

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SANTIAGO CRUSPERO @ “TAWIS”, ACCUSED-APPELLANT.

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

On October 1, 2013, the Judicial Records Division (CA-JRD) made a report[1] that no Notice of Appeal filed by accused-appellant.

The Supreme Court held in a landmark case of *People v. Mateo*[2], that where the penalty imposed is reclusion perpetua, life imprisonment, or death, appeal shall be by notice of appeal to the Court of Appeals.

After the promulgation of *Mateo* on 7 July 2004, the Supreme Court promptly caused the amendment of the Sections 3 and 10, Rule 122 of the Revised Rules on Criminal Procedure but retained the distinction of requiring a notice of appeal for reclusion perpetua and life imprisonment cases and automatically review of death penalty cases[3]. Thus, Rule 122,

Sections 3 and 10, as amended by A.M. No. 00-5-03-SC (which took effect on 15 October 2004), now provides:

Sec. 3. How Appeal taken. -

(a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be by notice of appeal filed with the court which rendered the judgment or final order appealed from and by serving a copy thereof upon the adverse party.

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

(c) The appeal in cases where the penalty imposed by the Regional Trial Court is reclusion perpetua or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed, shall be by notice of appeal to the Court of Appeals in accordance with paragraph (a) of the this rule. (emphasis supplied)

(d) No notice of appeal is necessary in cases where the Regional Trial Court imposed the death penalty. The Court of Appeals automatically review the Judgment provided in section 10 of this Rule.

(e) Except as provided in the last paragraph of section 13, Rule 124, all other appeals to the Supreme Court shall be by petition for review on certiorari under Rule 45.

A perusal of the records would indeed reveal that accused-appellant failed to file a Notice of Appeal. In the decision of the RTC subject of the case, reclusion perpetua[4] are the penalties imposed against accused-appellant. In a case such as this, a notice of appeal is mandatory since the penalty imposed is reclusion perpetua.

WHEREFORE, for failure to file Notice of Appeal, this case is hereby DISMISSED for lack of jurisdiction.

SO ORDERED.

Delos Santos, J., Chairperson, and Lopez, JJ., concur.

[1] Rollo, page 1.

[2] G.R. No. 147678-87 dated July 7, 2004, 433 SCRA 640.

[3] People of the Philippines v. Emmanuel Rocha alias “Nopoy” and Ruel Ramos alias “Aweng”, G.R. No. 173797, August 31, 2007.

[4] Decision, pages 23-24; Rollo, pages 57-58.

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