

**CLEMENTE DE LA ROSA IGANO, VICENTE DELAS ROSA EGANO,
MANUEL DE LA ROSA EGANO & TIRSO DE LA ROSA EGANO,
PLAINTIFFS-APPELLANTS, VS. ABITO ARCENA, CONRADO
LEPASANA, RAMEREZ, JR. II...**

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On April 29, 2010, this Court issued a Resolution[1] directing the plaintiffs-appellants to submit the Death Certificate of plaintiff-appellant Clemente Dela Rosa Igano for the Court to act on their Motion to Substitute. The Resolution was received by their counsel on May 24, 2010, as per registry return receipt[2].

On June 8, 2011, the Judicial Records Division (JRD) made a report[3] that no compliance was filed by the plaintiffs-appellants as per Civil docket entry.

On August 16, 2012, this Court issued a Resolution, stating other matters, and directing plaintiff-appellants to pay the docket fee and submit the certified true copy of the Death Certificate of plaintiff-appellant Clemente Dela Rosa Igano.

On April 23, 2013, the Judicial Records Division (JRD) made a report[4]that no compliance was filed by the plaintiffs-appellants as per Civil docket entry.

On June 3, 2013, this Court issued a Minute Resolution[5], directing the Branch Clerk of Court to personally appear before this Court and complete the records of this case.

On August 1, 2013, counsel for plaintiffs-appellants filed a Manifestation and Motion[6] that he received the Resolution dated August 16, 2012 and prayed that they be furnished copies of this record.

Upon re-verification, the Judicial Records Division (CA-JRD) made a report[7] that no compliance has been made by the plaintiffs-appellants as of February 10, 2014 as per Civil docket entry. The considerable lapse of time for more than three (3) years from receipt of the Resolutions dated April 29, 2010 and August 16, 2012 without positive action and compliance from the plaintiffs-appellants is a manifest and indubitable indication that appellants are no longer interested in pursuing the instant appeal.

The Supreme Court explicitly stated in the case of Zamboanga Forest Managers Corp., v. New Pacific Timber and Supply Co., et al [8]., that a party's failure to comply with the CA's directive without justifiable cause is a ground for the dismissal of an appeal under Section 1 (h), Rule 50 of the Rules.

WHEREFORE, the appeal is hereby DISMISSED for failure of the plaintiffs-appellants to comply with the directive of the Court without justifiable cause.[9]

SO ORDERED.

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

* See Records, page 691, where name is spelled out as De la Rosa Igano and also as De las Rosa Egano

(plaintiff-appellants)

* Ibid, mostly spelled out as Ramerez and while the other spelling is Ramirez (defendants-appellees).

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

[1] Rollo, pages 36-37.

[2]Rollo, dorsal portion of page 35.

[3]Rollo, dorsal portion of page 54.

[4]Rollo, dorsal portion of page 58.

[5] Rollo, page 61.

[6]Rollo, pages 63-65.

[7] Rollo, dorsal portion of page 68.

[8]G.R. No. 173342, October 13, 2010.

[9] Regalado, Florenz D., REMEDIAL LAW COMPENDIUM, Vol. 1, Notes on the Revised Rules of Court, Rule 50, Sec. 1 (h), p. 579.

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