

THE HEIRS OF THE DECEASED SPOUSES ESTEBAN CLAUDIO AND LUISA JOAQUIN, REPRESENTED BY LOLITA J. CLAUDIO, PETITIONERS-APPELLANTS, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLEE.

Ponente: TIJAM, J.

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TIJAM, J.:

On April 4, 2014, We issued a Resolution[1] ordering the appellants to show cause, within ten (10) days from notice, why the instant appeal should not be dismissed for failure to file the required Appellant's Brief and reminding them to cause the entry of appearance of their new counsel.

On May 20, 2014, this Court received the unclaimed copy of the April 4, 2014 Resolution sent to the appellants, with postal notation "moved out".[2]

Upon verification from the Judicial Records Division (JRD), no notice of change of address has been filed by the appellants.[3]

On July 25, 2014, We issued a Resolution[4] ordering the April 4, 2014 Resolution be re-sent to the appellants at their last known address per record of this Court.

On September 4, 2014, this Court received the unclaimed copy of the July 25, 2014 Resolution sent to the appellants at their last known address, with postal notation "moved out"[5].

Per CMIS verification dated October 13, 2014, still no Appellant's Brief has been filed.[6]

In view of the receipt by this Court of the appellant's unclaimed copy of the July 25, 2014 Resolution which re-sent the April 4, 2014 Resolution to the appellants, at their last known address with postal notation "moved out", the service thereof to the appellants is deemed complete pursuant to Section 10, Rule 13[7] of the Rules of Court.

For failure of the appellants to file the required Appellant's Brief, the appeal is deemed to have been abandoned and is hereby dismissed pursuant to Section 7, Rule 44 in relation to Section (e), Rule 50 of the 1997 Rules of Civil Procedure, viz:

"SEC. 7. Appellant's brief. – It shall be the duty of the appellant to file with the court, within forty-five (45) days from receipt of the notice of the clerk that all the evidence, oral and documentary, are attached to the record, seven (7) copies of his legibly typewritten, mimeographed or printed brief, with proof of service of two (2) copies thereof upon the appellee."

"SEC. 1. Grounds for dismissal of appeal. – An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:

xxx xxx xxx

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

xxx xxx xxx.

It is axiomatic that the right to appeal is not a natural right and is not part of due process. It is merely a statutory privilege, and may be exercised only in accordance with the law. The party who seeks to avail of the same must comply with the requirements of the Rules. Failure to do so, the right to appeal is lost. Strict compliance with the Rules of Court is indispensable for the orderly and speedy disposition of justice. The Rules must be followed, otherwise, they will become meaningless and useless.[8]

WHEREFORE, the foregoing considered, the Appeal is hereby considered ABANDONED and is accordingly DISMISSED pursuant to Section 1(e), Rule 50 of the 1997 Rules of Civil Procedure.

SO ORDERED.

Baltazar-Padilla, and Reyes-Carpio, JJ., concur.

[1] Rollo, p. 26.

[2] Id., p. 28.

[3] Id., p. 27 Dorsal Side.

[4] Id., p. 29.

[5] Id., p. 30.

[6] Id., p. 33.

[7] SEC. 10. Completeness of service. – Personal service is complete upon actual delivery. Service by ordinary mail is complete upon expiration of ten (10) days after mailing, unless the court otherwise provides. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) days from the date he received the first notice of the postmaster whichever is earlier.

[8] Dimarucot vs. People, G.R. No. 183975, September 20, 2010.

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