

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BUBOY MORALES Y DULAY @ “BUBOY” AND JULIUS LAGARTO Y DULAY @ “JULIUS” ACCUSED-APPELLANTS.

Ponente: ZALAMEDA, R.V., J.

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ZALAMEDA, R.V., J.:

On 02 April 2014, the Court required accused-appellants to file their Brief within thirty (30) days from notice.[1] Per registry return card said notice was received on 28 April 2014[2] by Atty. Janice I. Andrade Udarbe,[3] accused-appellants' counsel on record. On 13 June 2014, this Court received a letter[4] from Atty. Udarbe, now Presiding Judge of the Municipal Trial Court of Tagkawayan, Quezon, requesting that all notices be sent instead to Atty. James Licayo,[5] the new handling lawyer, in view of her appointment to the judiciary. Hence, notice to file accused-appellants' Brief was sent to Atty. Licayo on 18 August 2014,[6] which he received on 05 September 2014.[7]

However, no Appellants' Brief has yet been filed up to this date per CMIS Verification.[8] Neither has counsel submitted a motion for extension of time to file appellants' brief.[9]

Sec. 8, Rule 124 of the Revised Rules on Criminal Procedure provides –

“SEC. 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.”

WHEREFORE, premises considered, for failure to file appellants' brief despite receipt of notice, the instant Appeal is considered ABANDONED and, accordingly, DISMISSED.

Consequently, the instant case is deemed CLOSED and TERMINATED.

Let a copy of this Resolution be furnished the accused-appellants' former counsel and the accused-appellants themselves for their information and guidance.

SO ORDERED.

Bato, Jr., (Chairperson), and Sempio Diy, JJ., concur.

[1] Rollo, page 07.

[2] Id., see dorsal portion.

[3] “Atty. Udarbe,” for brevity.

[4] Rollo, page 08.

[5] “Atty. Licayo,” for brevity.

[6] Id. at 17.

[7] Id., see dorsal portion.

[8] Id.

[9] Id.

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