

Title:

Neplum, Inc. vs. Evelyn V. Orbeso, G.R. No. 140225, February 6, 2015

Facts:

1. On October 29, 1999, the RTC of Makati City promulgated its judgment in Criminal Case No. 96-246, acquitting the accused of estafa due to the prosecution's failure to prove the accused's guilt beyond a reasonable doubt. The accused, her counsel, the public prosecutor, and the private prosecutor representing Neplum, Inc. were present.
2. On November 12, 1999, Neplum, Inc., represented by private prosecutor, received a copy of the judgment.
3. On November 29, 1999, Neplum, Inc. filed a Motion for Reconsideration (Civil Aspect) of the judgment, with November 27, 1999, falling on a Saturday.
4. On January 28, 2000, Neplum, Inc. received a copy of the RTC's January 24, 2000 Order denying their motion for reconsideration.
5. On January 31, 2000, Neplum, Inc. filed a Notice of Appeal and Amended Notice of Appeal.
6. On February 17, 2000, the RTC issued an order denying due course to Neplum, Inc.'s Notice of Appeal and Amended Notice of Appeal, which Neplum, Inc. received on February 22, 2000.

Ruling of the Trial Court:

The RTC refused to give due course to Neplum, Inc.'s Notice and Amended Notice of Appeal, effectively preventing the appeal of the civil aspect of the criminal proceedings, as the appeal was deemed filed beyond the reglementary period considered from the promulgation date.

Issues:

1. Whether the 15-day period for the private offended party to appeal the civil aspect of a judgment acquitting the accused should be counted from the date of promulgation or the date of service of notice of judgment to the offended party.
2. Whether Neplum, Inc. employed the proper mode of review by filing a Petition for Review on Certiorari under Rule 45 with the Supreme Court instead of a Petition for Certiorari under Rule 65.

Court's Decision:

1. The Supreme Court ruled that the period for a private offended party to appeal the civil aspect of a judgment should be counted from the time the offended party had actual or constructive knowledge of the judgment, not merely from its promulgation to the accused. The rationale is to allow the offended party reasonable time to intelligently assess and appeal the judgment.

2. Neplum, Inc.'s Petition for Review on Certiorari under Rule 45 was deemed inappropriate. The Supreme Court clarified that an order disallowing or dismissing an appeal is not a "decision or final order" from which an appeal under Rule 45 can be taken. Instead, a Petition for Certiorari under Rule 65 was the appropriate remedy as the RTC's order disallowing the appeal left Neplum, Inc. with no plain, speedy, and adequate remedy in the ordinary course of law.

Doctrine:

1. The period to appeal the civil aspect of a judgment acquitting the accused on reasonable doubt for a private offended party should start from actual service of notice of the judgment to the offended party or their representative, not merely from the date of promulgation to the accused.

2. The proper remedy to question the disallowance of an appeal under such circumstances is a Petition for Certiorari under Rule 65, not a Petition for Review on Certiorari under Rule 45.

Class Notes:

1. **Appeal Period for Civil Aspects in Criminal Cases**: The appeal period for the civil aspect of a criminal case begins from the notice of judgment to the offended party.

- **Rule Cited**: Section 6, Rule 122 of the 1985 Rules on Criminal Procedure.

- **Concept**: Constructive knowledge vs. actual knowledge.

2. **Proper Mode of Review**: Disallowance of an appeal must be questioned via Petition for Certiorari under Rule 65.

- **Rule Cited**: Rule 65, Section 1 of the Rules of Court.

- **Concept**: Correct forum and procedural route for appellate review.

Historical Background:

The decision addresses the procedural nuances specific to the appeal of civil aspects in criminal proceedings within the Philippine legal system, highlighting the evolution and

differentiation of procedural rights and remedies available to private offended parties. This case clarifies procedural ambiguities and affirms the strict adherence to proper appellate processes, contributing to the broader context of ensuring definitive resolution and the orderly administration of justice.