

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
WILLIAM ALTON DELOS SANTOS BROWN @ “BILLY”,
ACCUSED-APPELLANT.**

Ponente: TOLENTINO, A.G., J.

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TOLENTINO, A.G., J.:

On April 3, 2014, the accused-appellant, through his counsel, filed a Manifestation With Motion To Withdraw Appeal[1] on the ground that he intends to apply for parole. The accused-appellant's counsel avers that he has thoroughly explained to his client the consequences of the withdrawal of his appeal and that he still manifests his intention to withdraw the same.

Rule 124, Section 18 of the Revised Rules of Court,[2] in relation to Rule 50, Section 3 of the 1997 Rules of Civil Procedure,[3] provides that the withdrawal of an appeal is a matter of right before the filing of the appellee's brief.

An appeal is a “resort to a superior (i.e. appellate) court to review the decision of an inferior (i.e. trial) court or administrative agency.”[4] As a statutory remedy to correct errors which might have been committed by the lower court, the object of an appeal is simply and solely the protection of the accused.[5] The right to appeal is a mere statutory privilege and is not a natural right or part of the due process.[6] Like any other right or privilege, it may be waived. If a fundamental right of an accused enshrined in the Bill of Rights, such as the right against self-incrimination or the right to remain silent, among others, may be deemed waived depending on the circumstances of given case, then with more reason may the right to appeal, which is merely statutory, be also waived validly, subject as in this case to the sound discretion of the Court.

A person accused and convicted of an offense may withdraw his appeal not only because he is guilty as charged. There could be other reasons. It could be due to his prior erroneous perception of the applicable provision of law, or of the decision itself. He may feel that to seek a pardon might be the better and faster remedy. Regardless of his reasons, in our view, he is within his rights to seek the withdrawal of his appeal. This option should not be closed to herein accused-appellant except for clearly important substantial reasons of law and policy.

The accused-appellant, in withdrawing his appeal, has accepted and recognized that the trial court's judgment of conviction and his sentence thereto is conclusive upon him. He will remain in the custody of the law and will continue to serve the sentence imposed by the lower court as the final verdict. His action should also be viewed as showing full respect for the ultimate authority of this Court, an essential element for an effective criminal justice system under the rule of law in a democratic society. His exercise of the option to withdraw appeal before the case is submitted for this Court's decision, but fully cognizant of its legal consequences at this stage of the case, not only saves the Court precious time and resources. It also opens soonest the path for the reformation of the contrite offender, pursuant to the ideal of a just and compassionate society envisioned in our fundamental law. Considering the particular circumstances of this case, this Court is not without justifiable reasons not to act favorably on his motion.

WHEREFORE, in the interest of justice and in the exercise of the sound discretion of this Court, the

Manifestation With Motion To Withdraw Appeal of the accused-appellant is hereby NOTED and GRANTED.
Accordingly, the instant appeal is hereby DISMISSED and is declared CLOSED and TERMINATED.

SO ORDERED.

Rosario and Dimagiba, JJ., concur.

[1] Rollo, pp. 31-37.

[2] “The provisions of Rules 42, 44 to 46 and 48 to 56 relating to procedure in the Court of Appeals and in the Supreme Court in original and appealed cases shall be applied to criminal cases insofar as they are applicable and not inconsistent with the provisions of this Rule.”

[3] Section 3, Rule 50. Withdrawal of Appeal. —An appeal may be withdrawn as a matter of right at anytime before the filing of the appellee’s brief. Thereafter, the withdrawal may be allowed in the discretion of the court.

[4] BLACK’S LAW DICTIONARY (5th Ed. 1979) 88.

[5] U.S. v. Laguna, 17 Phil. 532, 540 (1910).

[6] U.S. v. Yu Ten, 33 Phil. 122, 127 (1916).

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