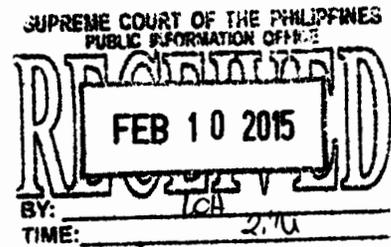




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2015** which reads as follows:*

“G.R. No. 214355 (National Transmission Corporation v. Spouses David John Rae and Ananita Faller Rae and Spouses Winston Del Mar Lim and Filipinas A. Del Mar Lim). – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the September 21, 2012¹ and August 28, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 03411 for failure of petitioner National Transmission Corporation (TRANSCO) to show that the CA committed any reversible error in dismissing its appeal before it for failure to file its Appellant’s Brief.

As correctly ruled by the CA, TRANSCO’s failure to file its Appellant’s Brief within the extended period it prayed for is a sufficient ground for the dismissal of its appeal. While it is settled that the CA’s authority to dismiss an appeal for failure to file the Appellant’s Brief is a matter of judicial discretion, and thus, a dismissal based on this ground is neither mandatory nor ministerial, the circumstances of the instant case show that TRANSCO’s excuse for its failure to file its brief was flimsy and discreditable, and thus, the propriety of the dismissal of their appeal.³ “It

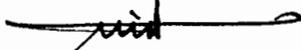
- over – two (2) pages

¹ *Rollo*, pp. 40-41. Penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Edgardo L. Delos Santos and Pamela Ann Abella Maxino, concurring.
² *Id.* at 44-48. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. Delos Santos and Gabriel T. Ingles, concurring.
³ See *Bergonia v. CA*, G.R. No. 189151, January 25, 2012, 664 SCRA 322, 329; citation omitted.

bears emphasizing that procedural rules should not be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantial rights. Like all rules, they are required to be followed except only for the most persuasive of reasons,"⁴ which is clearly absent in this case.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *of the*
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(Special Civil Case Nos. B-04-04-08, B-04-04-11 & B-03-12-41)

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⁴ *Barangay Dasmariñas v. Creative Play Corner School*, G.R. No. 169942, January 24, 2011, 640 SCRA 294, 306; citation omitted.

