

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NELSON SIGNAPAN, ACCUSED-APPELLANT.

Ponente: SINGH, J.

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SINGH, J.:

This is an appeal filed by the accused-appellant Nelson Signapan, pursuant to Rule 124 of the Revised Rules of Criminal Procedure, assailing the Decision dated 26 March 2014 rendered by Branch 21 of the Regional Trial Court of Cagayan De Oro City.

On 7 August 2014, the accused-appellant was directed to file his Brief, pursuant to Sections 3 and 7, Rule 124 of the Revised Rules of Criminal Procedure.[1]

As per the verification report of the Judicial Records Division on 23 October 2014, the accused-appellant has failed to file an Appellant's Brief.[2] The Court notes the Judicial Records Division verification report.

The return of the Postmaster of Cagayan De Oro City to prove that the accused-appellant received the Court's notice dated 7 August 2014, through a certain Reneelou Limas on 5 September 2014,[3] is also noted.

Based on the 23 October 2014 verification report of the Judicial Records Division, the Court resolves to DISMISS the appeal on the ground of the failure to file an Appellant's Brief within the reglementary period, pursuant to Section 8, Rule 124 of the Revised Rules of Criminal Procedure which provides:

“Section 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. xxx”

The provision is clear.

The accused-appellant received the Court's notice dated 7 August 2014 on 5 September 2014 directing him to file an Appellant's Brief. However, up to even date, or after the lapse of more than two (2) months, the accused-appellant still has not filed the required brief.

“The Court cannot tolerate habitual failure to follow the procedural rules, which are indispensable for the orderly and speedy disposition of justice. Otherwise these rules would be rendered useless. In *Polintan v. People*, the Court of Appeals gave the petitioner therein a total of 75 days to submit his Appellant's Brief, but he failed to do so. In that case, the accused Polintan filed a ‘Very Urgent Ex-Parte Motion to Admit Appellant's Brief.’ This Court affirmed the CA Resolution declaring his appeal abandoned, after finding his excuses too flimsy to warrant reversal” (*Melchor Lagua vs. CA, G.R. No. 173390, 27 June 2012; underscoring supplied*).

Thus, the Court deems the appeal of the accused-appellant abandoned and it is hereby dismissed.

WHEREFORE, the appeal filed by the accused-appellant Nelson Signapan is hereby declared ABANDONED and DISMISSED, pursuant to Section 8, Rule 124 of the Revised Rules of Criminal Procedure.

SO ORDERED.

Borja, (Chairman), and Badelles, JJ., concur.

[1] Rollo, p. 13.

[2] Rollo, p. 15, dorsal portion.

[3] Rollo, p. 15.

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