



Republic of the Philippines  
**Court of Appeals**  
Cebu City

NINETEENTH DIVISION

**PEOPLE OF THE  
PHILIPPINES,**

*Plaintiff-Appellee,*

-versus-

**CA-G.R. CEB-CR No. 01853**

Members:

**DELOS SANTOS, E.L.,**

Chairperson,

**MAXINO, P.A.A. &**

**DIY, M.E.S., JJ.**

**MERAFLOR YAP ARRIOLA,**

*Accused-Appellant.*

Promulgated:

**May 29, 2013**

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**R E S O L U T I O N**

**DIY, J:**

Before Us are several motions for extension of time to file Appellant's Brief and Motion to Withdraw as Counsel filed by accused-appellant's counsel of record.

On February 29, 2012, Assistant Clerk of Court Lucila M. Cad-Enjambre sent a letter to accused-appellant requiring her to file with this Court her Appellant's Brief within thirty (30) days from receipt of said letter.<sup>1</sup>

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<sup>1</sup> Rollo, p. 12.

It appears that accused-appellant's counsel of record received the letter on March 18, 2012.<sup>2</sup> Several motions for extension of time to file Appellant's Brief were filed by accused-appellant on April 4, 2012,<sup>3</sup> May 7, 2012,<sup>4</sup> and May 21, 2012,<sup>5</sup> praying that accused-appellant be given until **June 04, 2012** to file her Appellant's Brief.

On **June 05, 2012**, Atty. Nilo V. Seno filed a Motion to Withdraw as Counsel,<sup>6</sup> seeking to withdraw his appearance as counsel for accused-appellant due to "circumstances that would no longer be beneficial to the lawyer-client relationship of the FIRM and the accused-appellant." We note, however, that the withdrawal came after the deadline being prayed for by Atty. Seno himself in the May 21, 2012 Last and Final Motion for Extension.

Nevertheless, in view of the conformity<sup>7</sup> of accused-appellant, the Motion to Withdraw as Counsel filed by Atty. Seno is **GRANTED**.<sup>8</sup>

Based on JRD Report dated May 15, 2013,<sup>9</sup> June 04, 2012 had long passed and no Appellant's Brief was ever filed by accused-appellant.

After due consideration, We resolve to **DISMISS** the instant case for lack of interest on the part of accused-appellant to pursue the instant appeal.

**WHEREFORE**, premises considered, the Motion to Withdraw as Counsel is **GRANTED** and the instant case is **DISMISSED**.

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2 *Ibid.*, p. 12 (dorsal part).

3 *Ibid.*, pp. 13-15.

4 *Ibid.*, pp. 16-18.

5 *Ibid.*, pp. 22-24.

6 *Ibid.*, pp. 19-21.

7 *Ibid.*, p. 21.

8 Section 26, Rule 138 of the Rules of Court.

9 *Ibid.*, p. 24 (dorsal part).

**SO ORDERED.**

**ORIGINAL SIGNED**  
**MARIA ELISA SEMPIO DIY**  
*Associate Justice*

*WE CONCUR:*

**ORIGINAL SIGNED**  
**EDGARDO L. DELOS SANTOS**  
*Associate Justice*

**ORIGINAL SIGNED**  
**PAMELA ANN ABELLA MAXINO**  
*Associate Justice*