

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BOBBY HAPAY, ROMY HAPAY, AND JOEMAR HAPAY, ACCUSED-APPELLANTS.

Ponente: SINGH, J.

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SINGH, J.:

In this Court's Resolution dated September 25, 2014,[1] the parties were directed to manifest whether the missing Minutes of the November 11, 2002 hearing before the Regional Trial Court of Kidapawan City, Cotabato, Branch 17, in Criminal Cases Nos. 54-2000, 55-2000, and 56-2000, is material to the resolution of the present appeal.

In a Manifestation[2] filed by accused-appellants through counsel on October 9, 2014, they manifested that “while the missing minutes cannot be produce, at any rate we are guided by the stenographic notes in relation to the testimony of Florencio Hapay.”[3]

The Office of the Solicitor General (OSG), on the other hand, manifested in its Manifestation and Motion[4] that the September 25, 2014 Resolution of this Court was the first document it received with regard to the instant case. Thus, it moved that the directive should be addressed to the public prosecutor who handled the prosecution of the accused-appellants.

With the manifestation of the accused-appellants that this Court may be guided by the Transcript of Stenographic Notes of the testimony of Florencio Hapay in lieu of the missing Minutes dated November 11, 2002, the same is hereby dispensed with. The motion of the OSG is rendered moot.

Thus, in accordance with Rule 124 of the Rules on Criminal Procedure, the accused-appellants are hereby REQUIRED to file with this Court, within thirty (30) days from receipt of this notice, THREE (3) COPIES (one original, properly marked, and two copies with annexes[5]) of legibly typewritten, mimeographed or printed Appellants' Brief with certified true copy of the assailed decision or final order of the court a quo and proof of service thereof upon appellee's counsel per Administrative Matter No. 11-9-4-SC.

Appellee is likewise given thirty (30) days from receipt of the Appellants' Brief to file THREE (3) COPIES (one original, properly marked, and two copies with annexes[6]) of legibly typewritten, mimeographed or printed brief with proof of service of two (2) copies thereof upon appellants to which the latter may file their Reply Brief within twenty (20) days from receipt of Appellee's Brief (Sections 8 and 9, Rule 124 of the Rules on Criminal Procedure, as amended).

WHEREFORE, the accused-appellants are REQUIRED to file their Appellants Brief within thirty (30) days from receipt of this notice, while the Appellee is given (30) days from receipt of the Appellants' Brief to file its brief. Accused-Appellants may file a Reply Brief twenty (20) days from receipt of Appellee's Brief.

SO ORDERED.

Borja, J., Chairperson, and Badelles, JJ., concur.

[1] Rollo, p. 29-30.

[2] Rollo, pp. 31-32.

[3] Rollo, p. 31.

[4] Rollo, pp. 37-39.

[5] In accordance with A.M. No. 11-9-4-SC otherwise known as the Efficient Use of Paper Rule.

[6] Id.

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