

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO SANCHEZ Y GEVEROLA @ “EDWARD” ACCUSED-APPELLANT.

Ponente: PAREDES, J.

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PAREDES, J.:

BEFORE US is an appeal filed by appellant Eduardo Sanchez y Geverola, assisted by the Public Attorney's Office (PAO), Special and Appealed Cases Service, Quezon City, from the Decision[1] dated October 23, 2012 of the Regional Trial Court (RTC), Branch 39, City of Calapan, in Criminal Case No. CR-09-9496, finding appellant guilty beyond reasonable doubt of violating Section 5, Article II, Republic Act No. 9165 (the “Comprehensive Dangerous Drugs Act of 2002”).

On March 11, 2013, a notice[2] to file appellant's brief was issued.

On April 4, 2013, the Director, Bureau of Corrections, Muntinlupa City, was directed[3] to inform the Court if appellant is in their custody as the notice to file brief sent to appellant at the Bureau of Jail Management and Penology (BJMP), Camilmil, Calapan City, Oriental Mindoro, was returned unclaimed with notation “RTS MOVED”. In a letter[4] dated April 29, 2013, PIS Fajardo Lansangan Sr., Officer-In-Charge, Bureau of Corrections, New Bilibid Prison (NBP), informed the Court that appellant Eduardo Sanchez y Geverola with Prison Number N213P-0593, has been in their custody since February 23, 2013.

On April 15, 2013, the PAO manifested that it no longer represents the appellant; that as early as January 11, 2013, appellant had terminated its representation; and that the records of the case were turned over[5] to appellant, through his sister, Evelyn G. Sanchez[6].

On April 17, 2013, the appellant was directed[7] to inform the Court of the name and address of his new counsel; and appellant was given a fresh period of thirty (30 days) from notice to file the Appellant's Brief.

On May 7, 2013, appellant was reminded[8], through the director of the NBP, to comply with the Resolution requiring the filing of the Appellant's Brief.

On May 16, 2014, a Resolution[9] was issued directing appellant to show cause why the appeal should not be dismissed for failure to file the required Appellant's Brief. Copy of the Resolution was sent to appellant and received[10] in his behalf by Ma. Theresa Otilano on June 2, 2014.

As of March 16, 2015, appellant has not complied with the directive per CMIS verification report[11] of even date.

Section 8, Rule 124 of the 2000 Revised Rules of Criminal Procedure provides:

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 in case the appellant is represented by a counsel de oficio. x x x (Emphasis supplied)

The failure to file the Appellant's Brief evinces appellant's manifest intent to abandon the appeal.

WHEREFORE, the APPEAL from the Decision dated October 23, 2012 of the Regional Trial Court, Branch 39, City of Calapan, in Crim. Case No. CR-09-9496, is DISMISSED.

SO ORDERED.

Dicdican, I. P., Chairperson, and Ybañez, E. A, JJ., concur.

[1] Records, pp. 222-8.

[2] Rollo, p. 13.

[3] See Resolution dated April 4, 2013, rollo, p. 15.

[4] Rollo, p. 21.

[5] See Acknowledgment Receipt dated January 11, 2013, rollo, p. 19.

[6] See Manifestation, rollo, pp. 16-18.

[7] See Resolution dated April 17, 2013, rollo, p. 20.

[8] See Resolution dated May 7, 2013, rollo, p. 23.

[9] Rollo, p. 31.

[10] See Postmaster certification, rollo, p. 33.

[11] Rollo, p. 35.

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