



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0762 to 0769

For: Violation of Section 3(c),
R.A. No. 3019, as amended

- versus -

**DATU SAJID ISLAM U. AMPATUAN,
JOHN ESTELITO G. DOLLOSA, JR.,
OSMENA M. BANDILLA,¹
LANDAP P. GUINAID, and
DATU ANDAL U. AMPATUAN,**
Accused.

X ----- X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0770 to 0771

For: Falsification of Public Documents

- versus -

**DATU SAJID ISLAM U. AMPATUAN,
LANDAP P. GUINAID, and
YAHIYA A. KANDONG,**
Accused.

X ----- X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0772 to 0773

For: Falsification of Public Documents

- versus -

**DATU SAJID ISLAM U. AMPATUAN,
LANDAP P. GUINAID, and
PENDI A. ABPET,**
Accused.

X ----- X

¹ In other official documents in the records, the name "Osmena M. Bandilla" is written as "Osmeña M. Bandila."

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0774

For: Falsification of Public Documents

- versus -

DATU SAJID ISLAM U. AMPATUAN,
LANDAP P. GUINAID, and
OMAR B. CAMSA,
Accused.

x ----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0775

For: Falsification of Public Documents

- versus -

DATU SAJID ISLAM U. AMPATUAN,
LANDAP P. GUINAID, and
ANTHONY S. KASAN,
Accused.

x ----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0776

For: Falsification of Public Documents

- versus -

DATU SAJID ISLAM U. AMPATUAN,
LANDAP P. GUINAID, and
AKMAD S. SALIM,
Accused.

x ----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0777

For: Falsification of Public Documents

- versus -

DATU SAJID ISLAM U. AMPATUAN,
LANDAP P. GUINAID, and
JAYPEE P. PIANG,
Accused.

Present:

LAGOS, J., *Chairperson,*
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.

Promulgated:

x ----- x

March 10, 2023
[Signature]

[Signature]

RESOLUTION

CORPUS-MAÑALAC, J.:

Before this Court is the *Motion for Reconsideration*² dated January 28, 2023 filed by accused Datu Sajid Islam U. Ampatuan on January 30, 2023,³ through counsel, seeking a reconsideration of the Decision dated January 13, 2023 which, *inter alia*, found him guilty beyond reasonable doubt of eight counts of violation of Section 3(e) of Republic Act (R.A.) No. 3019,⁴ as amended, and eight counts of falsification of public documents under Article 171, paragraph 4, of the Revised Penal Code, as amended, in Criminal Case Nos. SB-17-CRM-0762 to 0769 and SB-17-CRM-0770 to 0777, respectively.

In support of the motion, the accused-movant argues that, *viz.*: (1) the prosecution failed to prove his guilt beyond reasonable doubt, (2) the prosecution's evidence did not sufficiently establish all the elements for a violation of Section 3(e) of R.A. No. 3019, and (3) the prosecution's evidence did not sufficiently establish all the elements of falsification of public documents under Art. 171, par. 4, of the RPC.

On February 7, 2023, the prosecution filed its *Opposition*⁵ of even date, praying for the denial of the accused-movant's motion for lack of merit, on the grounds that, *viz.*: (1) he is a fugitive from justice; (2) he had lost his standing in court and the remedies available against the judgment of conviction because of his failure to appear during the promulgation of judgment without justifiable cause, despite notice; (3) he had failed to regain such standing due to non-compliance with the requirements therefor under Section 6, Rule 120 of the Rules of Criminal Procedure; and (4) the judgment of conviction had already acquired finality.

RULING

The motion for reconsideration is denied due course.

In a Resolution⁶ dated January 31, 2023, which denied the accused-movant's *Motion (To Reinstate the Right of the Accused to Avail of Post-Conviction Remedies)*⁷ dated January 17, 2023, the Court pronounced that "in view of his failure to appear during the promulgation, despite the denial of his motion to reset, he lost the remedies available to him against the judgment of conviction."⁸

² Records, Vol. 8, pp. 56-78.

³ *Id.* at 79 (via registered mail).

⁴ *Anti-Graft and Corrupt Practices Act.*

⁵ Records, Vol. 8, pp. 86-89.

⁶ *Id.* at 24-33.

⁷ Records, Vol. 7, pp. 484-486.

⁸ Records, Vol. 8, p. 30 (Resolution dated January 31, 2023, p. 7).

In denying the accused-movant's *Motion (To Reinstate the Right of the Accused to Avail of Post-Conviction Remedies)*, the Court ruled that **"he had lost and failed to regain his standing in court."**⁹ The Resolution dated January 31, 2023 partly reads:

The judgment was promulgated in open court as to the other accused, and the Court ordered the arrest of the accused-movant, effectively canceling his bail bond. The Office of the Clerk of Court (OCC) of this Court furnished the *Sandiganbayan* Judicial Records Division (Docket Section) and the accused-movant's counsels of record a copy of the decision, and the judgment was recorded in the Court Docket Criminal Book of the Judicial Records Division and in the Court Decisions/Judgment Book of the OCC of this Court, all on January 13, 2023.

