

ANTONIO ACOMPAÑADO, PETITIONER, VS. MUNICIPAL TRIAL COURT, ALBUERA LEYTE, BIENVENIDO VERANO JR., FRANCISCA MAINIT, TIRSO SABATE AND TONY SABATE, RESPONDENTS.

Ponente: LOPEZ, J.

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LOPEZ, J.:

Before this Court is a certiorari on appeal. On March 12, 2014, the Court directed the parties to file their respective memoranda pursuant to Section 10 Rule 44 of the 1997 Rules of Civil Procedure[1] within the non-extendible period of thirty (30) days from notice. Counsel for petitioner received the notice to file memoranda on April 24, 2014 as evidenced by the Return Registry Receipt card[2]. Petitioner had thirty days or until May 24, 2014 within which to file his memorandum.

The second paragraph of Section 10 of Rule 44 provides that:

“The failure of the appellant to file his memorandum within the period therefor may be a ground for dismissal of the appeal.”

Pursuant to the abovementioned rules, petitioner’s failure to file his memorandum within the period allowed is a sufficient ground for the dismissal of the appeal.

In view thereof, for failing to file the required memorandum without just cause despite due notice, within the period allowed by law, the instant appeal is hereby DISMISSED.

SO ORDERED.

Ingles, G.T., Chairperson and Lagura-Yap, M.B., JJ., concur.

[1] Section 10. Time for filing memoranda in special cases. - In certiorari, prohibition, mandamus, quo warranto and habeas corpus cases, the parties shall file, in lieu of briefs, their respective memoranda within a non-extendible period of thirty (30) days from receipt of the notice issued by the clerk that all the evidence, oral and documentary, is already attached to the record.

The failure of the appellant to file his memorandum within the period therefor may be a ground for dismissal of the appeal.

[2] Rollo, dorsal portion of p.10

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