

DIRECTING REGIONAL TRIAL COURTS TO DIRECTLY FORWARD TO THE COURT OF APPEALS RECORDS OF CRIMINAL CASES WHICH ARE SUBJECT OF AUTOMATIC REVIEW OR REGULAR APPEALS

ADMINISTRATIVE CIRCULAR NO. 20 - 2005, April 19, 2005

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WHEREAS, in the decision of 7 July 2004 in G.R. Nos. 147678-87 (People v . Efren Mateo y Garcia), the Supreme Court, in the exercise of its power to promulgate rules of procedure in all courts under Section 5, Article VIII of the Constitution, (a) modified Sections 3 and 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125 of the Revised Rules of Criminal Procedure and any other rule insofar as they provide for direct appeals from the Regional Trial Courts to the Supreme Court in cases where the penalty imposed is death, reclusion perpetua, or life imprisonment, as well as the resolution of the Supreme Court, dated 19 September 1995, in Internal Rules of the Supreme Court in Cases Involving the Death Penalty; and (b) allowed an intermediate review by the Court of Appeals before such cases are elevated to the Supreme Court;

WHEREAS, conformably with the said decision, the Supreme Court has been transferring to the Court of Appeals criminal cases where the penalty imposed by the trial courts is death, reclusion perpetua, or life imprisonment;

WHEREAS, in view of the said decision, the Supreme Court promulgated on 28 September 2004 in A.M. No. 00-5-03-SC a resolution formally amending Sections 3 and 10 of Rule 122 and Sections 12 and 13 of Rule 124 of the Rules of Criminal Procedure, as amended. The amendments took effect on 15 October 2004;

WHEREAS, despite the aforementioned amendments, criminal cases on automatic review or on appeal where the penalty imposed by the trial courts is either death, reclusion perpetua, or life imprisonment are still forwarded to the Supreme Court by lower courts.

NOW, THEREFORE, pursuant the resolution of the Court of 5 April 2005 in A.M. No. 05-2-16-SC, all Regional Trial Courts concerned, through the Presiding Judges and Clerks of Court, are hereby DIRECTED to henceforth DIRECTLY forward to the COURT OF APPEALS (Manila for Luzon cases, Cebu Station for Visayas cases, and Cagayan de Oro Station for Mindanao cases) the records of criminal cases whose decisions are subject to (a) automatic review because the penalty imposed is death or (b) ordinary appeals (by notices of appeal) because the penalty imposed is either reclusion perpetua or life imprisonment, notwithstanding a statement in the notice of appeal that the appeal is to the Supreme Court.

This Administrative Circular shall take effect immediately. The Office of the Court Administrator shall take such measures as may be necessary for its full and faithful compliance.

Issued this 19th day of April 2005.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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