FERNANDO GARCIA, JUANITO GARCIA, AND WENCESLAO TORRES, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, AND HON. RICARDO P. GALVEZ, IN HIS OFFICIAL CAPACITY AS THE PRESIDING JUDGE OF...

G.R. No. 106531. November 18, 1999

Ponente: PARDO, J.

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PARDO, J. :

The case before the Court is a special civil action for mandamus to compel the Regional Trial Court, Branch 29, Iloilo, to forward the records of Criminal Case No. 20774 to the Supreme Court for automatic review of the decision finding petitioners guilty of murder and sentencing each of them to reclusion perpetua, to pay jointly and severally, the heirs of Jose Estrella the sum of P30,000.00 as civil indemnity, to suffer the accessory penalties of the law and to pay the costs.

We deny the petition.

The facts are as follows:

On September 29, 1986, the Provincial Fiscal of Guimaras filed with the Regional Trial Court, Iloilo City, an information charging petitioners with murder for the killing of one Jose Estrella.[1]

After due trial, on September 21, 1990, the trial court promulgated its decision convicting petitioners of the crime charged and sentencing each of them to the penalty of reclusion perpetua, to pay jointly and severally, the heirs of Jose Estrella the sum of P30,000.00 as civil indemnity, to suffer the accessory penalties of the law and to pay the costs.[2]

On September 24, 1990, petitioners filed with the trial court a motion for reconsideration of the decision.[3] However, on September 2, 1991, the trial court denied the motion.[4] On September 5, 1991 petitioner received notice of the order of denial.[5] Petitioners did not interpose an appeal[6] from the decision by the filing of a notice of appeal. Thus, the decision became final on September 17, 1991. Accordingly, the trial court issued warrants for the arrest of petitioners.

On November 13, 1991, petitioners filed with the trial court a motion to lift warrant of arrest and to allow accused to appeal, arguing that there was no need for them to appeal the decision as the same was subject to automatic review by the Supreme Court.[7]

On January 17, 1992, the trial court denied the motion.[8]

On February 14, 1992, the trial court also denied petitioners' motion for reconsideration.[9]

Hence, the present recourse.[10]

On July 15, 1992, we required respondents to file comment on the petition,[11] which the Solicitor General filed

on August 25, 1992.

On January 18, 1995, we gave due course to the petition.[12]

At issue is whether the Supreme Court must automatically review a trial court's decision convicting an accused of a capital offense and sentencing him to reclusion perpetua. In other words, is the accused not required to interpose an appeal from a trial court's decision sentencing him to reclusion perpetua to the Supreme Court because the latter's review of the sentence is automatic?

The issue is not new. We have consistently ruled that it is only in cases where the penalty actually imposed is death that the trial court must forward the records of the case to the Supreme Court for automatic review of the conviction.[13]

As the petitioners did not file a notice of appeal or otherwise indicate their desire to appeal from the decision convicting them of murder and sentencing each of them to reclusion perpetua, the decision became final and unappealable.

Consequently, mandamus will not issue to compel the trial court to elevate the records to the Supreme Court.

IN VIEW WHEREOF, the Court hereby DISMISSES the petition for mandamus to compel the trial court to elevate the records of Criminal Case No. 20774 to the Supreme Court.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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[1] Rollo, p. 32.

[2] Rollo, pp. 33-59.

[3] Rollo, pp. 63-70.

[4] Rollo, p. 59.

[5] RTC Order, Rollo, p. 30.

[6] Ibid.

[7] Rollo, pp. 60-62.

[8] Rollo, p. 29.

[9] Rollo, pp. 30-31.

[10] Petition filed on April 27, 1992, Rollo, pp. 11-28.

[11] Rollo, pp. 72-76.

[12] Rollo, p. 151.

[13] People vs. Lasanas, 152 SCRA 27 [1987]; People vs. Lapaz, 171 SCRA 539, 548 [1989]; People vs. Almenario, 172 SCRA 269 [1989]; People vs. Petalcorin, 180 SCRA 685, 690 [1989]; People vs. Fernandez, 186 SCRA 830 [1990]; People vs. Hernandez, 205 SCRA 212 [1992]; People vs. Redulosa, 255 SCRA 279 [1996].

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