

PEDRO AMIGABLE, PETITIONER, VS. THE COURT OF APPEALS AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-42335. September 09, 1982

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

Petitioner Pedro Amigable was convicted by the Municipal Court of Tulunan, Cotabato in Criminal Case No. 212 for illegal possession of firearm and ammunitions.

The dispositive portion of the decision dated June 30, 1972 reads:

"WHEREFORE, this court finds the accused Pedro Amigable guilty beyond reasonable doubt of the crime of Illegal Possession of Firearm and Ammunitions as defined in Section 878, Revised Administrative Code in relation to Sec. 2692, as amended by Com. Act No. 56, and as further amended by Section 1 of Republic Act No. 4, and sentences him, under the determinate Sentence Law, to suffer an imprisonment of ONE YEAR AND ONE DAY to TWO YEARS. The subject firearm and ammunitions are forfeited in favor of the government. With costs against the accused."

The trial court's decision was affirmed by the Court of Appeals in its decision dated June 26, 1975. The defendant-appellant filed a petition for review on certiorari of the appellate decision with this Court on November 11, 1975.

On November 24, 1975, the petitioner filed a petition to hold in abeyance appeal proceedings stating:

"That petitioner has filed his application for amnesty pursuant to Presidential Decree No. 95 on 27 February 1973 and is still under process as shown by the certification of Captain Enrique J. Lacanilao, JAGS (PC), Zone Judge Advocate, Director for Amnesty, IV RECAD, dated 18 November 1975, which certification is attached as Annex 'A'.

"WHEREFORE, in accordance with Presidential Decree No. 206, petitioner most respectfully prays this Honorable Supreme Court to hold in abeyance appeal proceedings in the above entitled case until final action by the President on his application for amnesty."

The certification of Captain Enrique J. Lacanilao reads:

"THIS IS TO CERTIFY that MR. PEDRO AMIGABLE of Tulunan, North Cotabato has filed his application for amnesty pursuant to Presidential Decree No. 95 on 27 February 1973 and is still under process.

"This certification is being issued at the request of MR. PEDRO AMIGABLE in connection with his Motion/Petition to hold in abeyance the resolution of his case of Illegal Possession of Firearms pursuant to Presidential Decree Nr. 206."

Nothing more has been heard from the petitioner. Letters to the petitioner requesting information on the action taken on his application for amnesty have not been answered. The petitioner's counsel, Atty. Vicente Fontanosa, has tried to contact his client since December 18, 1980 with no results reported to Us.

WHEREFORE, the instant petition for review on certiorari is hereby dismissed for failure to prosecute. The Court of Appeals is directed to remand the records to the trial court.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Vasquez, and Relova, Jr., JJ. , concur.
Makasiar, J., on official leave.

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