

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN DEL ROSARIO Y VICENTE, ARTHUR CAÑEDO Y REYES, ABNER PERALTA AND JESUS GARCIA @ &#8220;TUPAK&#8221;; ACCUSED,**

*G.R. Nos. 107297-98. December 19, 2000*

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-107297-98/>

---

**QUISUMBING, J.:**

By filing forged bail bonds,[1] appellants are considered not merely to have jumped bail, but for all intents and purposes to have escaped from detention. Hence, their pending appeal should be dismissed, subject to the filing of the proper criminal cases against the parties responsible therefor.

The antecedents of this case are as follows:

Appellants Peralta and Garcia were charged as principals and appellant Del Rosario as an accomplice in Criminal Case No. 87-12132-P before the Regional Trial Court of Pasay City, Branch 115, for the murder of Bennet Begaso y Cruz. Appellants Peralta and Garcia were likewise charged as principals and appellant Del Rosario and accused Cañedo as accessories in the crime of theft for taking away the Armalite rifle of said victim in Criminal Case No. 87-12133 before the same court.[2]

After trial, on June 16, 1989, the trial court rendered a joint decision[3] finding appellants Peralta and Garcia guilty as principals and Del Rosario as an accomplice in the crime of murder, while Cañedo was acquitted. Likewise both Peralta and Garcia were found guilty as principals and appellants Cañedo and Del Rosario as accessories in the crime of theft. The dispositive portion of the decision reads:

All the premises considered, judgment is rendered finding the accused Jesus Garcia and Abner Peralta guilty beyond reasonable doubt as principals and Edwin del Rosario as accomplice (sic) of the crime of Murder as defined and penalized under Art. 248 in relation to Arts. 16 and 18 of the Revised Penal Code, and applying the indeterminate sentence law with no qualifying circumstance present, the Court sentences Jesus Garcia and Abner Peralta the penalty of prision mayor maximum to reclusion temporal medium or, Ten (10) years and One (1) day, to seventeen (17) years and Four (4) months and Edwin del Rosario, prision correccional maximum to prision mayor medium or Four (4) (sic), Two (2) Months, One (1) day to Ten (10) Years, with all the accessory penalties provided by law and further, they, Jesus Garcia and Abner Peralta are likewise found guilty beyond reasonable doubt as principals and Edwin del Rosario and Arthur Cañedo as accessory after the fact of the crime of theft with no qualifying circumstance present, sentences Jesus Garcia and Abner Peralta the penalty of prision mayor, minimum and medium or Six (6) years One (1) day to Ten (10) Years, and Edwin del Rosario and Arthur Cañedo, arresto mayor, medium of Four (4) months, with all the accessory penalties provided by law, ordering them to indemnify the heirs of Bennet Begaso P30,000.00 for his death, and the Government P12,800.00 the value of the stolen firearms, and pay their proportionate shares in the proceedings.

For insufficiency if (sic) the evidence Arthur Cañedo is acquitted of the charge of Murder.[4]

Accused Cañedo applied for and was granted probation. Appellants Peralta, Garcia and Del Rosario appealed to

the Court of Appeals.

On May 27, 1992, the Court of Appeals rendered a decision[5] affirming the conviction of appellants Peralta and Garcia as principals and Del Rosario as an accomplice in the crime of murder, but increased their respective penalties. In the theft case, the CA acquitted Peralta and Garcia but convicted Del Rosario as an accessory. The CA decision reads:

WHEREFORE, the appealed judgment is:

- AFFIRMED insofar as the conviction of accused-appellants Jesus Garcia and Abner Peralta, as principals in the commission of the crime of murder in Criminal Case No. 87-12132, of accused Edwin del Rosario as accomplice in the crime of murder in (Criminal Case No. 87-12132) and as accessory after the fact in the crime of theft, in Criminal Case No. 87-12133, are concerned;

- REVERSED insofar as accused-appellants Jesus Garcia and Abner Peralta are concerned. They are hereby ACQUITTED in Criminal Case No. [87]-12133 of the crime of Theft for lack of evidence to sustain a conviction;

