the need for strict compliance with the reglementary periods in terms of appeals:

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“In a long line of decisions, the Court has repeatedly held that, while the rules of procedure are liberally construed, the provisions on reglementary periods are strictly applied, indispensable as they are to the prevention of needless delays and are necessary to the orderly and speedy discharge of judicial business. The same is true with respect to the rules on the manner and periods for perfecting appeals. It bears stressing that the timely perfection of an appeal is a mandatory requirement not to be trifled with as a "mere technicality" to suit the interest of a party. The rules on periods for filing appeals are to be observed religiously, and parties who seek to avail themselves of the privilege must comply with the rules. The failure to perfect an appeal as required by law renders the judgment final, immutable and executory.” (Emphasis ours)

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WHEREFORE, based on the foregoing, Defendant-Appellant's appeal is considered ABANDONED and hereby ordered DISMISSED for failure to file her brief within the reglementary period pursuant to Sec. 1(e), Rule 50 of the 1997 Rules of Civil Procedure.

**SO ORDERED.**

Ybañez, E.[\*], Acting Chairperson, and Galapate-Laguilles, Z.T., JJ., concur.

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[\*] Acting Chairperson per Office Order No. 33-15-ABR dated 30 January 2015.

[1] Rollo, p. 12.

[2] Rollo, p. 19.

[3] Rollo, p. 21.

[4] Rollo, p. 23.

[5] Rollo, p. 25.

[6] Moneytrend Lending Corp. v. Court of Appeals, G.R. No. 165580, February 20, 2006.

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