

PRIMARY STRUCTURES CORPORATION, WILLIAM LIU, JR., AND ANASTACIO G. ARDIENTE, JR., PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION (NLRC) SEVENTH DIVISION PRESIDING COMMISSI...

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

In Our Resolution[1] dated August 27, 2013, We directed the Petitioners to supply/submit another address or alternate address of the private respondent within five (5) days from notice.

A perusal of the rollo, shows that petitioners William Liu, Jr. and Anastacio G. Ardiente, Jr. received[2] the Resolution dated August 27, 2013 as per Registry Return Receipt. However, despite receipt, the Judicial Records Division (CA-JRD) made a report that no compliance has been filed as per docket entry dated February 18, 2014.

Section 3, Rule 17 of the Revised Rules of Court provides:

Section 3. Dismissal due to fault of plaintiff. - if for no justifiable cause, the plaintiff fails to appear on the date of the presentation of his evidence in chief on the complaint, or to prosecute his action for an unreasonable length of time, or to comply with these Rules or any order of the court, the complaint may be dismissed upon motion of the defendant or upon the court's own motion, without prejudice to the right of the defendant to prosecute his counterclaim in the same or in separate action. This dismissal shall have the effect of an adjudication upon the merits, unless otherwise declared by the court. (emphasis supplied)

Also, Section 1, Rule 50 of the Revised Rules of Court provides:

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:

xxx xxx xxx

(h) Failure of the appellant to appear at the preliminary conference under Rule 48 or to comply with orders, circulars, or directives of the court without justifiable cause; and (emphasis supplied)

The considerable lapse of time from receipt of notice without positive action and compliance from the petitioners is a manifest and indubitable indication that petitioners are no longer interested in pursuing the instant petition.

WHEREFORE, based on the authority of Section 3, Rule 17 and Section 1, Rule 50 of the 1997 Rules of Civil Procedure, the petition is hereby dismissed.

SO ORDERED.

Lagura-Yap, and *Quijano-Padilla, JJ., concur.

* Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1] Rollo, page 298.

[2] See Registry Return Receipt, rollo, dorsal portion of page 298.

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