



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 248182

Present:

CAGUIOA, J., *Chairperson,*
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

- versus -

JOVENCIO ALLAN
CIUDADANO y SALCEDA,
Accused-Appellant.

Promulgated:

September 7, 2022

Mis-DCBatt

X ----- X

RESOLUTION

INTING, J.:

This appeal¹ seeks to nullify the Resolution² dated February 13, 2018 of the Court of Appeals (CA), as reiterated in its Resolution³ dated May 28, 2018, which dismissed the appeal of Jovencio Allan Ciudadano y Salceda (accused-appellant) in CA-G.R. CR-HC No. 09686 for failure to file his appellant's brief on time. In a Judgment⁴ dated July 4, 2017, Branch 26, Regional Trial Court (RTC), Naga City found accused-appellant guilty beyond reasonable doubt of violation of Section 5,⁵

¹ See Notice of Appeal and Compliance, *rollo*, pp. 5-6.

² Id. at 3-4. Penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Ramon Paul L. Hernando (now a Member of the Court) and Rafael Antonio M. Santos.

³ CA *rollo*, pp. 190-192.

⁴ Id. at 86-101. Penned by Acting Presiding Judge Pablo Cabillan Formaran III.

⁵ Section 5, Article II of Republic Act No. 9165 provides:

Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer,

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Article II of Republic Act No. (RA) 9165,⁶ otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

The Antecedents

Accused-appellant was charged, along with another person identified as “John Doe,” with violation of Section 5, Article II of RA 9165 under the following Information:

“That on or about January 11, 2012, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused while conspiring and confederating with each other, did then and there, willfully, unlawfully and criminally sell to herein complaining witness DENNIS C. VILLAMOR, a PDEA poseur-buyer, one (1) medium heat sealed plastic sachet containing white crystalline substance known as *SHABU* or Methamphetamine Hydrochloride, a dangerous drug, with an aggregate weight of more or less 0.469, accused not having authority to sell and dispense such substance.

ACTS CONTRARY TO LAW.”⁷

Upon arraignment, accused-appellant pleaded “not guilty” to the charge. “John Doe” remained at large.⁸

Trial ensued.

In a Judgment⁹ dated July 4, 2017, the RTC found accused-appellant guilty beyond reasonable doubt of the charge and sentenced him as follows:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered finding accused JOVENCIO ALLAN CIUDADANO y SALCEDA and FAUSTINO HABAGAT y TERNIDA *GUILTY* beyond reasonable doubt of the offense of violation of Section 5, Article II of Republic Act No. 9165 and sentencing them to *SUFFER*

dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

x x x x

⁶ Approved on June 7, 2002.

⁷ As culled from the RTC decision, *CA rollo*, p. 86.

⁸ *Id.* at 87.

⁹ *Id.* at 86-101. Penned by Acting Presiding Judge Pablo Cabillan Formaran III.

the penalty of life imprisonment and to *PAY* a fine of Five hundred thousand pesos (P500,000.00) with accessory penalties as provided in Section 35 of the same Act.

x x x x¹⁰

Aggrieved, accused-appellant appealed to the CA.

On October 2, 2017, the CA required the Public Attorney's Office to file an appellant's brief.¹¹ However, accused-appellant's counsel *de officio* failed to file the required brief despite several extensions.

Accused-appellant first requested¹² for an additional period of 30 days from November 25, 2017, or until December 25, 2017, within which to file his brief. The CA granted the motion. In another motion¹³ dated December 22, 2017, he once again sought to extend the period for another 30 days from December 25, 2017, or until January 24, 2018. The CA granted anew the motion with a warning against further extension.¹⁴ In January 2018, accused-appellant filed his Third Motion for Extension of Time to File Appellant's Brief¹⁵ seeking to extend the period for another 30 days from January 24, 2018 or until February 23, 2018, within which to file the required brief. This time, the CA issued the assailed Resolution¹⁶ dated February 13, 2018 dismissing his appeal. It treated accused-appellant's failure to file the required brief as an abandonment of his appeal. Thus:

In here, the Court sees the *unsubstantiated* explanation proffered by accused-appellant to be not a good and sufficient cause to grant his motion for extension of time to file appellant's brief. His explanation which can be related to heavy pressure of work and/or heavy workload is relative and often self-serving. Thus, standing alone, is not a sufficient ground to grant the subject motion. Worse, this is the third motion for extension of time sought by the appellant.

x x x x

¹⁰ Id. at 99.

¹¹ Id. at 24.

¹² See Entry of Appearance with Compliance and Motion for Extension of Time to File Appellants Brief, *id.* at 30-32.

¹³ Id. at 36-37.

¹⁴ See Resolution dated January 18, 2018, *id.* at 39.

¹⁵ Id. at 40-41.

