

EMILIA GABON, ET AL., PETITIONERS AND APPELLEES, VS. NICANOR G. JORGE, IN HIS CAPACITY AS ACTG. DIRECTOR OF LANDS, ET AL., RESPONDENTS AND APPELLANTS.

G. R. No. L-23655. September 30, 1967

Ponente: ANGELES, J.

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ANGELES, J.:

In Special Civil Case No. 3593 of the Court of First Instance of Davao, Branch II, for certiorari, mandamus with preliminary injunction, a decision was rendered by that court on January 13, 1964, declaring as null and void certain orders of the Director of Lands and the Secretary of Agriculture and Natural Resources, cancelling the homestead application of Salvador Ajos (H. A. No. 85302 [E-85420]) and directing his heirs, tenants and associates to vacate the land covered by said homestead application and to deliver possession thereof to the District Land Officer of Davao City.

In due time, the Director of Lands and its correspondents perfected an appeal from said decision "on the ground that the same is contrary to law," Instead of filing a brief on an extension of time granted by this Court, the respondents-appellants, on December 28, 1964, filed a pleading giving "notice of their voluntary abandonment and withdrawal of their appeal in the above-entitled case on the ground that they have decided on maturer consideration to file a petition for reversion under Sec. 101 of the Public Land Act as suggested by the lower court in its decision of January 13, 1964, rather than to prosecute this appeal," which pleading or manifestation was accepted by the Court as appellants' brief.

It appearing that the appellees did not file their brief, nor did they interpose objection to appellants' withdrawal of the appeal, the appeal is hereby considered withdrawn, with the effect of dismissal, in accordance with Sections 2 and 4 of Rule 50 of the Rules of Court.

It is so ordered.

Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Ruiz Castro and Fernando, JJ., concur.

Appeal dismissed.

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