

DUKE R. TAPIS, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: AZCARRAGA-JACOB, J.

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AZCARRAGA-JACOB, J.:

On 04 April 2014, oppositor-appellant Republic of the Philippines, through the Office of the Solicitor General (OSG), filed a Motion to Withdraw Appeal[1] dated 28 March 2013 stating that:

“1.

On January 18, 2005, the Office of the Solicitor General (OSG) filed a Notice of Appeal from the Order dated December 16, 2004 of the Regional Trial Court of Negros Occidental, Dumaguete City, Branch 44, granting the petition in the case entitled: “IN RE: PETITION FOR CHANGE OF NAME DUKE TO ANALIZA AND FOR CORRECTION OF AN ENTRY ON SEX IN THE BIRTH CERTIFICATE.”

2.

The Notice of Appeal was filed as a precautionary measure considering that limited records were then available thus, it could not have been ascertained whether all the requirements of the law have been met.

3.

After a careful perusal of the original records of the case, it is now ascertained that the decision of the trial court is correct, it being supported by law and the evidence.

4.

Under the circumstances, there is no more basis to pursue an appeal from the Order dated December 16, 2004 of the trial court”.[2]

Finding the foregoing allegations not contrary to law, public order and policy, morals and good customs, We resolve to GRANT the Motion to Withdraw Appeal filed by the OSG.

ACCORDINGLY, pursuant to Section 3, Rule 50 of the Revised Rules of Court[3], the instant appeal is now considered WITHDRAWN and the case is deemed CLOSED and TERMINATED.

SO ORDERED.

Hernando, and Quijano-Padilla, JJ., concur.

[1] Rollo, pp. 34-36

[2] Ibid.

[3] Sec. 3. Withdrawal of appeal. - An appeal may be withdrawn as of right at any time before the filing of the appellee's brief. Thereafter, the withdrawal may be allowed in the discretion of the court.

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