¹⁶ *Rollo*, pp. 3-4.

WHEREFORE, premises considered, the Third Motion for Extension of Time to File Appellant's Brief filed by accused-appellant is hereby DENIED. Accordingly, his appeal in the above entitled case is hereby deemed ABANDONED and DISMISSED for failure to file his Appellant's Brief for an unreasonable period of time.

SO ORDERED.¹⁷

On February 19, 2018, accused-appellant filed a Motion to Admit Attached Brief for the Accused-Appellant.¹⁸ The CA merely noted it without action in view of its previous Resolution which considered his appeal as abandoned and dismissed. He then moved for a reconsideration¹⁹ of the CA Resolution dated February 13, 2018.

On May 28, 2018, the CA issued a Resolution²⁰ denying the motion for reconsideration holding that accused-appellant's contentions were mere reiterations of the reasons for the failure of his counsel to file the requisite brief within the reglementary period. It explained:

The [court] cannot accept hook and sinker the contentions of accused-appellant that the Third Motion for Extension was filed since his counsel was unaware of the Court's Resolution dated January 18, 2018 which granted his Second Motion for Extension of Time with warning against further extension; that a case was transferred by an outgoing lawyer of PAO to his counsel necessitating the latter to read and review the entire records of the case; and that his counsel had to perform equally important tasks assigned to him on January 2018 such as manning the desk for the Officer of the Day on January 11, 2018, and perusing and securing the records of the case due for filing with the JRD of this Court.

x x x x

Verily, had accused-appellant's counsel established efficient system to monitor orders from the courts and/or to see to it that the required pleading is filed on time, at the very least, the accused-appellant's brief could have been filed within the extended period. In not doing so, accused-appellant's counsel manifested lack of care of his duties. The well-established rule is, negligence of counsel binds his clients. Hence, the Court sees no reason to grant the Motion for Reconsideration and to grant the Motion to Admit and accept the

¹⁷ Id. at 4.

¹⁸ CA *rollo*, id. at 46-48.

¹⁹ Id. at 105-112.

²⁰ Id. at 190-192.

attached Brief for the Accused-Appellant.

WHEREFORE, premises considered, the Motion for Reconsideration *as well* as the Motion to Admit is hereby DENIED for lack of merit. Consequently, the attached Brief for the Accused-Appellant CANNOT BE ACCEPTED but merely NOTED.

SO ORDERED.²¹

Hence, the present appeal.

The Issue

The issue in the case is whether the CA properly dismissed accused-appellant's appeal due to his failure to file an appellant's brief within the prescribed period.

The Court's Ruling

The Court grants the appeal.

Settled is the rule that, except for criminal cases where the penalty imposed is *reclusion perpetua* or death, an appeal from the judgment of the lower court is not a matter of right but of sound judicial discretion.²² As the Court repeatedly held, "[t]he circulars of this Court prescribing technical and other procedural requirements are meant to promptly dispose of unmeritorious petitions that clog the docket and waste the time of the courts."²³ It must be stressed, nonetheless, that technical and procedural rules are intended to ensure, not suppress, substantial justice. Thus, a deviation from their rigid enforcement may be allowed to attain their prime objective, that is, the dispensation of justice.²⁴

Here, it must be observed that accused-appellant timely filed his notice of appeal, and the CA acquired jurisdiction over the case. His counsel simply failed to submit the appellant's brief within the period

²¹ Id. at 191-192.

²² *Tamayo v. Court of Appeals*, 467 Phil. 603, 607-608 (2004), citing *Acme Shoe, Rubber & Plastic Corp. v. CA*, 329 Phil. 531, 538 (1996).

²³ Id.

²⁴ Id.

provided by the rules despite the extensions given. At this point, a distinction should be made between the failure to file a notice of appeal within the reglementary period and the failure to file a brief within the period granted by the CA. The former results in the failure of the CA to acquire jurisdiction over the appealed decision resulting in its becoming final and executory upon failure of the appellant to move for a reconsideration. In contrast, the latter simply results in the abandonment of the appeal which can lead to its dismissal upon failure to move for its reconsideration.²⁵

In *People v. Ramos*,²⁶ the Court held that the failure to file an appellant's brief within the prescribed period is not fatal to the case of the accused if there are substantial considerations in giving due course to the appeal. Accordingly, if the appellant is represented by a counsel *de parte* and he fails to file his brief on time, the CA may dismiss the appeal. The rule takes exception when the appellant is represented by a counsel *de officio* in which case the appeal should not be dismissed outright as the rule on filing briefs on time is not automatically applied to the appellant.²⁷

More recently, in *Tambova v. People*,²⁸ the Court relaxed the technical rules of procedure to afford therein petitioner the fullest opportunity to establish the merits of her appeal. It discussed:

Nevertheless, it should be observed that "if a rigid application of the rules of procedure will tend to obstruct rather than serve the broader interests of justice in light of the prevailing circumstances of the case, such as where strong considerations of substantive justice are manifest in the petition, the Court may relax the strict application of the rules of procedure in the exercise of its equity jurisdiction." x x x "*What should guide judicial action is the principle that a party-litigant should be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor or property on technicalities.*" x x x

In this case, it appears that the appeal interposed by petitioner before the CA has ostensible merit owing to the alleged lapses of the arresting officers in duly complying with the chain of custody rule. While the Court cannot fault the CA for upholding procedural

²⁵ Id., citing *Development Bank of the Phils. v. Court of Appeals*, 411 Phil. 121, 137 (2001).

²⁶ 791 Phil. 162 (2016).

²⁷ Id. at 170, citing *De Guzman v. People*, 547 Phil. 654 (2007).

²⁸ G.R. No. 248264, July 27, 2020.

rules and acknowledges its adherence thereto, We cannot countenance the incarceration of an accused without the underlying conviction being thoroughly reviewed on account of the negligence of counsel. At the very least, if the CA would eventually find that petitioner's appeal should be denied and her conviction must be affirmed, it should be based on a full consideration of the merits of her appeal and not for reasons anchored on technicalities. Hence, the Court deems it proper to relax the technical rules of procedure in order to afford petitioner the fullest opportunity to establish the merits of her appeal. Accordingly, the Entry of Judgment made in this case should be recalled and the case be remanded to the CA for resolution of the appeal on its merits. Petitioner is given a non-extendible period of thirty (30) days upon receipt of this Decision to file her appellant's brief with the CA.²⁹ (Italics supplied, citations omitted)

In the case, if accused-appellant's appeal is denied due course, he could be wrongfully imprisoned for life over a mere technicality. It is beyond dispute that he failed to perfect his appeal within the reglementary period. However, it must be noted that his counsel *de officio* merely failed to file his appellant's brief within the period accorded to him.³⁰ Under the circumstances, the Court can overlook the short delay in the filing of pleading if strict compliance with the Rules would mean sacrificing justice to technicality.

In sum, while it is true that it is upon the discretion of the CA to consider an appeal despite the failure to file an appellant's brief on time, it must be emphasized that the dismissal of the appeal on purely technical grounds is frowned upon because the general policy is to encourage hearings of appeals on their merits. Here, procedural rules take a step back when the life and liberty of the accused is at stake.³¹

Accordingly, the case should be remanded to the CA for resolution of the appeal on its merits; the CA is enjoined to determine whether there is compliance with Section 21 of RA 9165. Specifically, accused-appellant averred that while the seized items were marked by the apprehending officer, there was no showing that they were photographed and weighed in the presence of the required witnesses during the inventory.³² Moreover, there was no discussion on how the seized items were turned over from the apprehending officer to the forensic chemist,

²⁹ Id.

³⁰ *People v. Ramos*, supra note 26, at 170.

³¹ *Tamayo v. Court of Appeals*, supra note 22, at 610.

³² *Rollo*, p. 79.

and then from the forensic chemist to the court for presentation. According to accused-appellant, these lapses constitute a clear break in the chain of custody.³³

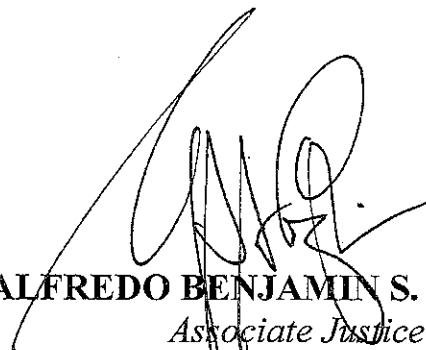
WHEREFORE, the appeal is **GRANTED**. The Resolutions dated February 13, 2018 and May 28, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09686 are **SET ASIDE**. The CA is hereby **DIRECTED** to **GIVE DUE COURSE** to the appeal of accused-appellant Jovencio Allan Ciudadano y Salceda. The case is **REMANDED** to the Court of Appeals for the resolution of the appeal on the merits with reasonable dispatch.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

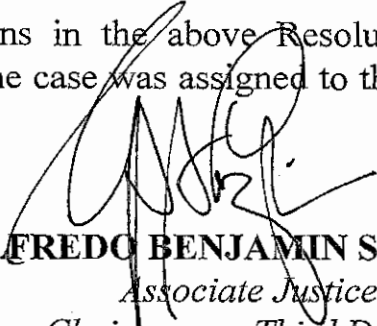


MARIA FILOMENA D. SINGH
Associate Justice

³³ Id. at 80.

ATTESTATION


I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice

