EDGARDO M. OANIA, REPRESENTED BY HIS SISTER ELIZABETH REYES, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND FLORENCIA BRAVO, RESPONDENT.

G.R. NO. 150537. July 04, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is a Petition for Review on Certiorari seeking to annul and set aside the Decision[1] of the Court of Appeals (CA) dated January 31, 2001 in CA-G.R. SP No. 58952 and its Resolution[2] of October 26, 2001, "insofar as it [CA] denied bail to the petitioner during the pendency of his appeal, and to grant bail to the petitioner."[3]

The antecedent facts of the petition are as follows:

In an Information dated May 10, 1993, docketed as Criminal Case No. C-43186, herein petitioner was charged with Homicide before the Regional Trial Court (RTC) of Caloocan City.

Petitioner posted bail guaranteed by the surety bond of Oriental Assurance Corporation (Oriental), a domestic corporation then holding offices in Caloocan City, Pasig City, and Escolta, Manila.

Upon arraignment, petitioner pleaded not guilty. Thereafter, trial ensued.

After trial, the RTC set the Decision for promulgation on December 7, 1999. The notice of promulgation was served on petitioner at the address he gave on record. The Notice was received on November 12, 1999 by a certain Ana Pijo, who claimed to be an aunt of petitioner.

Notices of the promulgation were also sent to Oriental at its three different addresses appearing on record. However, the notice sent at Oriental's Caloocan address was returned unclaimed because the corporation was no longer holding office there. The notice sent at Oriental's Pasig City address was received on December 7, 1999, while the one sent to its office in Manila was received only on December 9, 1999, two days after the promulgation of the Decision of the RTC.

On December 7, 1999, the RTC promulgated its Decision convicting petitioner of the crime of Homicide and accordingly penalized him pursuant to the Revised Penal Code.[4]

However, petitioner was absent during the promulgation of the decision despite notice, and his absence was unexplained. This prompted the RTC to issue an Order directing the issuance of a warrant for the arrest of petitioner and for the confiscation of his bail bond.[5]

On April 7, 2000, petitioner was arrested. Thereafter, the RTC issued a Commitment Order committing petitioner to the Bureau of Corrections in Muntinlupa City for service of sentence.

On April 12, 2000, petitioner filed a Notice of Appeal as well as a Motion to Lift Order of Arrest and to Enjoy

Temporary Liberty Pending Appeal Under the Same Bond.

On May 5, 2000, the trial court issued an Order denying petitioner's Notice of Appeal on the ground that it had been filed out of time. The RTC also denied petitioner's Motion to Lift Order of Arrest and to Enjoy Temporary Liberty Pending Appeal Under the Same Bond. [6]

In its Order dated May 15, 2000, the RTC denied petitioner's Motion for Reconsideration.[7]

Petitioner then filed a special civil action for certiorari with the CA contending that the presiding judge of the RTC of Caloocan City, Branch 124, acted with grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the questioned Orders. He claimed that he did not receive any notice of the date of promulgation of the judgment in the subject case and neither did he know of the decision nor receive a copy thereof. He also asserted that he only came to know of the Decision in Criminal Case No. C-43186 on April 7, 2000, the day that he was arrested. Based on these premises, petitioner insisted that his bail bond should not have been confiscated and that he should not have been arrested. He also argued that the period for filing his Notice of Appeal should have started only on the day that he was arrested because it was only then that he came to know of the trial court's decision in his case.

On January 31, 2001, the CA rendered a Decision with the following dispositive portion:

> WHEREFORE, upon the foregoing premises, this petition is hereby partially GRANTED. The Orders dated May 5 and 15, 2000 of the court a quo are MODIFIED. The Notice of Appeal filed by petitioner in Criminal Case No. C-43186 is given due course and the records of the case are ordered elevated to this Court. However, the motion to lift order of arrest is denied for lack of merit. No pronouncement as to costs.
>
> SO ORDERED.[8]

Petitioner filed a Motion for Reconsideration but the same was denied by the CA in its Resolution of October 26, 2001.

Hence, herein petition raising the issues of whether the petitioner was duly notified of the promulgation of the RTC Decision on December 7, 1999; whether his absence was without justifiable cause; and whether the order for his detention during his appeal is correct, valid, and proper.

On June 28, 2002, and while the present petition was pending with this Court, the CA issued its Decision in CA-G.R. CR No. 24995, entitled "People of the Philippines v. Edgardo Oania y Mugot" which disposed of the appeal taken by petitioner from the RTC Decision finding him guilty of Homicide in Criminal Case No. C-43186. The dispositive portion of the CA Decision reads:

> WHEREFORE, above premises all considered, the judgment of the trial court contained in its assailed Decision, finding accused-appellant Edgardo Oania y Mugot guilty beyond reasonable doubt, of the crime charged, is hereby AFFIRMED. However, the penalty of imprisonment imposed on the accused is hereby MODIFIED. Accused-appellant, Edgardo Oania y Mugot is hereby sentenced to suffer the indeterminate penalty of imprisonment of ten (10) years of prision mayor as minimum to seventeen (17) years and four (4) months of reclusion temporal as maximum and to suffer all the accessory penalties as provided by law. The awards of damages by the lower court against the accused in favor of the heirs of the victim, Rogelio Bravo, are hereby AFFIRMED.
>
> SO ORDERED.

Court records bear out that herein petitioner did not appeal the above-quoted CA Decision and that on July 20, 2002, the said Decision became final and executory. In fact, Entry of Judgment had been issued by the CA and the

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original records have been transmitted to the RTC. Inevitably, the issues raised in the instant petition have been rendered moot and academic.

As such, it is unnecessary to indulge in academic discussion of a case presenting a moot question, as a judgment thereon cannot have any practical legal effect, or in the nature of things, cannot be enforced.[9] The Court will refrain from expressing its opinion in a case where no practical relief may be granted in view of a supervening event.[10]

WHEREFORE, the instant petition is DISMISSED for having been rendered moot and academic by the finality of the Decision in CA-G.R. CR No. 24995.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Penned by Justice Fermin A. Martin, Jr. and concurred in by Justices Portia Aliño-Hormachuelos and Mercedes Gozo-Dadole, rollo, pp. 8-19.

[2]Penned by Justice Mercedes Gozo-Dadole and concurred in by Justices Buenaventura J. Guerrero and Portia Aliño-Hormachuelos, id. at 20-21.

[3]Id. at 37-38.

[4] Id. at 48.

[5] Id. at 47.

[6] Id. at 72-74.

[7]Id. at 78.

[8] CA rollo, p. 80.

[9] Lanuza, Jr. v. Yuchengco, G.R. No. 157033, March 28, 2005, 454 SCRA 130, 138.

[10]Royal Cargo Corporation v. Civil Aeronautics Board, 465 Phil. 719, 725 (2004).

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