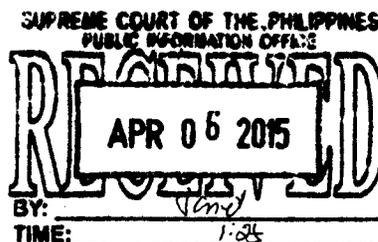




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 16, 2015** which reads as follows:*

“G.R. No. 214945 (Arcadia Alforque v. Spouses Eduardo and Eulalia Pilayre)”.- 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 careful perusal of the petition, the Court resolves to **DENY** the same and **AFFIRM** the February 25, 2013¹ and January 30, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 04030 for failure of Arcadia Alforque (petitioner) to show that the CA committed any reversible error in dismissing her appeal due to the non-filing of her appellant’s brief within the extended period granted by the CA.

As correctly observed by the CA, the reasons interposed by petitioner’s counsel in his several motions for extension of time to file the appellant’s brief showed a lack of sincerity and, thus, violated the implied trust upon which the court relied in granting the movant’s request, *i.e.*, that the failure to comply within the allowable period is due to a good and justifiable cause and that there is a genuine intent to file the required pleading within the extended period granted.³

- over - two (2) pages

7

* “Pelayre” in some parts of the record.

¹ *Rollo*, pp. 34-36. Penned by Associate Justice Carmelita Salandanan-Manahan with Associate Justices Ramon Paul L. Hernando and Maria Elisa Sempio Diy, concurring.

² *Id.* at 41-42. Penned by Associate Justice Carmelita Salandanan-Manahan with Associate Justices Ramon Paul L. Hernando and Maria Luisa C. Quijano-Padilla, concurring.

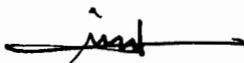
³ See *Bergonia v. Atty. Merrera*, 446 Phil. 1 (2003).

Section 12, Rule 44 of the Rules of Court provides that “[e]xtension of time for filing of briefs will not be allowed except for good and sufficient cause...”, which does not obtain in this case. Moreover, petitioner’s counsel cannot assume that his latest motion for extension would be granted by the CA, hence, the appellant’s brief filed on March 7, 2013 beyond the extended period allowed by the court was properly denied admission.

The Cash Collection and Disbursement Division is hereby directed to **RETURN** to the petitioner the excess payment of ₱270.00 under O.R. No. 0103605-SC-EP dated November 7, 2014.

SO ORDERED.” SERENO, C.J., on official travel; **BRION, J.**, designated acting member per S.O. No. 1947 dated March 12, 2015.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
8/30/15

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Cash Collection and
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Supreme Court

Court of Appeals
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(CA-G.R. CV No. 04030)

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The Hon. Presiding Judge
Regional Trial Court Br. 16
6000 Cebu City
(Civil Case No. CEB-35880)

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9

