



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

**SIXTH DIVISION**

MINUTES of the proceedings held on **April 25, 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-0005** –

**PEOPLE vs. ERLINDA L. TALUA**

This Court resolves to dismiss the appeal of accused-appellant Erlinda L. Talua, assailing the Decision dated November 16, 2018 of the Regional Trial Court (RTC), 11th Judicial Region, Branch 10, Davao City, finding her guilty beyond reasonable doubt of violation of Sec. 3(e) of Republic Act No. 3019.

In her Notice of Appeal<sup>1</sup> filed with the RTC on December 21, 2018, the accused-appellant, through counsel, signified her intention to appeal the said Decision to the Court of Appeals (CA). In the Order dated January 3, 2019, the RTC ordered that the entire original records of the case be forwarded to the CA.

In her *Motion to Correct Notice of Appeal with Issuance of Order to Forward Record to Sandiganbayan*,<sup>2</sup> filed with the RTC on February 4, 2019 and before the RTC transmitted the records of the case to the CA, accused-appellant moved for the issuance of an order to correct the Notice of Appeal from “Court of Appeals” to “Sandiganbayan,” and for the issuance of another order to forward the record of the case to the Sandiganbayan.

In the Order dated February 18, 2019, the RTC granted accused-appellant’s Motion and ordered that the records of the case be forwarded to the Sandiganbayan.

In *Torres v. People*,<sup>3</sup> 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, he elevated the matter to the Supreme Court, imploring the High Court to relax

<sup>1</sup> Dated December 20, 2018

<sup>2</sup> Dated February 4, 2019

<sup>3</sup> G.R. No. 175074, August 31, 2011

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-appellant sought to correct the erroneous filing of the appeal only on February 4, 2019, when she filed her *Motion to Correct Notice of Appeal with Issuance of Order to Forward Record to Sandiganbayan*. It is apparent that the 15-day period to appeal had already lapsed, the assailed Decision having been promulgated on December 12, 2018.

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.

