

ELLA CINCO, PETITIONER, VS. PELAGIO M. MARGATE, RESPONDENT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

In this Court's Minute Resolution[1] dated August 30, 2013, respondent was directed to file a Comment on the Petition and to pay the required mediation fee within ten (10) days from notice and for petitioner to file a Reply, if desired, within five (5) days from receipt of Comment.

On November 22, 2013, respondent filed a Manifestation with Motion[2] stating therein that the copy of the aforesaid Resolution received by respondent, through counsel, on October 7, 2013 was unfortunately misplaced and surfaced only when the law office of the said counsel started securing the case records to protect the same against Typhoon Yolanda. Respondent, in turn, prayed for a fresh period of ten (10) days from the restoration of power supply in Samar within which to submit his Comment to the Petition.

Before the afore-stated Manifestation could be acted upon, respondent, through counsel, then filed a Motion to Dismiss[3] on April 15, 2014 manifesting that the defendant, or herein petitioner, had already vacated the disputed premises and had executed an affidavit showing her disinterest to pursue her appeal/petition with this Court and resultantly, the plaintiff, or herein respondent, had already been placed in possession of the disputed property, thus, the latter desires for the dismissal of the instant petition.

Attached to the said Motion is an Affidavit[4] executed by petitioner Ella Cinco to the effect that she is no longer interested in pursuing this appeal as she had already vacated the subject premises. She likewise manifested her relinquishment of any and all rights which she believed to may have had over the disputed property and vowed to never disturb the peaceful possession and ownership of respondent Pelagio Marate over the said property.

IN VIEW OF THE FOREGOING, We NOTE the respondent's Manifestation with Motion and the Affidavit executed by petitioner. Finding the instant Motion to Dismiss to be meritorious, the same is hereby GRANTED.

Accordingly, the instant Petition is hereby DISMISSED and deemed withdrawn from the dockets of this Court. The case is now closed and terminated.

SO ORDERED.

Ingles,[*] and Azcarraga-Jacob, JJ., concur.

[*] Acting Chairperson in lieu of J. Ramon Paul L. Hernando, per Office Order No. 19-14-GTI dated July 7, 2014.

[1] Rollo, page 146.

[2] Rollo, pages 147-149.

[3] Rollo, page 151.

[4] Rollo, page 153.

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