- MODIFIED insofar as the penalties are concerned, to wit:

a) Accused-appellants Jesus Garcia and Abner Peralta are penalized to suffer imprisonment of reclusion perpetua in Criminal Case No. 87-12132, as principals in the commission of the crime of Murder under Article 248 of the Revised Penal Code;

b) Accused-appellant Edwin del Rosario, as accomplice in the crime of Murder in Criminal Case No. 87-12132, is penalized to suffer imprisonment, after applying the Indeterminate Sentence Law, without any aggravating or mitigating circumstance, for a period of six (6) years and one (1) day of prision mayor as the MINIMUM to twelve (12) years and one (1) day of reclusion temporal as the MAXIMUM; and, in Criminal Case No. 87-[1]2133, as accessory after the fact of the commission of the crime of Theft under Article 309 of the Revised Penal Code, to suffer imprisonment for a period of two (2) months and one (1) day of arresto mayor;

c) As to the civil aspect in Criminal Case No. 87-[1]2132 - ordering accused-appellants to indemnify the heirs of the deceased Bennet Bagaso the amount of P50,000.00.

However, instead of entering judgment in CR-08477 (Crim. Case No. 87-12132) and pursuant to Section 13, Rule 124 of the Rules on Criminal Procedure, as amended, let the entire records of the said case be certified and elevated to the Honorable Supreme Court for review.[6]

Since the penalty of reclusion perpetua was imposed on two of the accused, we accepted the elevation to us of the CA decision. Pending our review, however, it was discovered that the personal bail bonds (SICI Nos. 00-445 and 151-88) posted by appellants Peralta and Garcia allegedly issued by the Stronghold Insurance Company Inc. (SICI) were forged documents. Hence, on August 30, 1993, this Court resolved to issue warrants of arrest against appellants Peralta and Garcia.[7] Said appellants were arrested and are presently detained at the Bureau of Corrections in Muntinlupa City.[8]

Subsequently, upon the initiative of the brother of the victim, it was also discovered that the Personal Bail Bond No. JCR (2) - 20153 - (P150,000.00) issued by Mantruste Insurance Corporation in favor of appellant Del Rosario was likewise a forged document. The National Bureau of Investigation confirmed that the bail bond issued to Del Rosario "was not genuine."

Hence, in the Resolution[9] dated March 24, 1999, the Court resolved to issue a warrant of arrest against appellant Del Rosario for having filed a forged bail bond. The Philippine National Police, through the Office of the Legal

Service of the PNP, Camp Crame, Quezon City, caused the immediate implementation by the Criminal Investigation and Detection Group the said warrant. On June 14, 1999, Atty. Romeo L. Lesondra (MNSA), Director of the Office of Legal Service of the PNP, caused the return of the warrant stating that appellant Del Rosario could not be located as his whereabouts are unknown and that the PNP undertakes to continue investigating and monitoring the appellant's whereabouts.[10]

The Court, before acting further on the review of the appellants' convictions, must rule on the effects of the discovery of the forged or "fake" bail bonds on these cases.

The power of review of the Supreme Court over criminal cases is delineated in Section 5 of Article VIII of the 1987 Constitution, which provides:

Sec. 5. The Supreme Court shall have the following powers:

...

(2) Review, revise, reverse, modify or affirm on appeal, or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

...

(d) All criminal cases in which the penalty imposed is reclusion perpetua or higher. (underlining supplied)

The manner of review is provided in the Rules of Court duly promulgated by the Supreme Court pursuant to its rule-making power under Section 5, No. 5 of Article VIII of the Constitution. With respect to appeals, the Rules of Court provides for the procedural requirements pertaining to the filing of appellant's brief, appellee's briefs, the periods for filing, and the grounds for dismissal thereof and the like. In this connection, Section 8, of Rule 124 of the Rules on Criminal Procedure[11] provides for the grounds for dismissal of appeals -

Sec. 8. Dismissal of appeal for abandonment or failure to prosecute. - The appellate court may, upon motion of the appellee or on its own motion and notice to the appellant, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except in case the appellant is represented by a counsel de oficio.

The court may also, upon motion of the appellee or on its own motion, dismiss the appeal if the appellant escapes from prison or confinement or jumps bail or flees to a foreign country during the pendency of the appeal.