[x x x]. **Thus, in view of his failure to appear during the promulgation, despite the denial of his motion to reset, he lost the remedies available to him against the judgment of conviction.**

Jaylo is instructive on how the accused-movant may regain his standing in court:

It is well to note that Section 6, Rule 120 [x x x] also provides the remedy by which the accused who were absent during the promulgation may reverse the forfeiture of the remedies available to them against the judgment of conviction. **In order to regain their standing in court, the accused must do as follows: 1) surrender and 2) file a motion for leave of court to avail of the remedies, stating the reasons for their absence, within 15 days from the date of the promulgation of judgment.** (Emphasis and underscoring supplied)

Only upon compliance with these requirements, with proof that his absence was for a justifiable cause, that he shall be allowed to avail of the remedies under the Rules of Court within another 15-day period from notice. The term "surrender" contemplates the act by the convicted accused of physically and voluntarily submitting themselves to the jurisdiction of the court to suffer the consequences of the judgment against them. Upon surrender, the accused must request permission of the court to avail of the remedies by making clear the reasons for their failure to attend the promulgation of the judgment of conviction.

However, the accused-movant did not surrender within 15 days from the date of the promulgation of judgment on January 13, 2023. The reason therefor is not difficult to fathom, for he is a fugitive from justice with standing warrants of arrest and prior judgments of conviction rendered by the *Sandiganbayan*.

In Criminal Case Nos. SB-17-CRM-1023, SB-17-CRM-1024, SB-17-CRM-1025 to SB-17-CRM-1080, SB-17-CRM-1090, and SB-17-CRM-1092 to SB-17-CRM-1097, the *Sandiganbayan* Fourth Division convicted the accused-movant in a Decision dated March 22, 2019. In SB-17-CRM-1024, the Fourth Division imposed the penalty of *reclusion perpetua*. On November 7, 2019, the Fourth Division canceled his bail bond and issued a warrant for his arrest. On appeal, the Supreme Court

⁹ *Id.* at 31 (*Id.* at 8).

affirmed his convictions in said cases in *People v. Ampatuan and Abpi, Al Haj*, and denied his motion for review seeking for the reversal of the order canceling his bail bond and ordering his arrest.

In Criminal Case Nos. SB-19-CRM-0012 to SB-19-CRM-0015, SB-19-CRM-0017 to SB-19-CRM-0019, and SB-19-CRM-0020, the *Sandiganbayan* First Division convicted the accused-movant in a Decision dated October 10, 2022. In SB-19-CRM-0017 to SB-19-CRM-0019, the First Division imposed the penalty of *reclusion perpetua* for each of the three counts. On November 7, 2022, the First Division canceled his bail bond and issued a warrant for his arrest.

Both standing warrants of arrest remain unserved to this day.

As for the second requirement, the accused-movant did not file a motion for leave of court. Instead, he merely filed a *Motion (To Reinstate the Right of the Accused to Avail of Post-Conviction Remedies)*. That he attached therewith a notarized medical certificate for his alleged medical condition is of no moment. As this Court pronounced in the Minute Resolution dated January 11, 2023 denying his motion to reset the promulgation of judgment:

To this Court, the issue is not whether the accused-movant has a medical condition at the moment but, rather, it is whether he has the intention to personally appear at the promulgation of judgment in the present cases, if the date therefor is reset, with the certainty of being arrested and incarcerated in view of his conviction in the above-mentioned separate cases.

His motion is silent on the matter. There is not even any mention therein of his conviction by the Fourth Division, much less of the fact that the Supreme Court had already denied his appeal and affirmed his conviction.

In fact, even his present motion does not bother to mention the standing warrants of arrest against him as a result of his prior convictions, much less of any intention to surrender.

To this Court, the real reason for his failure to appear during the promulgation was not his alleged medical condition but, rather, the fact that his personal appearance thereat would lead to his arrest and incarceration because of the standing warrants of arrest against him. The Court finds that he is merely taking refuge under his alleged medical condition, using it as an excuse, and that the lack of any reference to such standing warrants of arrest and prior convictions in the present motion, like in the motion to reset, smacks of bad faith on his part.

Thus, considering the circumstances, the accused-moved failed to prove that his absence during the promulgation of judgment was for a justifiable cause. Therefore, he had lost and failed to regain his standing in court.¹⁰ (Additional emphasis supplied)

¹⁰ *Id.* at 29-31 (*Id.* at 6-8).

In short, the accused-movant *had lost his standing in court*¹¹ as a consequence of his failure to appear, without justifiable cause, at the promulgation of judgment, despite the denial of his motion to reset, and *failed to regain such standing* by not complying with the requirements under Section 6, last paragraph, Rule 120 of the Rules of Criminal Procedure¹² and for failure to prove that his absence was for a justifiable cause.

