

CENITA M. CARIAGA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 180010. July 30, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

In issue in the present petition for review is one of jurisdiction.

By Resolutions of May 28, 2007 and September 27, 2007, the Court of Appeals, in CA-G.R. CR No. 29514, "People of the Philippines v. Cenita Cariaga," dismissed the appeal of Cenita Cariaga (petitioner) for lack of jurisdiction over the subject matter.

Petitioner, as the municipal treasurer of Cabatuan, Isabela with a Salary Grade of 24, was charged before the Regional Trial Court (RTC) of Cauayan City in Isabela with three counts of malversation of public funds, defined under Article 217 of the Revised Penal Code.

The Information in the first case, Criminal Case No. 1293, reads:

That on or about the year 1993 or sometime prior or subsequent thereto in the Municipality of Cabatuan, Province of Isabela, and within the jurisdiction of this Honorable Court, the above-named accused, [C]ENITA M. CARIAGA, a public officer, being the Municipal Treasurer of Cabatuan, Isabela, and as such is accountable for taxes, fees and monies collected and/or received by her by reason of her position, acting in relation to her office and taking advantage of the same, did then and there, willfully, unlawfully and feloniously take, misappropriate and convert to her personal use the amount of TWO THOUSAND SEVEN HUNDRED EIGHTY FIVE PESOS (P2,785.00) representing the remittance of the Municipality of Cabatuan to the Provincial Government of Isabela as the latter's share in the real property taxes collected, which amount was not received by the Provincial Government of Isabela, to the damage and prejudice of the government in the amount aforestated.

CONTRARY TO LAW.[1] (underscoring supplied)

The two other Informations in the second and third criminal cases, Nos. 1294 and 1295, contain the same allegations except the malversed amounts which are P25,627.38 and P20,735.13, respectively.[2]

Branch 20 of the Cauayan RTC, by Joint Decision of June 22, 2004,[3] convicted petitioner in the three cases, disposing as follows:

WHEREFORE, finding the accused CENITA M. CARIAGA, GUILTY beyond reasonable doubt of the crime of MALVERSATION for which she is charged in the three (3) separate informations and in the absence of any mitigating circumstance, hereby sentences her to suffer:

1. In Crim. Case No. Br.20-1293, an indeterminate penalty of from FOUR (4) YEARS and ONE (1) DAY of PRISION CORRECCIONAL as minimum to SEVEN (7) YEARS, FOUR (4) MONTHS and ONE (1) DAY of PRISION MAYOR as maximum and its accessory penalty of perpetual special disqualification and a fine of

Two Thousand Seven Hundred Eighty Five (P2,785.00) Pesos, without subsidiary imprisonment in case of insolvency. Cost against the accused.

2. In Crim. Case No. Br. 20-1294, an indeterminate penalty of from TEN (10) YEARS and ONE (1) DAY of PRISION MAYOR as minimum to EIGHTEEN (18) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of RECLUSION TEMPORAL as maximum and to suffer the accessory penalty of perpetual special disqualification and to pay a fine of Twenty Five Thousand Six Hundred Twenty Seven (P25,627.00) Pesos. She is ordered to indemnify the Provincial Government of Isabela Twenty Five Thousand Six Hundred Twenty Seven (P25,627.00) Pesos, without subsidiary imprisonment in case of insolvency. Cost against the accused.

3. In Crim. Case No. Br. 20-1295, an indeterminate penalty of from TEN (10) YEARS and ONE (1) DAY of PRISION MAYOR as minimum to FOURTEEN (14) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of RECLUSION TEMPORAL as maximum, and to suffer the accessory penalty of perpetual special disqualification and a fine of Twenty Thousand Seven Hundred Thirty (P20,730.00) Pesos, without subsidiary imprisonment in case of insolvency. The bailbonds are cancelled. Costs against the accused.

SO ORDERED.

Petitioner, through counsel, in time filed a Notice of Appeal, stating that he intended to appeal the trial court's decision to the Court of Appeals.

By Resolution of May 28, 2007,[4] the Court of Appeals dismissed petitioner's appeal for lack of jurisdiction, holding that it is the Sandiganbayan which has exclusive appellate jurisdiction thereon. Held the appellate court:

Concomitantly, jurisdiction over the offense is vested with the Regional Trial Court considering that the position of Municipal Treasurer corresponds to a salary grade below 27. Pursuant to Section 4 of [Presidential Decree No. 1606, as amended by Republic Act No. 8249], it is the Sandiganbayan, to the exclusion of all others, which enjoys appellate jurisdiction over the offense. Evidently, the appeal to this Court of the conviction for malversation of public funds was improperly and improvidently made. (emphasis and underscoring supplied)

Petitioner's Motion for Reconsideration was denied by Resolution of September 27, 2007.[5] Hence, the present petition for review, petitioner defining the issues as follows:

- WHETHER . . . , CONSIDERING THE CLEAR AND GRAVE ERROR COMMITTED BY COUNSEL OF [PETITIONER] AND OTHER EXTRA-ORDINARY CIRCUMSTANCES, THE APPEAL OF... [PETITIONER] WRONGFULLY DIRECTED TO THE COURT OF APPEALS BE DISMISSED OUTRIGHT...OR BE ENDORSED AND TRANSMITTED TO THE SANDIGANBAYAN WHERE THE APPEAL SHALL THEN PROCEED IN DUE COURSE.

