

SAN MATEO SANITARY LANDFILL AND DEVELOPMENT CORPORATION, PETITIONER-APPELLEE, VS. ATTY. ANALIZA REBUELTA-TEH, IN HER PERSONAL AND OFFICIAL CAPACITY AS UNDERSECRETARY OF THE DEPA...

Ponente: PAREDES, J.

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PAREDES, J.:

On November 6, 2014, a notice[1] was issued directing the parties to file, in lieu of briefs, their respective memoranda within thirty (30) days from notice. The parties have not filed their respective memoranda as directed[2].

Meanwhile, on November 25, 2014, respondent-appellant through the Office of the Solicitor General (OSG), filed a motion to withdraw notice of appeal[3] stating that on October 20, 2014, the OSG received an endorsement from respondent, Atty. Analiza Rebueta-Teh, Undersecretary of the Department of Environment and Natural Resources (DENR), advising that she is no longer interested in appealing the RTC Decision to the Court of Appeals; and, praying that the motion to withdraw notice of appeal be granted.

Section 3, Rule 50 of the Rules of Court provides:

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 - An appeal may be withdrawn as of right at any time before the filing of the appellee's brief.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. (Emphasis Ours)

In lieu of briefs, the parties were directed to file their memorandum. The parties have not complied; hence, the timing of the withdrawal is apropos.

WHEREFORE, the motion to withdraw notice of appeal filed by the respondent-appellant, is GRANTED.

Accordingly, the appeal from the Decision dated December 13, 2013 of the Regional Trial Court, Branch 75, San Mateo, Rizal, in Special Civil Action Nos. 147-11 SM and 148-11 SM, is deemed WITHDRAWN.

The case is considered closed and terminated.

SO ORDERED.

Dicdican, I. P., Chairperson, and Ybañez, E. A., JJ., concur.

[1] Rollo, p. 23.

[2] See CMIS verification dated January 20, 2015, rollo, p. 39.

[3] Rollo, pp. 24-9.

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