LITO LIMPANGOG AND JERRY LIMPANGOG, PETITIONERS, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 134229. November 26, 1999

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

An appeal of a single decision cannot be split between two courts. The splitting of appeals is not conducive to the orderly administration of justice and invites possible conflict of dispositions between the reviewing courts. Specifically, the Court of appeals has no jurisdiction to review an appeal of a judgment imposing an indeterminate sentence, if the same ruling also imposes reclusion perpetua, life imprisonment or death for crimes arising out of the same facts. In other words, the Supreme Court has exclusive jurisdiction over appeals of criminal cases in which the penalty imposed below is reclusion perpetua, life imprisonment or death, even if the same decision orders, in addition, a lesser penalty or penalties for crimes arising out of the same occurrence and facts.

The Case

Before us is a Petition for Review under Rule 45 assailing the April 14, 1998 Decision[1] of the Court of Appeals[2] (CA) in CA-GR CR No. 18059.

Three Informations, one for murder and two for frustrated murder, all signed by Provincial Prosecutor I Rosario D. Beleta, were filed against Petitioners Lito Limpangog and Jerry Limpangog before the Regional Trial Court of Ormoc City.[3] Petitioners pleaded not guilty during their arraignment. Thereafter, trial on the merits ensued. On September 15, 1994, a Joint Decision[4] adjudging them guilty of all the charges was rendered by the trial court in this wise:

> "WHEREFORE, [a] decision is hereby rendered in Criminal Cases Nos. 4375, 4376 and 4393 finding the accused LITO LIMPANGOG and JERRY LIMPANGOG guilty beyond reasonable doubt of Frustrated Murder in Criminal Case No. 4375; Murder in Criminal Case No. 4376; and Frustrated Murder In Criminal Case No. 4393 defined and penalized under Article 248 in relation x x x to Article 6 of the Revised Penal Code. Appreciating the aggravating circumstance of nighttime with no mitigating circumstance to offset it, this court imposes upon the said Lito Limpangog and Jerry Limpangog the sentence of imprisonment for an indeterminate period of TEN (10) years of prision mayor, as minimum, to SEVENTEEN (17) YEARS of reclusion temporal, as maximum in Criminal Case No. 4375 RECLUSION PERPETUA in Criminal Case No. 4376 and TEN (10) years of prision mayor, as minimum, to SEVENTEEN (17) years of reclusion temporal, as maximum, in Criminal Case No. 4393, and to indemnify Pedro Casimero and Rene Boy Casimero [in] the sum of TEN THOUSAND PESOS (10,000.00) each and the heirs of Jose Cabanero [in] the sum of FIFTY THOUSAND PESOS (50,000.00) and to pay the costs.
>
> "As both convicted accused are detention prisoners, the period of their detention shall be credited in full if they conform in writing with the rules and regulations of convicted prisoners, otherwise, only four fifths thereof.

"SO ORDERED."[5]

Petitioners then elevated the decision to the Court of Appeals.[6]

The CA Ruling

The Court of Appeals declared itself to have no jurisdiction over petitioners' appeal of their murder conviction, ruling as follows:

"In Criminal Case No. 4376-0 for murder, where the sentence imposed is reclusion perpetua, this Court is without jurisdiction. The appeal falls within the exclusive jurisdiction of the Supreme Court xxx"

Citing SC Circular 2-90, the CA refused to forward the appeal to the Supreme Court; instead, it dismissed the case.[7] The appellate court, however, gave due course to the appeal insofar as it related to the convictions for frustrated murder.

In sum, the CA rendered the 21-page assailed Decision acquitting petitioners of frustrated murder, but dismissing the appeal in the murder indictment, as follows:

"WHEREFORE, premises considered:

- Accused-appellants' appeal in criminal Case No. 4376-0 for murder is DISMISSED pursuant to Section 4 (d) of Supreme Court Circular No. 2-90.

- The decision of the trial court in Criminal Case No 4375 and Criminal Case No. 4393-0 convicting accused-appellants of the offense of frustrated murder in each case is REVERSED and SET ASIDE, and [a] new judgment [is] rendered ACQUITTING accused-appellants in said cases for lack of proof beyond reasonable doubt as to their guilt.

