

CLIMACO H. AVENIDO, PLAINTIFF/APPELLANT, VS. HEIRS OF PEREGRINA MACUA VDA. DE AVENIDO, DEFENDANTS/APPELLEES.

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BORJA, J.,:

This treats of the motion[1] of appellees seeking reconsideration of this Court's January 30, 2014 Minute Resolution which deemed appellees to have waived the filing of their brief in view of their failure to file such brief within the period to do so and which declared the appeal submitted for decision sans appellees' brief.

Movants insist that they have not received copy of appellant's brief, although per tracer of this Court one Elvis Caboverde received the same on July 1, 2013; that counsel for the appellees has no staff in his office by the name of Elvis Caboverde; that the counsel verified from his clients if they knew Caboverde and if they received copy of appellant's brief, but they answered in the negative.

In the July 23, 2014 Minute Resolution, this Court directed the appellant to file comment on appellees' Motion for Reconsideration within 10 days from notice.[2]

In his "Comments,"[3] appellant failed to make any remark as to the allegations in the appellees' motion for reconsideration. Instead, he avers that the issues raised in the two assignment of errors in the Brief for Petitioner in the instant case have become moot and academic in view of the Supreme Court's Decision in Peregrina Macua Vda. De Avenido vs. Tecla Hoybia Avenido, G.R. No. 173540, January 22, 2014, the dispositive portion of which states –

WHEREFORE, the Petition is DENIED and the assailed Decision of the Court of Appeals is CA-G.R. CV No. 79444 is AFFIRMED. The marriage between petitioner Peregrina Macua Avenido and the deceased Eustaquio Avenido is hereby declared NULL and VOID. No pronouncement as to costs.

SO ORDERED.

IN VIEW OF THE FOREGOING, appellant is hereby DIRECTED to furnish a copy of his brief within 10 days from notice to herein appellees. Further, appellant is DIRECTED to furnish this Court, within the same period, the original or certified true copy of the aforementioned Decision by the Supreme Court. Appellees are given 45 days from receipt of the Appellant's Brief within which to file appellees' brief and to COMMENT on appellant's allegations regarding the issues that allegedly became moot and academic as a consequence of the said Supreme Court's Decision.

SO ORDERED.

[*]Carmelo and Badelles, JJ., concur.

[*] Vice J. Francisco per raffle dated April 30, 2014.

[1] Rollo, pp. 51-54.

[2] Rollo, p. 55.

[3] Rollo, pp. 56-58.

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