

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. CARLOS NGOYNGOY Y DAGADAG ACCUSED-APPELLANT.

Ponente: TIJAM, J.

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TIJAM, J.:

For Our consideration is the Compliance[1] filed by the Public Attorney's Office-Special and Appealed Cases Services (PAOSACS) to Our February 10, 2014 Resolution[2] which required PAOSACS to show cause within 10 days from notice why the appeal should not be dismissed in accordance with Sec. 8 of Rule 124[3] of the Rules of Court.

In their Compliance, Accused-Appellant's counsel, while admitting that the case may actually be dismissed under Sec. 8 of Rule 124 of the Rules of Court, implores Our indulgence and pleads that the appeal be resolved in the interest of justice.

We find the explanation of Accused-Appellant's counsel insufficient to merit the continuation of the instant Appeal before Us. Certainly, the determination of whether Accused-Appellant jumped bail or not is relevant for purposes of determining whether he submits to the jurisdiction of the courts. In this case, it is undeniable that We have extended several opportunities to the Accused-Appellant to show his interest in pursuing his Appeal before Us.

It bears to stress that as early as November 2012 and despite his counsel's diligent efforts, Accused-Appellant has remained at large because he could not be located. It being uncertain whether Accused-Appellant intends to surrender to the court's jurisdiction in disposing of his Appeal, and considering that appeal is merely a statutory privilege, We hereby deem Accused-Appellant to have waived his right to seek relief from the adverse judgment of the trial Court.

WHEREFORE, the appeal is DISMISSED.

SO ORDERED.

Baltazar-Padilla and Sorongon,[*] concur.

[*] vice J. Reyes-Carpio, per Office Order No. 200-14-ABR, dated May 9, 2014.

[1] Rollo, pp. 98-99.

[2] Rollo, pp. 96-97.

[3] Section 8. Dismissal of appeal for abandonment or failure to prosecute. — The Court of Appeals may, upon motion of the appellee or motu proprio and with notice to the appellant in either case, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except where the appellant is represented by a counsel de oficio.

The Court of Appeals may also, upon motion of the appellee or motu proprio, dismiss the appeal if the appellant escapes from prison or confinement, jumps bail or flees to a foreign country during the pendency of the appeal. (Emphasis supplied)

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