Under the second paragraph thereof, the escape from prison or confinement, the act of jumping bail, or fleeing to a foreign country of the appellant results in the outright dismissal of his appeal. The reason for this rule is that by his acts, appellant loses his standing in court; and unless he surrenders or submits to the jurisdiction of the court he is deemed to have waived any right to seek relief from the court.[12] The use of the word "may" however, implies that certain exceptions exist. Thus, in cases involving capital punishment, the escape of the appellant does not preclude the exercise of the review jurisdiction of the Court. Automatic review being mandatory, it is not only the power of the Court but a duty to review all death penalty cases.[13] Where the appellant jumped bail and the dismissal of the case will benefit the accused, the Court will likewise continue to exercise jurisdiction over the case to avoid a mockery of justice.[14]

In *People v. Ramos*,[15] we held that an accused who files a "fake" bail bond is considered not merely to have jumped bail but, for all intents and purposes, to have escaped from detention. Thus, we explained:

Being the parties directly benefited by the issuance of the bail bonds and the orders of release, the accused were then co-conspirators in the irregular and illegal procurement of the bail bonds and the issuance of the orders of release. The conclusion is inevitable that the accused submitted fake bail bonds to gain freedom from

detention. Thus, the accused did not merely "jump" bail; for all legal intents and purposes, they escaped from detention.

In this case, by filing fake bail bonds, appellants are deemed to have escaped from confinement even while their respective appeals were pending before the CA. In the normal course of things, their appeals should have been dismissed by the CA. However, this was not possible because the fake bail bonds of appellants were discovered only after the CA had already affirmed, reversed or modified their sentences. Hence, to revert to the sentences imposed by the trial court would result in the absurdity that by filing fake bonds, appellants would enjoy the lower sentences imposed by the trial court. To avoid this blatant mockery of justice, we deem it proper for the Court of Appeals to have continued to exercise jurisdiction over their appeals. Appellants having mocked and trumped the judicial process by filing fake bail bonds, they must be considered to have waived or forfeited their right to further review of the decisions of the trial court and the Court of Appeals, respectively. In our view, the appellate court's decision should now stand undisturbed, though appellants Garcia and Peralta would benefit by their acquittal in Criminal Case No. 87-12133 of the crime of theft but the penalties imposed on concerned appellants in Criminal Case No. 87-12132 for murder have been duly modified by the appellate court.

ACCORDINGLY, the decision of the Court of Appeals dated May 27, 1992, is **AFFIRMED**. Appellants Jesus Garcia and Abner Peralta are declared guilty of murder as principals and penalized to suffer the penalty of reclusion perpetua in Crim. Case No. 87-12132. But they are acquitted of the charge of theft in Crim. Case No. 87-12133. Appellant Edwin del Rosario is also declared (a) guilty as an accomplice in the crime of murder in Crim. Case No. 87-12132 and penalized to suffer imprisonment for a period of six (6) years and one (1) day of prision mayor as MINIMUM to twelve (12) years and one (1) day of reclusion temporal as MAXIMUM; and (b) guilty in Crim. Case No. 87-12133 as accessory after the fact in the crime of theft, for which he is sentenced to two (2) months and one (1) day of arresto mayor. Finally, as ordered by appellate court, the appellants must pay jointly and solidarily the heirs of the murder victim, Bennet Begaso, the amount of P50,000.00 as civil indemnity.

The National Bureau of Investigation is hereby **DIRECTED** to conduct a thorough investigation on the submission of fake bail bonds allegedly issued by Stronghold Insurance Company Inc. (SICI) and Mantruste Insurance Corporation, and submit its recommendations thereon within three (3) months from receipt of copy of this decision, and to initiate criminal proceedings against the persons responsible therefor, if proper. They are also urged to use all means possible for the immediate arrest of convict Edwin del Rosario.

### **SO ORDERED.**

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

---

[1]Bail bond dated July 28, 1987 for del Rosario, Rollo, p. 104; bail bond filed March 16, 1988 for Peralta, Rollo, p. 4; and bail bond filed March 3, 1988 for Garcia, Rollo, p. 5.

[2]CA Records, pp. 4-4C. The Information for Murder was dated July 27, 1987, and the Second Amended Information for Theft was dated December 10, 1987.

[3]Id. at 5-5G.

[4]Id. at 5F-5G only.

[5]Id. at 68-90.

[6]Id. at 89-90 only.

[7]Rollo, pp. 29-30.

[8]Id. at 39, 43.

[9]Id. at 305-306.

[10]Id. at 156-157.

[11]Sec. 8, 2nd par. of Rule 124 in relation to Section 1 of Rule 125 of the 2000 Rules on Criminal Procedure.

[12]People v. Mapalao, 197 SCRA 79, 87-88 (1991).

[13]People v. Esparas, 260 SCRA 539, 551 (1996).

[14]People v. Araneta, 300 SCRA 80, 89-90 (1998).

**[15]222 SCRA 557, 570 (1993).**

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.