



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-19-A/R-0005
Plaintiff-Appellee,

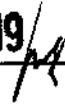
- versus -

ERLINDA L. TALUA,
Accused-Appellant.

Present

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

SEP 05 2019 

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RESOLUTION

FERNANDEZ, SJ, J.

In the Resolution dated April 25, 2019,¹ this Court dismissed the appeal of accused-appellant Erlinda L. Talua for having been improperly filed.

In her *Motion for Reconsideration*,² accused-appellant prays that this Court reconsider said Resolution. She avers:

1. Considering that her liberty is at stake, and her failing health condition due to old age, her case should be given a fair and thorough review.
2. It is true that she designated the wrong court in her Notice of Appeal. However, the rectification was done prior to the transmittal of the records to the Court of Appeals (CA).

¹ Record, pp. 45-46

² Dated June 7, 2019; Record, pp. 50-56



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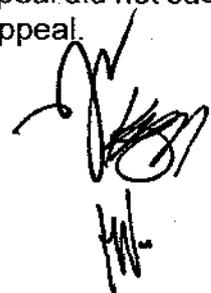
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3. In *Dizon v. People*,³ citing *Ulep v. People*,⁴ the Supreme Court remanded the case to the Regional Trial Court (RTC) for transmission to the Sandiganbayan, notwithstanding the fact that the appeal was erroneously taken to the CA. It considered the following circumstances:
 - a. Therein petitioner tried to rectify the error by filing a Motion to Endorse, which was denied by the CA.
 - b. Such motion was filed within the extended period to appeal granted by the CA.
 - c. The CA granted therein petitioner's motions for extension, and thereby, gave the impression that it had jurisdiction over the appeal.
 - d. Therein petitioner raised substantial arguments in his appeal.
4. Here, her Motion to Correct was filed much earlier than the Motion to Endorse in *Dizon*. Her Motion to Correct, which was granted by the RTC, is equivalent to the Motion to Endorse in *Dizon*.

In its *Comment on the Motion for Reconsideration*,⁵ plaintiff-appellee counters:

1. A notice of appeal should be filed within the period to appeal, and shall indicate the parties to the appeal, specify the judgment or final order or part thereof appealed from, specify the court to which the appeal is being taken, and shall state the material dates showing the timeliness of the appeal.
2. In a string of cases, the Supreme Court has held that the failure to indicate or specify, in the notice of appeal, the aforementioned information, will not automatically render it invalid, provided that the correction is made within the 15-day period to appeal.
3. Accused-appellant failed to correct the designation of the wrong court in her Notice of Appeal within the 15-day period to appeal. Thus, the filing of the defective Notice of Appeal did not suspend or toll the running of the 15-day period to appeal.



³ G.R. No. 227577, January 24, 2018

⁴ G.R. No. 183373, January 30, 2009

⁵ Dated July 8, 2019; Record, pp. 66-71

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4. When the accused-appellant filed her Motion to Correct Notice of Appeal, the period for appeal had already lapsed, and the RTC's Decision had already become final.
5. The right to appeal is neither a natural right nor a part of due process. It is merely a statutory privilege which may be exercised only in the manner provided for by law.

THE COURT'S RULING

The Court resolves to grant the accused-appellant's Motion for Reconsideration.

The Supreme Court has held that the designation of the proper court should be made within the 15-day period to appeal.

In *Moll v. Buban*,⁶ it was held:

We emphasize, however, that the correction in designating the proper appellate court should be made within the 15-day period to appeal. Once made within the 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, x x x

This was reiterated in *Arriola v. Sandiganbayan*.⁷ To wit:

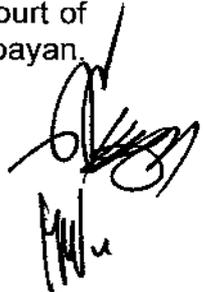
Before going into the merits of the case, we must first resolve the procedural issue of whether the Sandiganbayan correctly dismissed the appeal. The Sandiganbayan anchored its dismissal on this Court's pronouncement in *Moll v. Buban* that the designation of the wrong court does not necessarily affect 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 the 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:

x x x

In this case, the records had been forwarded to the Court of Appeals which endorsed petitioners' appeal to the Sandiganbayan.

⁶ G.R. No. 136974, August 27, 2002

⁷ G.R. No. 165711, June 30, 2006



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However, petitioners failed to designate the proper appellate court within the allowable time.

We cannot fault the Sandiganbayan for dismissing the appeal outright for it was merely applying the law and existing jurisprudence on the matter. Appeal is not a vested right but a mere statutory privilege; thus, appeal must be made strictly in accordance with provisions set by law. Section 2, Rule 50 clearly requires that the correction in designating the proper appellate court should be made *within* the 15-day period to appeal.

Finally, in *Torres v. People*,⁸ it was held:

Paragraph 3, Section 4(c) of Republic Act No. 8249 (RA 8249), which defined the jurisdiction of the Sandiganbayan, provides:

The *Sandiganbayan* shall exercise **exclusive appellate jurisdiction** over final judgments, resolutions or orders of the regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.

Hence, upon his conviction, petitioner's remedy should have been an appeal to the Sandiganbayan. There is nothing in said paragraph which can conceivably justify the filing of petitioner's appeal before the Court of Appeals instead of the Sandiganbayan. Clearly, the Court of Appeals is bereft of any jurisdiction to review the judgment petitioner seeks to appeal.

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 the 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:

x x x

However, in the more recent case of *Dizon v. People*,⁹ the Supreme Court held that therein petitioner's Motion to Endorse, filed before the Court of Appeals (CA), should be granted, and directed the CA to remand the records of the case to the Regional Trial Court (RTC) for transmission to the Sandiganbayan. It was held:

⁸ G.R. No. 175074, August 31, 2011

⁹ *Supra*. Note 3



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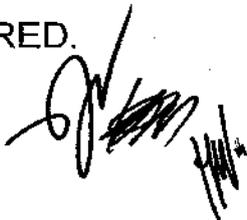
Indeed, the Court finds no reason why the same ruling should not be made in this case. As earlier mentioned, petitioner duly filed his appeal before the RTC, absent any indication that his case be appealed to either the CA or the *Sandiganbayan*. As noted in *Ulep*, since cases involving government employees with a salary grade lower than 27 are fairly common, the RTC was expected to know that petitioner's case should have been appealed to the Sandiganbayan. Unfortunately, the records were wrongly transmitted by the RTC to the CA. Petitioner, however, took the liberty to rectify this error by filing the Motion to Endorse, which the CA nonetheless denied pursuant to Section 2, Rule 50 of the Rules of Court. The CA faulted petitioner for belatedly moving for the endorsement of the case, as the motion was not filed within the original fifteen (15)-day period to appeal. However, it should be pointed out that the said motion was duly filed within the extended period to appeal, which period the CA itself granted. In fact, it remains apparent that the CA, by granting his motions for extension, had already given petitioner the impression that it had jurisdiction over his appeal. Hence, all things considered, the Court finds that petitioner's filing of the Motion to Endorse beyond the original fifteen (15)-day period – much more the erroneous transmittal of the case to the CA by the RTC – should not be taken against him, else it result in the injudicious dismissal of his appeal.

(underscoring supplied)

Herein accused-appellant erroneously indicated in her Notice of Appeal that she intended to appeal the RTC's Decision to the CA. This Court, however, notes that although accused-appellant filed her *Motion to Correct Notice of Appeal with issuance of Order to Forward Record to Sandiganbayan* beyond the 15-day period to appeal, it was done so before the RTC was able to transmit the records of the case to the CA. Furthermore, pursuant to *Dizon*, the RTC correctly forwarded the records of the case to the Sandiganbayan. Hence, in the interest of substantial justice, and considering the foregoing, this Court finds that the reversal of the Resolution dated April 25, 2019 is warranted.

WHEREFORE, the accused-appellant's Motion for Reconsideration is hereby GRANTED. The Resolution dated April 25, 2019 is SET ASIDE. Accused-appellant is given thirty (30) days from receipt of this Resolution within which to file her brief. Plaintiff-appellee is similarly given thirty (30) days from receipt of accused-appellant's brief to file its own brief.

SO ORDERED.



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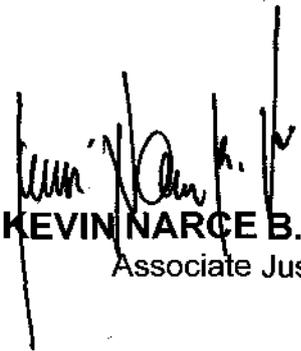
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SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice