

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO BAYLON, ACCUSED-APPELLANT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

A perusal of the records show that this Court issued the Notice to File Brief[1] on May 6, 2011. Subsequently, on July 25, 2011, accused-appellant, through his counsel Edeljulio R. Romero, filed a motion[2] requesting for extension of time within which to file brief, as allegedly, counsel could not finish the appellant's brief due to his voluminous work as a lawyer. Thereafter, numerous similar motions for extension were filed within the span of time from August 22, 2011[3] to December 29, 2014.[4] The first motion until the one filed on November 23, 2012 cited counsel's voluminous work as the cause that precluded him from finishing the appellant's brief; while the subsequent motions averred that such brief could not be finalized due to the stenographers' difficulty in securing the transcript of their stenographic notes.

Accused-appellant filed a total of 38 motions for extension covering about 1,050 days, yet per report[5] of the Judicial Records Division-Criminal Cases Unit, no appellant's brief has been filed as of February 18, 2015. In his last motion for extension, accused-appellant requested to be given until January 30, 2015 to file the required brief and such period lapsed without any brief being filed.

In view of the above-narrated premises, the Court hereby dismisses this appeal in accordance with Section 8,[6] Rule 124 of the Rules of Court, which authorizes the dismissal of an appeal for failure of the appellant to file his brief within the time provided by the rules. Clearly, the intervening time is already unreasonable, and even the alleged difficulty in securing the transcript of stenographic notes could not serve as an excuse. The notice to file brief sent to accused-appellant's counsel as early as May 6, 2011 informed him that the records of this case was already complete and at his disposal in the records division of this court. Accused-appellant's counsel could have secured the transcripts he needed from the records that are now with this Court.

WHEREFORE, the appeal is hereby DISMISSED.

SO ORDERED.

Delos Santos, Chairperson and Azcarraga-Jacob, JJ., concur.

[1] Rollo, p. 12.

[2] Rollo, pp. 13-14.

[3] Rollo, pp. 19-21.

[4] Rollo, pp. 123-125.

[5] See dorsal portion of rollo, p. 125.

[6] 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 officio.

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