- WHETHER . . . , IN CONSIDERATION OF SUBSTANTIAL JUSTICE IN A CRIMINAL CASE, NEW TRIAL BE GRANTED TO THE PETITIONER TO BE UNDERTAKEN IN THE SANDIGANBAYAN (ALTERNATIVELY IN THE REGIONAL TRIAL COURT) SO THAT CRUCIAL EVIDENCE OF PETITIONER...BE ADMITTED.[6]

Petitioner, now admitting the procedural error committed by her former counsel, implores the Court to relax the Rules to afford her an opportunity to fully ventilate her appeal on the merits and requests the Court to endorse and transmit the records of the cases to the Sandiganbayan in the interest of substantial justice.

Section 2 of Rule 50 of the Rules of Court provides:

SEC. 2. Dismissal of improper appeal to the Court of Appeals. x x x.

An appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall

be dismissed outright. (emphasis and underscoring supplied)

That appellate jurisdiction in this case pertains to the Sandiganbayan is clear. Section 4 of Presidential Decree No. 1606,[7] as amended by Republic Act No. 8249, so directs:[8]

Sec. 4. Jurisdiction. - The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving:

x x x x

In cases where none of the accused are occupying positions corresponding to Salary Grade `27' or higher, as prescribed in the said Republic Act No. 6758, or military and PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders of regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided. x x x (emphasis, italics and underscoring supplied).

Since the appeal involves criminal cases, and the possibility of a person being deprived of liberty due to a procedural lapse militates against the Court's dispensation of justice, the Court grants petitioner's plea for a relaxation of the Rules.

For rules of procedure must be viewed as tools to facilitate the attainment of justice, such that any rigid and strict application thereof which results in technicalities tending to frustrate substantial justice must always be avoided.[9]

In *Ulep v. People*,[10] the Court remanded the case to the Sandiganbayan when it found that

x x x petitioner's failure to designate the proper forum for her appeal was inadvertent. The omission did not appear to be a dilatory tactic on her part. Indeed, petitioner had more to lose had that been the case as her appeal could be dismissed outright for lack of jurisdiction - which was exactly what happened in the CA.

The trial court, on the other hand, was duty bound to forward the records of the case to the proper forum, the Sandiganbayan. It is unfortunate that the RTC judge concerned ordered the pertinent records to be forwarded to the wrong court, to the great prejudice of petitioner. Cases involving government employees with a salary grade lower than 27 are fairly common, albeit regrettably so. The judge was expected to know and should have known the law and the rules of procedure. He should have known when appeals are to be taken to the CA and when they should be forwarded to the Sandiganbayan. He should have conscientiously and carefully observed this responsibility specially in cases such as this where a person's liberty was at stake. (emphasis and underscoring supplied)

The slapdash work of petitioner's former counsel and the trial court's apparent ignorance of the law effectively conspired to deny petitioner the remedial measures to question her conviction.[11]

While the negligence of counsel generally binds the client, the Court has made exceptions thereto, especially in criminal cases where reckless or gross negligence of counsel deprives the client of due process of law; when its application will result in outright deprivation of the client's liberty or property; or where the interests of justice so require. [12] It can not be gainsaid that the case of petitioner can fall under any of these exceptions.

Moreover, a more thorough review and appreciation of the evidence for the prosecution and defense as well as a proper application of the imposable penalties in the present case by the Sandiganbayan would do well to assuage petitioner that her appeal is decided scrupulously.

WHEREFORE, the assailed Resolutions of the Court of Appeals in CA-G.R. CR No. 29514 are SET ASIDE. Let the records of the cases be FORWARDED to the Sandiganbayan for proper disposition.

The Presiding Judge of Branch 20, Henedino P. Eduarte, of the Cauayan City Regional Trial Court is warned against committing the same procedural error, under pain of administrative sanction.

SO ORDERED.

Brion, Bersamin, Abad,[*] and Villarama, Jr., JJ., concur.

[*] Additional member per Special Order No. 838 dated May 17, 2010.

[1] CA rollo, p. 12-13.

[2] Id. at 14-17.

[3] Penned by Judge Henedino P. Eduarte.

[4] Rollo, pp. 46-50. Penned by then CA Presiding Justice (now a retired member of the Court) Ruben T. Reyes with Associate Justices Mario L. Guariña III and Japar B. Dimaampao concurring.

[5] Id. at 52-55.

[6] Id. at 23-24.

[7] Creating a Special Court To Be Known As "Sandiganbayan" and for Other Purposes.

[8] An Act Further Defining the Jurisdiction of the Sandiganbayan.

[9] De Guzman v. Sandiganbayan, G.R. No. 103276, 256 SCRA 171, 179 (1996).

[10] G.R. No. 183373, January 30, 2009, 577 SCRA 600.

[11] By Order of July 5, 2004 the RTC approved the Notice of Appeal and directed the branch clerk of court to

...transmit the entire record of the instant case with all the pages prominently and consecutively numbered, together with an index of the contents thereof, the original and duplicate copies of the transcript of stenographic notes of the testimonies of the witnesses and the exhibits of the parties, to the Court of Appeals for further proceedings. (emphasis and underscoring supplied).

[12] Vide: Sarraga, Sr. v. Banco Filipino Savings and Mortgage Bank, G.R. No. 143783, 442 Phil. 55 (2002).

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