

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. LORENZO DIEZA Y ACIDO, ACCUSED-APPELLANT.

Ponente: TOLENTINO, A.G., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2847a72533e9/>

TOLENTINO, A.G., J.:

On October 16, 2013, the accused-appellant, assisted by his collaborating counsel, filed a Motion To Withdraw Appeal[1] on the ground that he has decided not to assail the decision of the trial court.

In our Resolution dated November 20, 2013,[2] the Court directed the accused-appellant's counsel of record to ascertain whether or not the said Motion is voluntary on the part of the accused-appellant and to file his Comment on the Motion To Withdraw Appeal filed by the collaborating counsel.

On April 23, 2014, the Court received the Ist Indorsement dated April 21, 2014[3] issued by Franklin Jesus B. Bucayu, Director of Corrections, stating that the legal effect if the filing of the Motion To Withdraw Appeal has been adequately explained to the accused-appellant, and that the same was filed on his own free will. Attached to the said Ist Indorsement is a Certification,[4] issued by Alvin Herrera Lim, Chief, Legal Officer, Bureau of Corrections, certifying that he has personally examined the accused-appellant and was fully satisfied that the latter voluntarily executed and understood the subject Motion. The Certification likewise bears the conformity of the accused-appellant.

Under Rule 50, Section 3 of the 1997 Rules of Civil Procedure,[5] the withdrawal of an appeal is a matter of right before the filing of the appellee's brief. Thereafter, the withdrawal may be allowed in the Court's discretion.

An appeal is a “resort to a superior (i.e. appellate) court to review the decision of an inferior (i.e. trial) court or administrative agency.”[6] As a statutory remedy to correct errors which might have been committed by the lower court, the object of an appeal is simply and solely the protection of the accused.[7] The right to appeal is a mere statutory privilege and is not a natural right or part of the due process.[8] Like any other right or privilege, it may be waived. If a fundamental right of an accused enshrined in the Bill of Rights, such as the right against self-incrimination or the right to remain silent, among others, may be deemed waived depending on the circumstances of a given case, then with more reason may the right to appeal, which is merely statutory, be also waived validly, subject as in this case to the sound discretion of the Court.

A person accused and convicted of an offense may withdraw his appeal not only because he is guilty as charged. There could be other reasons. It could be due to his prior erroneous perception of the applicable provision of law, or of the decision itself. He may feel that to seek a pardon might be the better and faster remedy. Regardless of his reasons, in our view, it is within his rights to seek the withdrawal of his appeal. This option should not be closed to herein accused-appellant except for clearly important substantial reasons of law and policy.

The accused-appellant, in withdrawing his appeal, has accepted and recognized that the trial court's judgment of conviction and his sentence thereto is conclusive upon him. He will remain in the custody of the law and will continue to serve the sentence imposed by the lower court as the final verdict. His action should also be waived as showing full respect for the ultimate authority of this Court, an essential element for an effective criminal justice

system under the rule of law in a democratic society. His exercise of the option to withdraw appeal before the case is submitted for this Court's decision, but fully cognizant of its legal consequences at this stage of the case, not only saves the Court precious time and resources. It also opens soonest the path for the reformation of the contrite offender, pursuant to the ideal of a just and compassionate society envisioned in our fundamental law. Considering the particular circumstances of this case, this Court is not without justifiable reasons not to act favorably on his Motion.

WHEREFORE, in the interest of justice and in the exercise of the sound discretion of this Court, the Motion To Withdraw Appeal of the accused-appellant is GRANTED.

Accordingly, the instant appeal is hereby DISMISSED and is declared CLOSED and TERMINATED.

SO ORDERED.

Rosario and Barrios,[*] JJ., concur.

[*] Vice Justice Leoncia R. Dimagiba, per Office Order No. 199-14-ABR dated May 9, 2014.

[1] Rollo, pp. 55-57.

[2] Rollo, p. 59.

[3] Rollo, pp. 78-82.

[4] Rollo, p. 79.

[6] BLACK'S LAW DICTIONARY (5[th] Ed. 1979) 88.

[7] U.S. v. Laguna, 17 Phil., 532, 540 (1910).

[8] U.S. v. Yu Ten, 33 Phil. 122M 127 (1916).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.