

**RICHARD TAN YU AND JOY BROS., INC., PLAINTIFFS-APPELLANTS,
VS. BOARD OF DIRECTORS OF WACK WACK GOLF & COUNTRY
CLUB, DIRECTOR PHILIP E. JUICO, TAN SHE LING, CARLOS G.
BANIQUED, P...**

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PAREDES, J.:[*]

After the submission of the required pleadings, but before the appeal was submitted for decision, appellants filed, on October 22, 2014, a Motion to Withdraw Appeal[1] stating that appellants' board of directors had authorized the withdrawal of the appeal due to a collective loss of interest in pursuing their claims against the appellees. Attached to the Motion is a copy of the Corporate Secretary's Certificate[2] dated October 17, 2014, the pertinent portion of which reads:

CORPORATE SECRETARY'S CERTIFICATE

x x x

RESOLUTION NO. 5

RESOLVED, as it hereby resolved, to authorize Mr. Richard Tan Yu, Vice President, Sales Department of Joy Bros., Inc., Joy Bros., Inc. represented by Mary L. Yu and Fernandez & Associates Law Firm, particularly Atty. Artemio G. Tuquero, Atty. Teodorico P. Fernandez and Atty. Marc Lee N. Monjardin to withdraw the Appeal filed to Court of Appeals, Manila with Case No. CA-G.R. No. CV-99996 entitled Richard Tan Yu and Joy Bros., Inc. vs. Board of Directors of Wack Wack Golf & Country Club, et. al. now pending at (the then) Fourteenth Division.

RESOLVED FINALLY, as it is hereby resolved, to authorize them, singly or collectively, to file the "Motion to Withdraw" and similar and all documents to the above-mentioned actions, and to attest on behalf of the Corporation that no other such actions or proceedings are pending or have been filed before the Philippine Supreme Court, Philippine Court of Appeals, the different divisions thereof, or any other court, tribunal or agency in the Philippines, x x x

WHEREFORE, finding the Motion to Withdraw Appeal filed by the appellants to be proper, and pursuant to Section 3[3], Rule 50, Revised Rules of Court, the subject Motion is GRANTED.

Accordingly, the APPEAL from the Order dated December 18, 2012 of the Regional Trial Court, Branch 211, Mandaluyong City, in SEC Case No. MC12-132, is deemed WITHDRAWN.

The case is considered closed and terminated.

SO ORDERED.

Dicdican, (Chairperson), and [**]Corales, JJ., concur.

[*] Acting Senior Member per Office Order No. 461-14-ABR dated November 3, 2014.

[**] Acting Junior Member per Office Order No. 461-14-ABR dated November 3, 2014.

[1] Rollo, pp. 160-2.

[2] Rollo, pp. 163-4

[3] Withdrawal of appeal. - An appeal may be withdrawn as of right at any time before the filing of the appellee's brief. Thereafter, the withdrawal may be allowed in the discretion of the court.

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