

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SERING PIÑERO Y YBAÑEZ, ACCUSED-APPELLANT.

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

On October 16, 2013, a Notice¹ to file Appellant's Brief within thirty (30) days from receipt, was sent to appellant Sering Piñero y Ybañez, through his counsel of record, Atty. Obdulio Guy D. Villahermosa III.

On February 26, 2014, the Judicial Records Division (JRD) made a report² that no Appellant's Brief had been filed as per Criminal docket entry.

Appellant's failure and neglect to comply with the Notice dated October 16, 2013, or to take any other action within a reasonable period of time, clearly manifests a lack of interest to pursue the appeal.

Sections 3 and 5, Rule 124 of the Revised Rules of Criminal Procedure provide respectively that:

“Sec. 3. When brief for appellant to be filed – Within thirty (30) days from receipt by the appellant or his counsel of the notice from the clerk of court of the Court of Appeals that the evidence, oral and documentary, is already attached to the record, the appellant shall file seven (7) copies of his brief with the clerk of court which shall be accompanied by proof of service of two (2) copies thereof upon the appellee.”

- and –

“Sec. 5. Extension of time for filing briefs. – Extension of time for the filing of briefs will not be allowed except for good and sufficient cause and only if the motion for extension is filed before the expiration of the time sought to be extended.”

Correlatively, Section 8 thereof states:

“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. x x x x” (Underlining Ours)

WHEREFORE, the appeal is DISMISSED pursuant to Sections 3 and 5, Rule 124 in relation to Section 8, Rule 124 of the Revised Rules of Criminal Procedure.

SO ORDERED.

Hernando[*], (Chairperson), and Quijano-Padilla[*], JJ., concur.

[*] Vice J. Ingles per Office Order No. 05-14-ELDF dated Feb. 26, 2014.

[*] Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1] See Rollo, page 15.

[2] Rollo, dorsal portion of page 15.

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