

## EN BANC

[ G.R. NO. 170565, January 31, 2006 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ISIDRO FLORES Y LAGUA, APPELLANT.**

### R E S O L U T I O N

**CORONA, J.:**

Accused Isidro Flores y Lagua was charged with 181 counts of rape committed against his minor ward <sup>[1]</sup> in Criminal Cases Nos. 03-081 to 03-261 in the Regional Trial Court of Makati City, Branch 140.

Accused pleaded not guilty when arraigned. Trial ensued. On August 27, 2004, the trial court rendered judgment finding accused guilty as charged and imposed the death penalty on him for each count of rape.

Accused filed a motion for new trial/reconsideration but the same was denied and the records of the case were ordered transmitted to the Court of Appeals for its review pursuant to this Court's decision in *People v. Mateo*. <sup>[2]</sup>

For accused's failure to file his appellant's brief despite notice to his counsel, the Court of Appeals declared his appeal as abandoned and dismissed the case on August 23, 2005. Thereafter, the appellate court elevated the records of the case to this Court for automatic review.

The appellate court committed a serious error in dismissing the case.

Except in criminal cases where the penalty imposed is *reclusion perpetua* or death, all appeals to this Court are not a matter of right but of sound judicial discretion. <sup>[3]</sup> Conversely, appeal in criminal cases where the penalty of *reclusion perpetua* or death is imposed, is a matter of right. This is specially true in death penalty cases where a review of the trial court's judgment of conviction is automatic and does not depend on the whims of the death convict. <sup>[4]</sup> It is mandatory and leaves the reviewing court without any option. <sup>[5]</sup>

The rationale behind the Court's automatic review of death penalty cases was enunciated as early as 1910 in *U.S. v. Laguna*: <sup>[6]</sup>

The requirement that the Supreme Court pass upon a case in which capital punishment has been imposed by the sentence of the trial court is one having for its object simply and solely the protection of the accused. Having received the highest penalty which the law imposes, he is entitled under that law to have the sentence and all the facts and circumstances upon which it is founded placed before the highest tribunal of the land to

the end that its justice and legality may be clearly and conclusively determined. Such procedure is merciful. It gives a second chance for life. **Neither the courts nor the accused can waive it.** It is a positive provision of the law that brooks no interference and tolerates no evasions. (emphasis supplied)

In recognition of the value of human life and as a way of ensuring utmost circumspection before imposing death or life imprisonment, the Court provided an intermediate appeal or review in favor of the accused. Thus, the Court pronounced in *People v. Mateo*: [7]

While the Fundamental Law requires a mandatory review by the Supreme Court of cases where the penalty imposed is *reclusion perpetua*, life imprisonment, or death, nowhere, however, has it proscribed an intermediate review. If only to ensure utmost circumspection before the penalty of death, *reclusion perpetua* or life imprisonment is imposed, the Court now deems it wise and compelling to provide in these cases a review by the Court of Appeals before the case is elevated to the Supreme Court. Where life and liberty are at stake, all possible avenues to determine his guilt or innocence must be accorded an accused, and no care in the evaluation of the facts can ever be overdone. A prior determination by the Court of Appeals on, particularly, the factual issues, would minimize the possibility of an error of judgment. If the Court of Appeals should affirm the penalty of death, *reclusion perpetua* or life imprisonment, it could then render judgment imposing the corresponding penalty as the circumstances so warrant, refrain from entering judgment and elevate the entire records of the case to the Supreme Court for its final disposition.

Review by the Court of Appeals of the trial court's judgment imposing the death penalty is now automatic and mandatory. Rule 122, Sections 3(d) and 10 of the Rules of Court, as amended by A.M. No. 00-5-03-SC, expressly provides:

Sec. 3. How appeal taken. – xxx xxx xxx

(d) **No notice of appeal is necessary in cases where the Regional Trial Court imposed the death penalty. The Court of Appeals shall automatically review the judgment** as provided in Section 10 of this Rule.

xxx xxx xxx

Sec. 10. *Transmission of records in case of death penalty.* – In all cases where the death penalty is imposed by the trial court, the records shall be forwarded to the Court of Appeals for **automatic review** and judgment within twenty days but not earlier than fifteen days from the promulgation of the judgment or notice of denial of a motion for new trial or reconsideration. The transcript shall also be forwarded within ten days after the filing thereof by the stenographic reporter. (emphasis supplied)

The power to automatically review a decision imposing the death penalty cannot be waived either by the accused or by the courts. [8] The fundamental law makes the review of all death penalty cases mandatory regardless of the wish of the accused or