

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEX EVANGELISTA Y PANTONIAL AND REYNALDO RIVERA Y AGUILAR, ACCUSED-APPELLANTS.

Ponente: LOPEZ, J.

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LOPEZ, J.:

On August 30, 2012, the Regional Trial Court Branch 53, Manila promulgated a judgment[1] convicting Alex Evangelista and Reynaldo Rivera for violation of Section 11(3) Article II of Republic Act 9165. On the same day, the Court committed[2] Reynaldo for the service of sentence imposed upon him. The Court also issued an Order of Arrest[3] directing the authorities to bring Alex before it. The following day, through the Public Attorney's Office, both Reynaldo and Alex filed a Notice of Appeal.[4]

Accordingly, with regard to Reynaldo, the Judicial Records Division is ordered to determine whether the evidence, oral and documentary, is already attached to the record; if so, to issue the corresponding notice to file appellant's brief. Alex's appeal, on the other hand, is DISMISSED pursuant to Rule 124, Section 8 of the Rules of Court which states:

SEC. 8. x x x. The Court of Appeals may also, upon motion of the appellee or motu proprio, dismiss the appeal if the appellant escapes from prison or confinement, x x x during the pendency of the appeal.

SO ORDERED.

Reyes, JR., J.C., (Chairperson) and Inting, JJ., concur.

[1] Rollo, pp. 13-17.

[2] Id. at 31.

[3] Id. at 32.

[4] Id. at 33.

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