

**HILARIA S. AMBROSE AND ROSALINA GRAY,
PLAINTIFFS-APPELLEES, VS. MAY SHEILA LEE-SERQUINA AND
JEFFREY G. SERQUINA, ET AL., DEFENDANTS-APPELLANTS.**

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MACALINO, J:

On 11 June 2014, this Court issued a Notice[1], requiring the defendants-appellants to file an Appellants' Brief, pursuant to Rule 44, Section 7 of the 1997 Rules of Civil Procedure and A.M. No. 11-9-4-SC. The aforesaid notice was received by the counsel for the defendants-appellants on 02 July 2014 as evidenced by the Registry Return Card[2].

On 15 August 2014, the defendants-appellants filed, through mail, a Motion for Extension of Time[3] of forty-five (45) days or until 30 September 2014 within which to file the Appellants' Brief. This Court then issued a Minute Resolution[4], dated 08 September 2014, which granted the aforementioned motion for extension.

On 26 September 2014, the defendants-appellants filed, through mail, a Second Motion for Extension of Time[5] of an additional forty-five (45) days from 30 September 2014 or until 14 November 2014 within which to file the Appellants' Brief.

However, as per the Judicial Records Division Verification Report dated 06 January 2015[6] and 12 March 2015[7], it appears that the defendants-appellants had failed to file an appellants' brief.

Based on the aforementioned, it must be noted that the defendants-appellants failed to comply with the required time within which the appellants' brief may be filed, as set forth in Section 7, Rule 44 of the Revised Rules of Court, which states that:

“SECTION 7. Appellant's Brief. - It shall be the duty of the appellant to file with the court, within forty-five (45) days from receipt of the notice of the clerk that all the evidence, oral and documentary, are attached to the record, seven (7) copies of his legibly typewritten, mimeographed or printed brief, with proof of service of two (2) copies thereof upon the appellee.”

And as provided in Section 1 (e), Rule 50 of the Revised Rules of Court, it states that:

“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:

x x x x x

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

x x x x x.”

With regard to the Second Motion for Extension of Time to file the Appellants' Brief, it is hereby GRANTED.

IN VIEW OF THE FOREGOING, the Appeal is ABANDONED and hereby DISMISSED.

SO ORDERED.

Punzalan-Castillo, M.P., Chairperson, and Galapate-Laguilles, Z.T., JJ., concur.

[1] Rollo, p. 28.

[2] Id., p. 28 (dorsal portion).

[3] Id., pp. 29 – 32.

[4] Id., p. 33.

[5] Id., pp. 34 – 37.

[6] Id., p. 38.

[7] Id., p. 39

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