



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0942

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

- versus -

DATU SAJID ISLAM U. AMPATUAN,
ET AL.,

Accused.

X ----- X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0943

For: Malversation of Public Funds

- versus -

DATU SAJID ISLAM U. AMPATUAN,
ET AL.,

Accused.

X ----- X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0944 to 0977

For: Falsification of Public Documents

- versus -

DATU SAJID ISLAM U. AMPATUAN,
ET AL.,

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

Accused.

Promulgated:

X ----- July 19, 2023 ----- X
Gerol P. Gigant

RESOLUTION

CORPUS-MAÑALAC, J.:

Before this Court is the *Motion for Reconsideration*¹ dated May 22, 2023 filed by accused Datu Sajid Islam U. Ampatuan, through counsel, on

¹ Records, Vol. 6, pp. 469-479.

May 23, 2023, seeking a reconsideration of the Decision² dated May 5, 2023 that, *inter alia*, found him guilty of violation of Section 3(e) of Republic Act No. 3019³ and malversation of public funds under Article 217 of the Revised Penal Code in Criminal Case Nos. SB-17-CRM-0942 and SB-17-CRM-0943, respectively.⁴

In support of the motion, the accused alleges that the prosecution was not able to prove his guilt beyond reasonable doubt in said cases.

On July 12, 2023, the prosecution filed a *Manifestation with Prayer*⁵ of even date, arguing that the present motion is a mere scrap of paper because the Court, in a Resolution⁶ dated May 29, 2023, already denied the accused's prior *Motion*⁷ dated May 8, 2023 praying that he be allowed to avail of post-conviction remedies and be given fifteen (15) days to file a motion for reconsideration.

RULING

The motion is denied due course.

In a Resolution dated May 29, 2023, which denied the accused's *Motion* dated May 8, 2023, the Court held that *he lost his standing in court* due to his absence during the promulgation of judgment, without justifiable cause, consequently losing the remedies against the judgment of conviction, which was not for a light offense, and *failed to regain such standing* by not complying with the twin requirements under Section 6, last paragraph, Rule 120 of the Rules of Criminal Procedure:

For his failure to appear at the scheduled date of promulgation of judgment despite notice, without any sufficient explanation therefor, accused Ampatuan's absence was without justifiable cause, thus, he had lost the remedies available in the Rules against the judgment of conviction. **He had lost his standing in court.** [x x x].

Where the accused fails to appear at the promulgation of judgment despite notice, without justifiable cause, and the judgment is for conviction,⁸ the accused shall lose the remedies available under the Rules of Court against the judgment—(1) **the filing of a motion for new trial or reconsideration** (Rule 121), and (2) **an appeal from the judgment of conviction** (Rule 122). It is incumbent upon the accused, therefore, to appear at the scheduled date of promulgation of judgment, for such

² *Id.* at 379-452.

³ *Anti-Graft and Corrupt Practices Act.*

⁴ In Criminal Case Nos. SB-17-CRM-0944 to 0977, the Court acquitted accused Ampatuan of the charges for falsification of public documents.

⁵ Unpaginated.

⁶ Records, Vol. 6, pp. 482-492.

⁷ *Id.* at 461-463.

⁸ Except where the conviction is for a light offense, in which case the accused may appear through counsel or representative.

determines the availability of the possible remedies against the judgment of conviction. When the accused on bail fail to present themselves at the promulgation of a judgment of conviction, they are considered to have lost their standing in court. Without any standing in court, the accused cannot invoke its jurisdiction to seek relief.

[x x x x]

The accused shall *only* be allowed to avail of the remedies under the Rules, within a *separate* 15-day period from notice, *after* compliance with these twin requirements, *viz.*: (1) surrender; and (2) file a motion for leave of court to avail of the remedies, with proof that the absence at the promulgation was for a justifiable cause, both within 15 days from promulgation of judgment. In *Jaylo*, the term “**surrender**” means the act of “**physically and voluntarily submitting** [x x x] to the jurisdiction of the court to **suffer the consequences of the judgment.**” Upon surrender, the accused must request permission of the court to avail of the remedies by making clear the reasons for the absence at the promulgation.

However, accused Ampatuan failed to surrender within 15 days from the promulgation of judgment or from May 8, 2023 when the judgment of conviction was recorded in the criminal docket and a copy thereof was served upon his counsels. Neither did he file a motion for leave of court to avail of the remedies under the Rules, with proof that his absence at the promulgation was for a justifiable cause. Instead, he filed the present *Manifestation with Motion*.

[x x x x]

In fine, accused Ampatuan had lost his standing in court as a consequence of his failure to appear, without justifiable cause, at the promulgation of judgment, and he had failed to regain such standing by not complying with the twin requirements under Section 6, last paragraph, of Rule 120. Bereft of standing in court, he cannot invoke its jurisdiction to seek relief.⁹ (Emphasis and italics in the original; citations omitted)

While the present motion was filed on May 23, 2023, or within 15 days from receipt of the judgment of conviction,¹⁰ it does not operate to regain the standing of the accused in court *sans* his compliance with the twin requirements under Section 6, last paragraph, of Rule 120.

Thus, since the accused 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 May 29, 2023 was unequivocal in expressing the *finality* of the judgment of conviction as another fatal consequence of the failure of the accused to regain his standing in court:

⁹ Records, Vol. 6, pp. 488-489, 491.

¹⁰ See *Sabio v. Sandiganbayan*, G.R. No. 253260, 7 December 2021.

Another procedural consequence of the failure of the accused to regain his standing 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. [T]hey 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.

Considering that the judgment of conviction was recorded in the criminal docket and a copy thereof was served upon the accused's counsels on May 8, 2023, he had only until May 23, 2023 to comply with the twin requirements under Section 6, last paragraph, of Rule 120 in order to regain his standing in court. ***Sans the accused regaining his standing in court in these cases, the judgment had acquired finality thereafter.***¹¹ (Additional emphasis supplied)

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

In sum, the motion is denied due course.

WHEREFORE, in light of the foregoing premises, the *Motion for Reconsideration* dated May 22, 2023 of accused Datu Sajid Islam U. Ampatuan is **DENIED DUE COURSE** and is merely **NOTED**. The Decision dated May 5, 2023 is already final and immutable insofar as the said accused is concerned.


SO ORDERED.

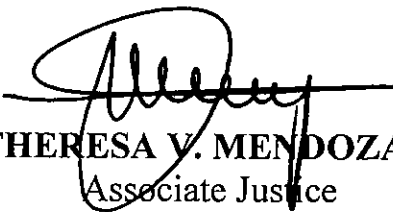

MARYANN E. CORPUS-MAÑALAC
Associate Justice

¹¹ Records, Vol. 6, pp. 491-492.

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WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

