

**ELIZABETH L. GOTIANUY AND GENETTE LIZ GOTIANUY LO,
PETITIONERS, VS. SPOUSES JOSE YU AND LORETA S. YU,
RESPONDENTS.**

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

On August 26, 2014, this Court issued a Notice to File Brief[1] to plaintiffs-appellants and their counsel giving them forty-five (45) days from receipt of the notice to file Appellant's Brief. While the copies thereof sent to the plaintiffs-appellants were both returned to this Court with the notation, "House is closed no one to receipt"[2](sic), plaintiffs-appellants' counsel received the same on October 7, 2014.[3] The last day to file the requisite brief was on November 21, 2014.

On January 12, 2015, the Judicial Records Division- Civil Cases Section of this Court reported[4] that no appellant's brief has been filed by plaintiffs-appellants.

[T]he right to appeal is not a natural right or a part of due process; it is merely a statutory privilege, and may be exercised only in accordance with the provisions of the law. The party who seeks to avail of the same must comply with the requirements of the Rules, Failing (sic) to do so, the right to appeal is lost. Rules of Procedure are required to be followed.[5]

Verily, the failure of the plaintiffs-appellants to file their appellant's brief simply results in the abandonment of the appeal which leads to its dismissal.

WHEREFORE, premises considered, the instant appeal is deemed ABANDONED and DISMISSED pursuant to Section 1 (e),[6] Rule 50, of the Revised Rules of Civil Procedure and let this case be WITHDRAWN from the docket of active cases of this Court.

SO ORDERED.

Hernando, J., Chairperson, and Lopez[*], JJ., concur.

[*] Vice Justice Marie Christine Azcarraga-Jacob, per Office Order No. 01-15-GTI dated January 22, 2015. [1] Rollo, p. 24.

[2] Rollo, pp. 26-28.

[3] Rollo, p. 24 (dorsal portion).

[4] Rollo, p. 27 (dorsal portion).

[5] Polintan v. People, G.R. No. 161827, April 21, 2009.

[6] 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

(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;

x x x

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