Without any standing in court, an accused cannot invoke its jurisdiction to seek relief,¹³ and such an accused had lost the remedies available under the Rules of Court against the judgment:

Thus, the accused who failed to appear at the promulgation of the judgment of conviction shall lose the remedies available under the Rules of Court against the judgment—(a) **the filing of a motion for new trial or reconsideration** (Rule 121), and (b) an appeal from the judgment of conviction (Rule 122).¹⁴ (Emphasis supplied)

While present motion was filed on January 30, 2023, or within 15 days from the date of promulgation,¹⁵ it does not operate to regain the standing of the accused-movant in court. As stated in the Resolution dated January 31, 2023:

Only upon compliance with these requirements [under Section 6, Rule 120], with proof that his absence was for a justifiable cause, that he shall be allowed to avail of the remedies under the Rules of Court within another 15-day period from notice. [x x x].¹⁶

Thus, for the reason that the accused-movant had lost his standing in court and failed to regain such standing prior to the filing of the present motion, which is seeking a reconsideration of the judgment of conviction, the motion must perforce be denied due course.

Moreover, the Resolution dated January 31, 2023 was unequivocal in expressing the *finality* of the judgment of conviction as another fatal consequence to the failure to regain the standing in court:

¹¹ See *Jaylo v. Sandiganbayan*, G.R. Nos. 183152-54, 21 January 2015.

¹² Section 6. *Promulgation of judgment*. — [x x x].

x x x x

If the judgment is for conviction and the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these rules against the judgment and the court shall order his arrest. **Within fifteen (15) days from promulgation of judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of said remedies within fifteen (15) days from notice.** (Emphasis supplied)

¹³ *Jaylo v. Sandiganbayan*, *supra* note 11.

¹⁴ *Villena v. People*, G.R. No. 184091, 31 January 2011.

¹⁵ The fifteenth day from the promulgation of judgment on January 13, 2023 fell on January 28, 2023, Saturday, thus the last day of the 15-day period from the date of promulgation may be considered January 30, 2023, Monday, the immediately succeeding business day.

¹⁶ Records, Vol. 8, p. 30 (Resolution dated January 31, 2023, p. 7). See also note 12.

On a final note, another procedural consequence of the failure to regain the standing of the accused in court has been explained in *Jaylo*,

The Sandiganbayan was correct in not taking cognizance of the Motion for Partial Reconsideration filed by counsel for petitioners. While the motion was filed on 30 April 2007, it did not operate to regain the standing of petitioners in court. [x x x].

For the failure of petitioners to regain their standing in court and avail themselves of the remedies against the judgment of conviction, the Decision of the Sandiganbayan attained finality 15 days reckoned from 17 April 2007 [promulgation of judgment.]

and in *Villena v. People*:

It is only upon petitioners' valid surrender, and only after proper motion, that they can avail of the remedy of appeal. Absent compliance with these requirements, their notices of appeal, the initiatory step to appeal from their conviction, were properly denied due course.

x x x x

What is more, the judgment of conviction against petitioners had already acquired finality. Under Section 6, Rule 120 of the Rules of Court, they had only 15 days from the date of promulgation of judgment within which to surrender and to file the required motion for leave of court to avail of the remedies against the judgment. As the judgment was promulgated on September 3, 2007, petitioners had only until September 18, 2007 to comply with the mandatory requirements of the said rule.

Apropos thereto, considering that the judgment of conviction was promulgated on January 13, 2023, the accused-movant had only until January 30, 2023 to comply with the mandatory requirements to surrender and to file the required motion for leave of court to avail of the remedies against the judgment. **Sans the accused-movant regaining his standing in court in these cases, the judgment had acquired finality thereafter.**¹⁷ (Additional emphasis supplied)

To reiterate, the Court holds that the failure of the accused-movant to regain his standing in court rendered the judgment of conviction against him in these cases final and immutable.

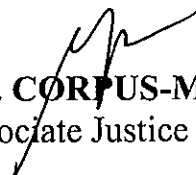
In sum, the motion for reconsideration is denied due course.

WHEREFORE, in light of the foregoing premises, the *Motion for Reconsideration* dated January 28, 2023 of accused Datu Sajid Islam U. Ampatuan is **DENIED DUE COURSE** and is merely **NOTED**. Insofar as he is concerned, the Decision dated January 13, 2023 in these cases is already final and immutable.

SO ORDERED.


¹⁷ *Id.* at 32-33 (*Id.* at 9-10).



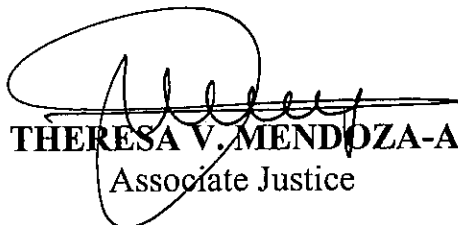


MARYANN E. CORPUS-MAÑALAC
Associate Justice

WE CONCUR:



RAFAEL R. LAGOS
Associate Justice
Chairperson



MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice