

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONNIE OMBAO Y SARMENTO, ACCUSED-APPELLANT.

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GALAPATE-LAGUILLES, J:

Under consideration is the Manifestation with Motion for Leave of Court to Withdraw Appeal[1] dated 11 February 2014 filed by accused-appellant Ronnie S. Ombao, through the Public Attorney's Office (PAO). In the said Manifestation, the PAO stated that it received a Letter[2] from accused-appellant on 29 January 2014 informing it of the latter's desire to withdraw the instant appeal.

The PAO, thereafter, sent a Letter[3] dated 29 January 2014 to accused-appellant explaining the consequences of withdrawing the appeal and asking whether the decision was voluntarily made.

Moreover, the PAO through its lawyer Atty. Noemi C. Catubao-Tan contacted accused-appellant on 31 January 2014 through the Bureau of Corrections to give the latter enough time for reflection concerning his intended withdrawal of appeal. Accused-appellant was likewise told to send a letter to the PAO should he finally decide to have his appeal withdrawn.[4]

On 10 February 2014, the PAO received a Letter[5] from accused-appellant reiterating his decision to have his appeal withdrawn, indicating therein that the same was made of his own volition and in the presence of two (2) witnesses who are both jail guards of the Bureau of Corrections, Muntinlupa City.

Section 3, Rule 50 of the Rules of Court explicitly provides:

Section 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 Withdrawal of appeal— An appeal may be withdrawn as of right at any time before the filing of the appellee's brief.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.

In this case, neither the appellant's Brief nor appellee's Brief has been filed. Thus, the withdrawal of the appeal is a matter of right and may be given due course. Considering further that in the said Manifestation, accused-appellant was sufficiently informed by his counsel of the consequences and legal implications of the withdrawal of the appeal, and it appearing that the withdrawal was voluntary on the part of accused-appellant, this Court hereby GRANTS the Manifestation with Motion for Leave of Court to Withdraw Appeal.

Accordingly, the Appeal of accused-appellant Ronnie S. Ombao is considered WITHDRAWN pursuant to Section 3, Rule 50 of the Rules of Court and the case is now deemed CLOSED and TERMINATED.

The Division Clerk of Court is DIRECTED to issue the corresponding Entry of Judgment.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Diamante, JJ., concur.

[1] Rollo, pp. 38-40.

[2] Id., p. 42.

[3] Id., p. 43.

[4] Id., p. 39.

[5] Id., p. 44.

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