

BANK OF THE PHILIPPINE ISLANDS, PETITIONER-APPELLEE, V. FLORDELIZA PULONGBARIT AND THE HEIRS OF ALFREDO PULONGBARIT, RESPONDENTS-APPELLANTS.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

On March 22, 2010, a Resolution[1] was issued directing respondents-appellants to remit "to this Court the amount of One Thousand Pesos (P 1,000.00) as Mediation Fee within ten (10) days from notice".[2] However, respondents-appellants failed[3] to remit to this Court the required Mediation Fee despite receipt by respondents-appellants' counsel on April 27, 2010[4] of a copy of Our Resolution[5] dated March 22, 2010.

Because of this, a Resolution[6] dated August 31, 2011 was issued requiring respondents-appellants to, once again, remit to this Court the required Mediation Fee.[7] However, respondents-appellants still failed[8] to comply with Our directive despite receipt by respondents-appellants' counsel on September 20, 2011[9] of Our Resolution[10] dated August 31, 2011.

As a result of all these, a Resolution[11] was issued on December 23, 2011 requiring respondents-appellants to show cause why their Appeal should not be dismissed for their failure to comply with the lawful order of the Court. The Resolution[12] stated the following:

"[Respondents-a]ppellants are directed to show cause why the appeal should not be dismissed for failure to comply with the resolution of August 31, 2011 despite receipt thereof on September 20, 2011, within ten (10) days from notice."[13]

Respondents-appellants' counsel received a copy of the Resolution[14] dated December 23, 2011 on January 3, 2012[15]. However, respondents-appellants again failed[16] to comply with Our Resolution[17] of December 23, 2011.

Respondents-appellants' failure to comply, without justification or explanation, with Our earlier Resolutions dated March 22, 2010[18], August 31, 2011[19], and December 23, 2011[20] amounts to a refusal to obey not only one, but three Orders of this Court. This refusal by respondents-appellants to obey the Orders of this Court also constitutes a ground for the dismissal of their Appeal under Rule 17, Section 3 of the Rules of Court, which provides:

"SEC. 3 – Dismissal due to fault of plaintiff.- If, for no justifiable cause, the plaintiff fails xxx 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 a separate action. This dismissal shall have the effect of an adjudication upon the merits unless otherwise declared by the court." (Italics was made in the original, emphasis supplied)

No choice is given but to dispose this matter accordingly as stated below.

IN VIEW OF ALL THESE, the Appeal is DISMISSED.

SO ORDERED.

Dicdican (Chairman) and Lazaro-Javier,[*] JJ., concur.

[*] New member vice J. Paredes (inhibited) per raffle dated March 21, 2014.

[1] Rollo, p. 13

[2] Rollo, p. 13

[3] Rollo, p. 13

[4] Rollo, dorsal portion of p. 13

[5] Rollo, p. 13

[6] Rollo, p. 17

[7] Rollo, p. 17

[8] Rollo, p. 17

[9] Rollo, dorsal portion of p. 17

[10] Rollo, p. 17

[11] Rollo, p. 18

[12] Rollo, p. 18

[13] Rollo, p. 18

[14] Rollo, p. 18

[15] Rollo, dorsal portion of p. 18

[16] Rollo, dorsal portion of p. 18

[17] Rollo, p. 18

[18] Rollo, p. 13

[19] Rollo, p. 17

[20] Rollo, p. 18

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