



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
Quezon City

**FOURTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

**Criminal Case No. 26115,**

For: Homicide defined and penalized under  
Article 249, in relation to Article 17 of the  
Revised Penal Code (RPC)

-versus-

**REYNOLAN T. SALES,  
CELSO A. RAGUDO,  
ALFONSO D. CARIAGA,  
WILLIAM S. QUIAMAS, and  
EDUARDO A. LORENZO,**  
*Accused.*

Present:

**QUIROZ, J., Chairperson  
CRUZ, J.  
JACINTO, J.**

Promulgated on:

MAR 21 2019 *[Signature]*

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**RESOLUTION**

**CRUZ, J.**

Before this Court are the (1) Motion for Partial Reconsideration (Re: Resolution dated 14 December 2018) dated 20 January 2019 of accused Reynolan T. Sales (Sales); and the (2) Prosecution's Manifestation dated 28 January 2019.

In his motion, accused Sales assails this Court's Resolution dated 14 December 2018, which partially granted the prosecution's Motion for Reconsideration dated 30 October 2018, praying for the cancellation of his bail pending appeal. He avers that the prosecution's previously filed *Omnibus Motion to Cancel Bail Bond and Passport* dated 17 July 2018, was nothing but a "lapsed" motion for reconsideration, explaining that the Court's order allowing him to post bail pending appeal became final on 21 July 2018, or fifteen (15) days after the promulgation of this Court's judgment dated 06 July

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2018. He asserts that the prosecution's motion for reconsideration merely reiterated its previous omnibus motion, "parroting" what was already denied and failed to present evidence to support its grounds. In essence, he still insists that the prosecution's motion did not establish any of the bail negating circumstances provided in the Rules of Court ("Rules"). In addition, he also points out that the prosecution failed to follow the three-day notice rule stated under the same Rules. Thus, he concludes that the Court should not have granted the prosecution's motion since there is no justifiable reason to cancel of his bail pending appeal.

In its Manifestation, the prosecution announces that the jurisdiction over the present case was transferred to the Supreme Court by reason of the filing of accused Sales' Notice of Appeal. The prosecution states, among others, that the Court's authority to decide on the motion was lost upon perfection of the accused's Notice of Appeal, while its residual powers were gone after the entire records of the case has been transmitted to the Supreme Court. Therefore, any prayer for relief made by accused Sales before this Court is improper. Moreover, the prosecution also contends that accused Sales lacked the personality to seek relief from this Court because he refused to submit himself to the jurisdiction thereof. Citing jurisprudence, the prosecution clarifies that the accused must first be placed in the custody of the law before the court can validly act on any petition for judicial relief. Here, the prosecution declares that accused Sales remained at large and has evaded the service of the Warrant of Arrest issued against him. Hence, it would be inappropriate to grant bail to someone who is free, considering that the purpose of bail is to secure one's release from the custody of the law. Finally, the prosecution underscores accused Sales' evasion of the service of the issued Warrant of Arrest as a strong indication of the fact that he is a flight-risk hence, he does not deserve this Court's liberal treatment.

The motion must be denied for lack of jurisdiction.

The Court's exercise of residual jurisdiction after the filing of the notice of appeal but prior to the transmittal of the original records on appeal is recognized under Section 9, Rule 41 of the Rules of Court, to wit:

Section 9. *Perfection of appeal; effect thereof.*

xxx In appeals by notice of appeal, the court loses jurisdiction over the case upon the perfection of appeals filed in due time and the expiration of the time to appeal of the other parties.

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X ----- X

In appeals by records on appeal, the court loses jurisdiction only over the subject matter thereof upon the approval of the records on appeal filed in due time and the expiration of the time to appeal of the other parties.

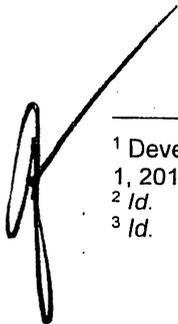
In either case, prior to the transmittal of the original record or the record on appeal, the court may issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal, approve compromises, permit appeals of indigent litigants, order execution pending appeal in accordance with Section 2 of Rule 39, and allow withdrawal of the appeal. xxx”

Notably, jurisprudence instructs that the "residual jurisdiction" of the trial court is available at a stage in which the court is normally deemed to have lost jurisdiction over the case or the subject matter involved in the appeal.<sup>1</sup> This stage is reached upon the perfection of the appeals by the parties or upon the approval of the records on appeal, but prior to the transmittal of the original records or the records on appeal.<sup>2</sup> In either instance, the trial court still retains its so-called residual jurisdiction to issue protective orders, approve compromises, permit appeals of indigent litigants, order execution pending appeal, and allow the withdrawal of the appeal.<sup>3</sup>

Here, the Court no longer has residual jurisdiction when accused Sales filed his motion on 23 January 2019 because the original records of the case has already been transmitted to the Supreme Court on 27 December 2018. In other words, the Court ceased to exercise its residual jurisdiction on 27 December 2018, upon the transmittal of the original records of the case to the Supreme Court. Consequently, this Court has no jurisdiction to resolve accused Sales' motion filed on 23 January 2019.

**WHEREFORE**, premises considered, accused Reynolan T. Sales' Motion for Partial Reconsideration (Re: Resolution dated 14 December 2018) dated 20 January 2019, is hereby **DENIED** for lack of jurisdiction.

**SO ORDERED.**

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<sup>1</sup> Development Bank of the Philippines vs. Hon. Emmanuel C. Carpio, et al. (G. R. No. 195450, February 1, 2017)

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

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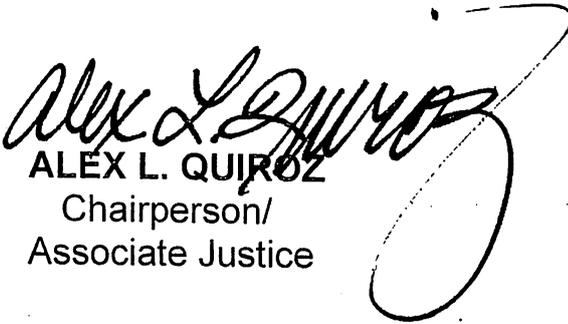


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**REYNALDO P. CRUZ**  
Associate Justice

We Concur:



**ALEX L. QUIROZ**  
Chairperson/  
Associate Justice



**BAYANI H. JACINTO**  
Associate Justice