

****Title:**** Sanico v. People and Tenio

****Facts:****

1. ****Initial Charges and Trial:**** Jose “Pepe” Sanico and Marsito Batiquin were charged with trespassing and theft of minerals before the Municipal Circuit Trial Court (MCTC) of Catmon-Carmen-Sogod, Cebu. The MCTC acquitted them of trespassing but convicted them for theft of minerals (Criminal Case No. 3434-CR), imposing a prison sentence and fines, alongside damages payable to the complainant, Jennifer S. Tenio.
2. ****Appeal to RTC:**** Sanico filed a notice of appeal on April 22, 2009. On January 5, 2010, the RTC (Branch 25, Danao City) ordered him to submit a memorandum on appeal. Sanico failed to comply, citing personal and legal counsel health issues.
3. ****RTC’s Dismissal of Appeal:**** On March 16, 2010, the RTC dismissed Sanico’s appeal for non-filing of the memorandum. Sanico’s motion for reconsideration and subsequent petition for review filed through Atty. Cañete were denied due to procedural deficiencies (e.g., lack of verification and non-payment of docket fees).
4. ****CA’s Rulings:**** The Court of Appeals (CA) dismissed the petition for review on April 14, 2011, detailing several procedural errors, including non-payment of docket fees. A motion for reconsideration was also denied on September 15, 2011.
5. ****Further Proceedings:**** Tenio filed for and obtained an entry of judgment and a writ of execution from the RTC, leading to the seizure and auction of Sanico’s properties.

****Issues:****

1. Whether Sanico was deprived of his due process right to appeal by the RTC’s dismissal of his appeal for failing to file a memorandum on appeal.
2. Whether procedural errors made by Sanico’s legal counsel could bind Sanico and result in the dismissal of his appeal.
3. Whether the CA erred in not nullifying the RTC’s order dismissing Sanico’s appeal and the subsequent entry of judgment.
4. Whether the CA should have remanded the case to the RTC for substantively reviewing the MCTC’s judgment of conviction.
5. The propriety of the RTC executing judgment during the pendency of an appeal process.

****Court’s Decision:****

1. **Improper Dismissal by RTC:** The Supreme Court found the RTC misapplied Section 7, Rule 40 of the Rules of Court, which applies to civil cases, whereas Rule 122, which governs criminal cases, does not treat the non-filing of a memorandum on appeal as grounds for dismissal.
2. **Right to Appeal:** Sanico's appeal was entitled to be resolved by the RTC based on the entire case record, regardless of the memorandum's filing. The RTC's dismissal without addressing the merits violated Sanico's right to due process.
3. **Role of Counsel's Negligence:** The negligence of Sanico's counsel, evidenced by multiple procedural defects in the petition for review, constituted gross and inexcusable negligence. However, such negligence should not prejudice the client's fundamental rights. The RTC's dismissive stance on the appeal constituted a deprivation of Sanico's right to a fair hearing.
4. **Proper Procedural Conduct:** The CA erred in not accounting for the RTC's fundamental procedural mistake and the impact of such on Sanico's due process rights. The CA should have set aside the RTC's order and reviewed the case on the merits.
5. **Execution Quashed:** Sanico's conviction review had been prematurely executed. Thus, the property levies and auctions that arose from such execution were void, necessitating restitution of Sanico's property.

Doctrine:

1. **Rule 122 on Appeals in Criminal Cases:** Differentiates appeal procedures between civil and criminal cases, emphasizing that non-filing of a memorandum in criminal cases does not warrant dismissal.
2. **Right to Due Process:** Upholds due process, stating a litigant should not be unduly prejudiced by counsel's gross negligence.
3. **RTC's Role in Appeals:** Clarifies the RTC's duty to decide criminal appeals based on the full record, irrespective of the appeal memorandum filing.

Class Notes:

- **Right to Appeal in Criminal Cases:** An appeal must be decided on the entire case record.
- **Procedural Errors by Counsel:** Gross and inexcusable negligence of counsel can be

grounds for relief to ensure fair hearing.

- **Restitution After Improper Judgment Enforcement:** If judgment execution happens prematurely, affected parties are entitled to restoration of their situation.

Historical Background:

The case represents a significant stance on protecting the procedural rights of criminal defendants, addressing errors by courts in the application of procedural law, and ensuring equitable relief from counsel negligence. The decision underscores the necessity of accurate adherence to rules that safeguard the right of appeal, reinforcing due process as a cornerstone of justice in the Philippine legal system.