



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on **March 12, 2019**

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Associate Justice
HON. KARL B. MIRANDA.....Associate Justice
HON. KEVIN NARCE B. VIVERO.....Associate Justice

The following resolution was adopted:

SB-19-A/R-0002 –

PEOPLE vs. RASUL PANGANDAMUN and JAMAISA MARABUR

This Court resolves to dismiss the appeal of accused-appellants Jamaica Marabur and Rasul Pangandamun, assailing the Decision dated September 28, 2015 and the Order dated September 2, 2016 of the Regional Trial Court (RTC) in Lanao del Sur, Twelfth (12th) Judicial Region, Branch 8, Marawi City. Said Decision found them guilty beyond reasonable doubt of violation of Sec. 3(e) of Republic Act No. 3019, and said Order denied the accused-appellants' motions for reconsideration.

In their respective Notices of Appeal, both accused-appellants, through the Public Attorney's Office, signified their intention to appeal the said Decision and Order to the Court of Appeals. In the Order dated May 24, 2016, the RTC granted said accused-appellants' respective Notices of Appeal and forwarded the complete records of the case to the Court of Appeals (CA).

The CA, in its Decision dated May 10, 2018, dismissed their appeal for lack of jurisdiction. Thereafter, accused-appellants moved for reconsideration, claiming that the appellate court was erroneously indicated as "Court of Appeals" instead of "Sandiganbayan" through inadvertence. The CA, in its Resolution dated September 7, 2018, then granted accused-appellants' Motion for Reconsideration, set aside its Decision dated May 10, 2018, and directed the JRD-Criminal Records to forward the records of the case to the Sandiganbayan for proper disposition.

In *Torres v. People*,¹ therein petitioner inadvertently indicated in his notice of appeal that he would appeal the RTC's decision to the CA, instead of the Sandiganbayan. After the CA dismissed the appeal for lack of jurisdiction,

¹ G.R. No. 175074, August 31, 2011

he elevated the matter to the Supreme Court, imploring the High Court to relax the procedural rules and decide the case on the merits. The Supreme Court declared that although the designation of the wrong court does not necessarily affect the validity of the notice of appeal, the designation of the proper court should be made within the 15-day period to appeal. viz.:

It must be emphasized, however, that the designation of the wrong court does not necessarily affect the validity of the notice of appeal. However, the designation of the proper court should be made within the 15-day period to appeal. Once made within said period, the designation of the correct appellate court may be allowed even if the records of the case are forwarded to the Court of Appeals. Otherwise, Section 2, Rule 50 of the Rules of Court would apply, the relevant portion of which states:

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.

In the case at bar, petitioner sought correction of the error in filing the appeal way beyond the expiration of the period to appeal the decision. The RTC promulgated its Decision on August 31, 2005. Petitioner filed his Notice of Appeal on September 8, 2005. Petitioner tried to correct the error only on February 10, 2006 when he filed his Manifestation and Motion. Clearly, this is beyond the 15-day period to appeal from the decision of the trial court. Therefore, the CA did not commit any reversible error when it dismissed petitioner's appeal for lack of jurisdiction.

Similarly, herein accused-appellants sought to correct the erroneous filing of the appeal only in their Motion for Reconsideration of the CA's Decision dated May 10, 2018. It is apparent that the 15-day period to appeal had already lapsed, the assailed Order having been promulgated way back in 2016.

In view of the foregoing, the appeal is hereby **DISMISSED** for having been improperly filed.

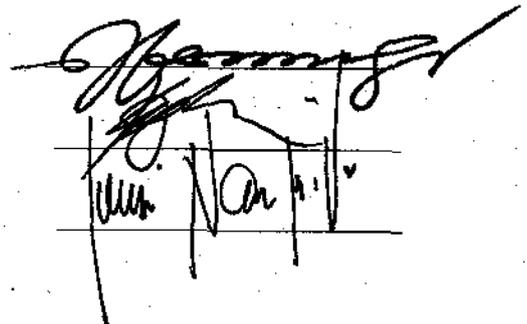
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.

VIVERO, J.

A handwritten signature in black ink is written over a horizontal line. Below the signature, there is a date stamp that reads "Mar 11 2019".