

RODOLFO BASCO DE GUZMAN, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: ZALAMEDA, R.V., J.

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ZALAMEDA, R.V., J.:

This resolves the Manifestation with Motion to Withdraw[2] filed by the petitioner, through the Public Attorney's Office – Special and Appealed Cases Service,[3] on 18 September 2014, praying for the withdrawal of the motion for extension of time to file petition for review.[4] According to counsel, despite repeated reminders, petitioner failed to come to the former's office to "read the prepared petition and sign the verification and certification xxx." [5]

The Manifestation with Motion to Withdraw was received by this Court only on 18 September 2014 or thirteen (13) days after 05 September 2014, the last day of the extended period given by this Court within which to file the intended petition. However, per CMIS Verification[6] dated 09 October 2014, no compliance has been made by petitioner up to date.

Section 1, Rule 42 of the Rules of Court provides –

"Section 1. How appeal taken; time for filing. — X x x. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. X x x

X x x"

Considering the Manifestation with Motion to Withdraw filed herein and for failure of petitioners to file an appeal within the period provided by the Rules, the Court resolves to GRANT the withdrawal of the motion for extension of time to file petition for review.

WHEREFORE, in view of the foregoing, the Manifestation with Motion to Withdraw filed by PAO-SACS is NOTED and consequently, the prayer for the withdrawal of the motion for extension of time to file petition for review is hereby GRANTED.

Accordingly, the case is deemed CLOSED and TERMINATED.

SO ORDERED.

Bato, Jr., (Chairperson), and [1]Peralta, Jr., JJ., concur.

[1] Vice J. Maria Elisa Sempio Diy per Office Order No. 405-14-RSF dated 30 September 2014.

[2] Rollo pages 10 to 13; “Manifestation,” for brevity.

[3] “PAO-SACS,” for brevity.

[4] Rollo, pages 02 to 08.

[5] Id. at 10 to 11.

[6] Id. at 16 to 17.

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