

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. SUSAN MEDINA, ACCUSED-APPELLANT.

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GALAPATE-LAGUILLES, J:

We dismiss the instant Appeal after taking note of the following developments:

In a Decision[1] dated November 26, 2012, the Regional Trial Court (RTC) of Quezon City, Branch 102, in Criminal Case No. Q-07-145463, convicted accused-appellant Susan Medina for violation of Sections (a) and (b) of Republic Act (R.A.) No. 7610 (Special Protection of Children Against Child Abuse and Discrimination Act) sentencing her to a penalty of imprisonment for four (4) years, nine (9) months and eleven (11) days of prison correccional, as minimum to six (6) years, eight (8) months and one (1) day of prison mayor, as maximum.

During the promulgation of the Judgment on November 26, 2012, accused-appellant did not appear, thus prompting the RTC to issue a Warrant of Arrest[2].

On March 4, 2013 however, the RTC gave due course to accused-appellant's Notice of Appeal[3], thus elevating the records to Us.

On August 5, 2013, the Judicial Record Division (JRD) of this Court reported that there is a pending warrant of arrest against accused-appellant with no return yet on record.[4] We noted the said report and issued a Resolution[5] on September 2, 2013 directing the counsel for accused-appellant to show cause why the appeal should not be dismissed in accordance with Section 8, paragraph (b) of Rule 124, Revised Rules of Court considering that accused-appellant jumped bail.

On September 20, 2013, counsel for accused-appellant filed a Compliance[6] to this Court's Resolution dated September 2, 2013 stating, among others, that "3. the undersigned counsel has not been in communication with the accused even while the case was still undergoing trial. However, as the firm was engaged to protect and defend the rights of the accused, the firm continues to avail of all legal remedies allowable under the law for the benefit of the accused; 4. the instant appeal is filed because we do not agree with the conviction of the accused. First it, was established during trial that the complainant had no hand in the preparation of his complaintaffidavit. Second, documentary evidence to prove that complainant suffered physical injuries, though admitted by the trial court, were not properly authenticated."

On November 29, 2013, this Court issued a Resolution[7] which, among others, directed the Branch Clerk of Court of the court a quo, to submit to this Court the return on the warrant of arrest and noted in the meantime counsel for accused-appellant's Compliance dated September 2, 2013.

On December 11, 2013, Atty. Stephen Ivan Salinas, Branch Clerk of Court of the RTC of Quezon City, Branch 102, filed a Compliance[8] to this Court's Resolution dated November 29, 2013 submitting the return[9] on the standing warrant of arrest of the accused-appellant. In the said return which was signed by one SP01 Dante Candelario, it was stated therein that the latter attempted several times to effect arrest but to no avail as the accused-appellant and her given address cannot be located.[10]

On January 3, 2014, a Notice to File Brief[11] was issued by this Court.

On February 6, 2014, this Court issued a Resolution[12] noting the Branch Clerk of Court's Compliance dated December 11, 2013 and requiring anew counsel for accusedappellant to show cause why the appeal should not be dismissed pursuant to Section 8, 2[nd] paragraph of Rule 124, Revised Rules of Court, within ten (10) days from notice.

On February 13, 2013, accused-appellant filed a Motion for Extension of Time to File Appellant's Brief[13] of fifteen (15) days from February 14, 2014 until March 1, 2014.

On February 24, 2014, this Court issued a Resolution[14] directing accused-appellant to show cause why the appeal should not be dismissed pursuant to Section 8, 2[nd] paragraph of Rule 124, Revised Rules of Court and granting the prayer for an extension of fifteen (15) days from February 14, 2014 or until March 1, 2014 within which to file Appellant's Brief.

On March 3, 2014, counsel for accused-appellant filed a Compliance[15] to this Court's Resolution dated February 6, 2014, stating that "they are not in a position to state the whereabouts of the accused or whether she jumped bail as she has not communicated with them after her arraignment."

From the foregoing, We are constrained to dismiss accused-appellant's appeal. The accused-appellant who was out on bail during trial, is deemed to have jumped bail when she failed to appear at the promulgation of her sentence despite notice[16]. This is a ground for dismissal of an appeal under Section 8, Rule 124 of the Rules of Court, which provides:

"Sec. 8. Dismissal of appeal for abandonment or failure to prosecute.—The Court of Appeals may, upon motion of the appellee or motu proprio and with notice to the appellant in either case, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except where the appellant is represented by a counsel de officio.

The Court of Appeals may also, upon motion of the appellee or motu proprio, dismiss the appeal if the appellant escapes from prison or confinement, jumps bail or flees to a foreign country during the pendency of the appeal." (Emphasis supplied)

Once an accused escapes from prison or confinement, jumps bail (as in the case of accused-appellant), or flees to a foreign country, he loses his standing in court. Unless he surrenders or submits to the jurisdiction of the court, he is deemed to have waived any right to seek relief from the court.[17]

WHEREFORE, the foregoing considered, the appeal is hereby DISMISSED pursuant to Section 8, Rule 124 of the Rules of Court and considered CLOSED and TERMINATED.

SO ORDERED.

Punzalan Castillo (Chairperson) and Cruz,[*] JJ., concur.

[*] Vice Justice Amy C. Lazaro-Javier per Office Order No. 198-14-ABR dated May 9, 2014

[1] Rollo, pp. 20-28.

[2] Id., p. 29.

[3] Id., pp. 16-17.

[4] Id., back of p. 29.

[5] Id., p. 30.

[6] Id., pp. 31-33.

[7] Id., p. 37.

[8] Id., p. 39.

[9] Id., p.41.

[10] Id., back of p. 41.

[11] Id., p.38.

[12] Id., p. 42.

[13] Id., p. 43-44.

[14] Id., p. 48.

[15] Id., pp. 49-52.

[16] Id., p. 62.

[17] Villena, et al. v. People of the Phils., et al., G.R. No. 184091, January 31, 2011.

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