

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. RONNIE BOY NIÑO Y PASION, ACCUSED-APPELLANT.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is accused-appellant's "URGENT MOTION TO WITHDRAW APPEAL"[1] ("Motion to Withdraw" for brevity), praying that the Appeal[2] at bench be considered withdrawn.[3] Accused-appellant prayed for the following, among others:

"The undersigned accused appellant/s in the above-entitled case, unto this Honorable Court, most respectfully move/s to withdraw his/her appeal from the judgment of the Regional Trial Court Branch 68, Camiling, Tarlac."[4] (Emphasis supplied)

On February 17, 2012, a Resolution was issued, which directed the Public Attorney's Office ("PAO" for brevity), accused-appellant's counsel, to file comment to accused-appellant's Motion to Withdraw[5] within ten (10) days from notice.[6]

On March 2, 2012, the PAO filed its Comment[7] praying for the withdrawal of accused-appellant's Appeal[8]. In its Comment[9], the PAO stated that, among others:

"2. After exerting efforts to confer with the accused-appellant and after explaining the legal implications of his intended withdrawal of appeal, the latter has reiterated his intention not to appeal his case.

3. Thus, as the accused-appellant has made clear his intention to withdraw his appeal, the undersigned counsel has no objection to said withdrawal.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court that the appeal filed by accused-appellant, be considered as withdrawn."[10] (Emphasis was made in the original)

Given that both accused-appellant and his counsel sought the withdrawal of the very Appeal that accused-appellant filed, then the withdrawal of accused-appellant's Appeal is justified.

WHEREFORE, accused-appellant's prayer[11] for the withdrawal of his Appeal is GRANTED. The Appeal at bench is considered WITHDRAWN, and the case is deemed CLOSED and TERMINATED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

[1] Rollo, p. 72.

[2] Rollo, pp. 27-43.

[3] Rollo, p. 72.

[4] Rollo, p. 72.

[5] Rollo, p. 72.

[6] Rollo, p. 79.

[7] Rollo, pp. 80-82.

[8] Rollo, pp. 27-43.

[9] Rollo, pp. 80-82.

[10] Rollo, pp. 80-81.

[11] Rollo, p. 72.

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