

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLLY SEMIRA Y NEPALIS, ACCUSED-APPELLANT.

Ponente: PERALTA, JR., E. B., J.

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### PERALTA, JR., E. B., J.:

To supplement the Resolution of December 9, 2013,[1] the Rollo disclosed the Public Attorney's Manifestation with Motion to Withdraw Appeal[2] with a document in the vernacular signed by the accused relative to his explicit intention to withdraw the appeal and his desire to finish the penalty imposed against him.[3]

Accordingly, the subject Motion to Withdraw Appeal is hereby GRANTED in the exercise of the Court's discretion.[4] Consequently, the APPEAL is hereby deemed WITHDRAWN and the corresponding ENTRY shall be effected forthwith.[5]

Per the letter dated January 13, 2014 from the Bureau of Corrections,[6] furnish the Documents Division, Bureau of Corrections, New Bilibid Prison, Muntinlupa City with a separate copy of this Resolution.

### SO ORDERED.

De Leon, (Chairperson) and Cruz, JJ., concur.

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[1] Rollo, page 101.

[2] Dated January 20, 2014, Rollo, pp. 102-105

[3] Annex A, Rollo, page 106.

[4] 2 Regalado, Remedial Law Compendium, 2008, 11[th] Edition, page 655 – 'While there is no specific section in this Rule [referring to Rule 124] regarding withdrawal of appeals in the Court of Appeals, the accused may do so before the filing of the appellee's brief, but not as a matter of right where the case has already been submitted for decision. Sec. 2, Rule 50 provides that the withdrawal of an appeal is a matter of right before the filing of the appellee's brief. After that, withdrawal may be allowed in the discretion of the court. Said Rule 50 is applicable in criminal cases pursuant to Sec. 18 of this Rule [People vs. Paradeza, G.R. No. 144590, February 7, 2003].'

[5] Section 1 (a), Rule 7, 2009 Internal Rules of the Court of Appeals.

[6] Rollo, page 109.

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