- Costs de oficio.

SO ORDERED."

Thus, this Petition.[8]

The Issue

In their Memorandum, petitioners posit this sole issue:

"WHETHER OR NOT THE DISMISSAL OF THE APPEAL IN CRIMINAL CASE NO. 4376-0 FOR MURDER [WAS] PROPER/VALID UNDER THE CIRCUMSTANCE."[9]

As a rule, this Court reviews only the specific issues or errors raised by the parties.[10] However, questions involving jurisdiction may be taken up moto proprio by the Court[11]even when not specifically assigned as errors by the parties, inasmuch as they delve into the very essence of decision-making. We have repeatedly ruled that a judgment rendered by a court without jurisdiction is null and void and may be attacked anytime.[12] It creates no rights and produces no effect. In view of the peculiar facts of this case, we believe that the issue to be resolved is whether the Court of Appeals had jurisdiction over petitioners' appeal.

The Court's Ruling

The Court of Appeals did not have jurisdiction over petitioners' appeal; hence, the challenged Decision is null and void.

Main Issue:
Jurisdiction of the Court of Appeals

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Petitioners Lito Limpangog and Jerry Limpangog were sentenced by the trial court to reclusion perpetua as penalty for murder; and to an indeterminate period of ten years of prision mayor, as minimum, to seventeen years of reclusion temporal, as maximum, for each frustrated murder conviction. The three crimes were committed on the same occasion and arose from the same facts. In this light, the Court of Appeals did not have jurisdiction over the appeals filed by herein petitioners. Section 9 (3) of the judiciary Reorganization Act of 1980 (BP Blg. 129) states that the CA has exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders, or awards of regional trial courts except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the provisions of BP Blg. 129, and of the judiciary Act of 1948.

Under Article VIII, Section 5 (2)(d) of the constitution, the Supreme Court has jurisdiction over appeals of final judgments in criminal cases in which the penalty imposed is reclusion perpetua or higher:

> "Section 5. The Supreme Court shall have the following powers:
>
> xxx xxx xxx
>
> (2) Review, revise, reverse, modify or affirm on appeal or certiorari as the law or Rules of Court may provide, final judgments and orders of the lower court in:
>
> xxx xxx xxx
>
> (d) All criminal cases in which the penalty imposed is reclusion perpetua or higher xxx"

Leaving no doubt that the CA had no jurisdiction over the two cases for frustrated murder, Section 17 (1) of the judiciary Act of 1948 provides as follows:

> "Section 17. Jurisdiction of the Supreme Court.

The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm on appeal, as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in -

> (1) All criminal cases involving offenses for which the penalty imposed is life imprisonment; and those involving offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion as that giving rise to the more serious offense, regardless of whether the accused are charged as principals, accomplices or accessories, or whether they have been tried jointly or separately; xxx" (Italics supplied.) (Italics supplied)

The foregoing is also echoed by Section 3 (c), Rule 122 of the Rules of Court:

> "(c) The appeal to the Supreme Court in cases where the penalty imposed is life imprisonment, or where a lesser penalty is imposed but involving offenses committed on the same occasion or arising out of the same occurrence that gave rise to the more serious offense for which the penalty of death or life imprisonment is imposed shall be by filing a notice of appeal in accordance with paragraph (a) of this Section." (Italics supplied)

In view of the above provisions, especially that of the Judiciary Act of 1948, it is clear that the Court of Appeals has no jurisdiction over an appeal of a trial court judgment imposing an indeterminate sentence, if the same ruling also imposes reclusion perpetua, life imprisonment or death for crimes arising out of the same facts. The Supreme Court has exclusive jurisdiction over such appeals. The splitting of appeals is not conducive to the orderly administration of justice and invites possible conflict of dispositions between the reviewing courts.

