JOPRE BENDOL BANCOLO ASSISTED BY HIS PARENTS JERRY BANCOLO, JR. AND REMIA BENDOL BANCOLO, PLAINTIFF-APPELLEES, VS. CORSINO MANDADERO, DEFENDANT-APPELLEE,

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

On July 14, 2014, a Notice to file Brief[1] within forty-five (45) days from receipt of notice, was sent to defendant-appellant Liecel Mondejar, and her counsel on record Atty. Manuel M. Casumpang.

On October 15, 2014, defendant-appellant filed a Motion for Extension of Time to File Appellant's Brief[2], praying for an extension of forty-five (45) days from September 29, 2014.

On November 4, 2014, defendant-appellant filed a Motion to Withdraw/Dismiss Appeal[3]. Defendant-appellant stated in her motion that she wanted to withdraw her appeal after she had been fully paid of the monetary judgment in the RTC decision dated May 16, 2005, as evidenced by a Release, Waiver and Quitclaim[4] dated September 25, 2014.

On January 22, 2015, the Judicial Records Division (CA-JRD) made a report[5] stating that no opposition was filed by plaintiffs-appellees as per Civil docket entry.

Finding the Motion to Withdraw/Dismiss Appeal, there being no opposition thereto, We RESOLVE to GRANT the same.

WHEREFORE, pursuant to Section 3, Rule 50 of the 1997 Rules of Civil Procedure[6], the instant appeal is now considered WITHDRAWN and the case is now deemed CLOSED and TERMINATED.

Accordingly, let the corresponding Entry of Judgment be issued and recorded in the Book of Entries of judgment of this Court.

SO ORDERED.

Delos Santos, J., Chairperson, and Lopez, JJ., concur.

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[1] Rollo, page 74.

[2] Rollo, page 77.

[3] Rollo, page 81.

[4] Rollo, page 84.

[5] Rollo, dorsal portion of page 85.

[6] See Remedial Law Vol. II by Oscar M. Herrera, 2007 Edition, Rule 50,

Section 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 Withdrawal of Appeal – An appeal may be withdrawn as of right at any time before the filing of the appellee's brief.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. (emphasis supplied)

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