

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMMEL PANGANIBAN Y TIRO AND ANGELITO BATANGAN Y CIELO, ACCUSED-APPELLANTS.

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GALAPATE-LAGUILLES, J:

In a Joint Decision[1] dated 2 August 2011, the Regional Trial Court of Quezon City, Branch 80, in Criminal Case Nos. Q-01-98543 and Q-01-98544, convicted accused-appellants Rommel T. Panganiban and Angelito C. Batangan of the crime of robbery and sentencing them to suffer an indeterminate penalty of four (4) months and one (1) day to four (4) years, two (2) months and one (1) day.

During the date of promulgation on 15 November 2012, the RTC directed the accused-appellants to submit a certification from the bonding company that it is giving its consent for the bond to continue pending appeal, otherwise, a warrant for their arrest will be issued.[2]

In their Manifestation and Motion filed on 19 November 2012, accused-appellants, through counsel, informed the RTC that the bonding company which issued their bail bonds, Great Domestic Insurance Company of the Philippines, Inc., was no longer existing and operational and that the said bonding company has already been blacklisted as certified by the Office of the Clerk of Court of Quezon City.[3] Accused-appellants likewise filed their Notice of Appeal.[4] On even date, the lower court issued a Warrant of Arrest[5] against accused-appellants.

On 26 November 2012, the RTC gave due course to accused-appellants' Notice of Appeal.[6]

In Our Minute Resolution[7] dated 26 June 2013, We directed the Branch Clerk of Court of the Regional Trial Court of Quezon City, Branch 80, to submit to this Court the return of the standing Warrant of Arrest issued for accused-appellants, it appearing that there was no return yet on record per Judicial Records Division (JRD) report dated 24 May 2013.[8] In the same Resolution, the Court directed accused-appellants' counsel to show cause within ten (10) days from notice why the appeal of accused-appellants should not be dismissed in accordance with Section 8, Rule 124 of the Rules of Court for having jumped bail.

In her Letter[9] timely filed on 17 July 2013, Atty. Maila Doroteo Santos, Branch Clerk of Court of the RTC of Quezon City, Branch 80, informed this Court that as of 9 July 2013, the court a quo has not received any return on the standing Warrant of Arrest dated 19 November 2012 issued against accused-appellants. She further stated that upon receipt of the 26 June 2013 Minute Resolution of this Court, she requested the concerned government offices to make a return on the said warrant and that she will submit the same as soon as she receives it. The said Letter is hereby NOTED.

As per JRD report[10] dated 8 October 2013, no compliance has been made by counsel for accused-appellants with the Court's Minute Resolution dated 26 June 2013, and the same is also NOTED.

With the foregoing backdrop, this Court is constrained to dismiss accused-appellants' appeal considering that they failed to submit themselves to the jurisdiction of this Court or under the custody of the law since their conviction in 2011. The Warrant of Arrest issued by the RTC in fact remains unserved. Likewise, there were no valid bail

bonds in place when accused-appellants took their appeal. On this score, Section 8, Rule 124 of the Rules of Court 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)

ACCORDINGLY, for failure to submit to this Court's jurisdiction pending appeal and conformably with this Court's Minute Resolution dated 26 June 2013, the appeal filed in this case is deemed ABANDONED and DISMISSED pursuant to Section 8, Rule 124 of the Rules of Court.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Diamante, JJ., concur.

[1] Rollo, pp. 14-19. Penned by Judge Charito B. Gonzales.

[2] Id., p. 21. See Order dated November 19, 2012, pp. 21-22.

[3] Id.

[4] Id., p. 20.

[5] Id., p. 38.

[6] Id., p. 23. See Order dated November 26, 2012.

[7] Id., p. 39.

[8] Id., p. 38, dorsal portion.

[9] Id., p. 40.

[10] Id., p. 43, dorsal portion.

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