

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARMELO ANDRADA Y BARTOLOME @ “JR. ANDRADA”; ACCUSED-APPELLANT.

Ponente: VELOSO, J.

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VELOSO, J.:

On the strength of Section 8,[1] Rule 124, Rules of Court, as amended, the Court is constrained to DISMISS the instant appeal of Carmelo Andrada (“accused-appellant”), due to his failure to file the required Accused-Appellant’s Brief, despite his being directed to do so in the third paragraph of the Minute Resolution[2] dated December 12, 2013, and as twice reiterated in the Minute Resolutions dated April 14, 2014[3] and July 17, 2014[4] of this Court.

Records show that in the aforementioned resolutions, accused-appellant, through counsel, was directed to file with this Court three (3) legible copies of his Memorandum dated June 14, 2012 which he adopted[5] as his Appellant’s brief.

In the said December 12, 2013 Resolution, accused-appellant was also directed to file the certified true copies of the assailed decision and proof of service of two (2) copies thereof on the plaintiff-appellee, through the Office of the Solicitor General, within five (5) days from notice.[6]

Per Registry Return Receipt No. MDS 838, accused-appellant’s counsel, Atty. Josephus Nerez, received the Minute Resolution[7] dated July 17, 2014 on “12 August 2014.”[8] Five (5) days therefrom would have been August 17, 2014. The Court waited but no compliance was filed per Court Management Information System Verification Report dated October 22, 2014.[9]

ACCORDINGLY, this case is DISMISSED.

SO ORDERED.

Lantion, and Antonio-Valenzuela, JJ., concur.

[1] SEC. 8. Dismissal of appeal for abandonment or failure to prosecute (Rule 124). - The Court of Appeals may, upon motion of the appellee or motu proprio and with notice to the appellant in either case, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except when the appellant is represented by a counsel de oficio. (emphasis Ours)

[2] Rollo, p. 23.

[3] Id. at p. 24.

[4] Id. at p. 25.

[5] Rollo, p. 20.

[6] Note 2, *supra*.

[7] Note 4, *supra*.

[8] Stapled at the back of page 25 of the Rollo.

[9] Rollo, p. 26.

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