

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PABLEO LUCEÑA, ALBERTO PEÑAS AND DIOSDADO MAKABENTA, ACCUSED-APPELLANTS.

Ponente: INGLES, G. T., J.

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INGLES, G. T., J.:

At hand are Motions to Withdraw Appeal[1] filed by accused-appellants Alberto Peñas, Pableo Luceña and Diosdado Makabenta who were convicted for the crime of Homicide by the Regional Trial Court Branch 36 of Carigara, Leyte.

In their handwritten letters[2] dated October 22, 2013 and October 2, 2014, accused-appellants, in a language known to them, manifested their desire to withdraw their appeal before this Honorable Court as they opted to serve the sentence imposed on them by the court a quo of Carigara, Leyte.

In relation to Section 18, Rule 124 of the Rules of Criminal Procedure, Section 3 of Rule 50 of the 1997 Rules of Civil Procedure provides that “an appeal may be withdrawn as of right at any time before the filing of the appellee’s brief.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.”

WHEREFORE, the Court resolves to:

- NOTE the Entry of Appearance³ filed by the Public Attorney’s Office (PAO) as counsel for accused-appellants in the above-entitled case.
- NOTE the compliance⁴ by the Branch Clerk of Court of RTC, Branch 36 of Carigara, Leyte to the directive of this Court for the reconstitution of the correct case number before the lower court.
- GRANT accused-appellants Alberto Peñas, Pableo Luceña and Diosdado Makabenta’s Motions to Withdraw Appeal. The extant case is hereby considered closed and terminated. Let the records of this case be removed from the docket of this Court.

SO ORDERED.

Maxino, P.A.A., and [*]Lagura-Yap, M.B., JJ., concur.

[1] Rollo. Pp. 161 & 173.

[2] Annexes “A-1”, “A-2” & “B”. Rollo. Pp. 166, 177 & 179.

[3] Entry of Appearance. Rollo. P. 169.

[4] Rollo. P. 171.

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