In all, the Court of Appeals acted without jurisdiction in resolving the appeal of the conviction for frustrated murder and dismissing the murder case. Hence, the CA's acquittal of the petitioners on charges of frustrated murder is void. We hasten to add that, with the voiding of the CA Decision and the review by this Court of the

RTC judgment, petitioners cannot claim double jeopardy, because they were never legally in danger of conviction by the Court of Appeals.[13]

True, Circular No. 2-90 issued by this Court authorized the dismissal of appeals erroneously filed before the wrong court. However, in numerous similarly circumstantial criminal cases,[14] we have sanctioned the transfer of the records from the Court of Appeals to this Court, in the greater interest of substantial justice. This we likewise do in the instant case.

WHEREFORE, the petition is PARTIALLY GRANTED. The challenged Decision of the Court of Appeals is hereby declared NULL and VOID. The Court of Appeals is ORDERED to TRANSFER the records of Criminal Case Nos. 4376-0, 4375-0 and 4393-0 to this Court for a review de novo of the trial courts' Decision. Upon receipt of the records, the Clerk of Court is directed to docket the case as a new appeal, as if no decision has been rendered by the appellate court. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

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[1] Rollo, pp. 75-94.

[2] Special Sixteenth Division composed of J. Eduardo G. Montenegro, chairman and ponente; and JJ. Artemon D. Luna, Jainal D. Rasul, and Marina L. Buzon, concurring. J. Salvador J. Valdez Jr. dissented.

[3] Rollo, pp. 18-20.

[4] Penned by Judge Francisco H. Escano Jr.

[5] Rollo, pp. 25-26.

[6] Petitioners filed their Notice of Appeal on September 21, 1994.

[7] Rollo, pp. 76-77.

[8] The case was deemed submitted for decision on June 10, 1999, upon the receipt by the Court of a manifestation from the Office of the Solicitor General indicating that it was adopting as its Memorandum, the Comment it had filed on December 8, 1998. The petitioners' Memorandum was filed on May 19, 1999.

[9] Rollo, p. 132.

[10] Ledesma v. Court of Appeals, 278 SCRA 656, September 5, 1997.

[11] Namuhe v. Ombudsman, GR No. 124965, October 29, 1998.

[12] Leonor v. Court of Appeals, 256 SCRA 69, April 2, 1996.

[13] To raise the defense of double jeopardy, three requisites must concur: (1) a first jeopardy must have attached prior to the second; (2) the first jeopardy must have terminated; and (3) the second jeopardy must be for the same offense, or the second offense includes or is necessarily included in the offense charged in the first information, or is an attempt to commit the same or is a frustration thereof. The first jeopardy attaches only: (a) upon a valid indictment, (b) before a competent court, (c) after arraignment, (d) a valid plea having been entered, and (e) the case was dismissed or otherwise terminated without the express consent of the accused. People v. Cawaling, 293 SCRA 267, July 28, 1998; Guerrero v. Court of Appeals, 257 SCRA 703, June 28, 1996; People v. Leviste, 255 SCRA 238, March 28, 1996. Thus, when the court that takes cognizance of a case is without jurisdiction, all

proceedings in such court are void; hence, jeopardy does not attach. See Navallo v. Sandiganbayan et al., 234 SCRA 175, July 18, 1994 Gonzales v. Court of Appeals, 232 SCRA 667, May 31, 1994.

[14] See People v. Janairo, GR No. 129254, July 22, 1999; People v. Muleta, GR No. 130189, June 25, 1999; People v. Narvasa, 298 SCRA 637, November 16, 1998; People v. Bernaldez, 294 SCRA 317, August 17, 1998; People v. Llaguno, 285 SCRA 124, January 28, 1998; People v. Racquel, 265 SCRA 248, December 2, 1996; People v. Soria, 262 SCRA 739, October 4, 1996; People v. Cruz, 262 SCRA 237, September 20, 1996; People v. Hangad, 227 SCRA 244, October 14, 1993; People v. Lascuna, 225 SCRA 386, August 18, 1993; People v. Cordova, 224 SCRA 317, July 5, 1993; People v. Ramos, 222 SCRA 557, May 25, 1993; People v. Taneo, 218 SCRA 494, February 8, 1993.

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