

## THIRD DIVISION

[ G.R. No. 134229, November 26, 1999 ]

**LITO LIMPANGOG AND JERRY LIMPANGOG, PETITIONERS, VS.  
COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES,  
RESPONDENTS.**

### D E C I S I O N

**PANGANIBAN, J.:**

An appeal of a single decision cannot be split between two courts. The splitting of appeals is not conducive to the orderly administration of justice and invites possible conflict of dispositions between the reviewing courts. Specifically, the Court of appeals has no jurisdiction to review an appeal of a judgment imposing an indeterminate sentence, if the same ruling also imposes *reclusion perpetua*, life imprisonment or death for crimes arising out of the same facts. In other words, the Supreme Court has exclusive jurisdiction over appeals of criminal cases in which the penalty imposed below is *reclusion perpetua*, life imprisonment or death, even if the same decision orders, in addition, a lesser penalty or penalties for crimes arising out of the same occurrence and facts.

#### The Case

Before us is a Petition for Review under Rule 45 assailing the April 14, 1998 Decision<sup>[1]</sup> of the Court of Appeals<sup>[2]</sup> (CA) in CA-GR CR No. 18059.

Three Informations, one for murder and two for frustrated murder, all signed by Provincial Prosecutor I Rosario D. Beleta, were filed against Petitioners Lito Limpangog and Jerry Limpangog before the Regional Trial Court of Ormoc City.<sup>[3]</sup> Petitioners pleaded not guilty during their arraignment. Thereafter, trial on the merits ensued. On September 15, 1994, a Joint Decision<sup>[4]</sup> adjudging them guilty of all the charges was rendered by the trial court in this wise:

"WHEREFORE, [a] decision is hereby rendered in Criminal Cases Nos. 4375, 4376 and 4393 finding the accused LITO LIMPANGOG and JERRY LIMPANGOG guilty beyond reasonable doubt of Frustrated Murder in Criminal Case No. 4375; Murder in Criminal Case No. 4376; and Frustrated Murder In Criminal Case No. 4393 defined and penalized under Article 248 in relation x x x to Article 6 of the Revised Penal Code. Appreciating the aggravating circumstance of nighttime with no mitigating circumstance to offset it, this court imposes upon the said Lito Limpangog and Jerry Limpangog the sentence of imprisonment for an indeterminate period of TEN (10) years of prision mayor, as minimum, to SEVENTEEN (17) YEARS of reclusion temporal, as maximum in Criminal Case No. 4375 RECLUSION PERPETUA in Criminal Case No. 4376 and TEN (10) years of prision mayor, as minimum, to SEVENTEEN (17) years of

reclusion temporal, as maximum, in Criminal Case No. 4393, and to indemnify Pedro Casimero and Rene Boy Casimero [in] the sum of TEN THOUSAND PESOS (10,000.00) each and the heirs of Jose Cabanero [in] the sum of FIFTY THOUSAND PESOS (50,000.00) and to pay the costs.

"As both convicted accused are detention prisoners, the period of their detention shall be credited in full if they conform in writing with the rules and regulations of convicted prisoners, otherwise, only four fifths thereof.

"SO ORDERED."<sup>[5]</sup>

Petitioners then elevated the decision to the Court of Appeals.<sup>[6]</sup>

### **The CA Ruling**

The Court of Appeals declared itself to have no jurisdiction over petitioners' appeal of their *murder conviction*, ruling as follows:

"In Criminal Case No. 4376-0 for murder, where the sentence imposed is *reclusion perpetua*, this Court is without jurisdiction. The appeal falls within the exclusive jurisdiction of the Supreme Court xxx"

Citing SC Circular 2-90, the CA refused to forward the appeal to the Supreme Court; instead, it dismissed the case.<sup>[7]</sup> The appellate court, however, gave due course to the appeal insofar as it related to the convictions for frustrated murder.

In sum, the CA rendered the 21-page assailed Decision acquitting petitioners of frustrated murder, but dismissing the appeal in the murder indictment, as follows:

"WHEREFORE, premises considered:

1. Accused-appellants' appeal in criminal Case No. 4376-0 for murder is DISMISSED pursuant to Section 4 (d) of Supreme Court Circular No. 2-90.
2. The decision of the trial court in Criminal Case No 4375 and Criminal Case No. 4393-0 convicting accused-appellants of the offense of frustrated murder in each case is REVERSED and SET ASIDE, and [a] new judgment [is] rendered ACQUITTING accused-appellants in said cases for lack of proof beyond reasonable doubt as to their guilt.
3. Costs *de oficio*.

SO ORDERED."

Thus, this Petition.<sup>[8]</sup>

### **The Issue**

In their Memorandum, petitioners posit this sole issue:

"WHETHER OR NOT THE DISMISSAL OF THE APPEAL IN CRIMINAL CASE NO. 4376-0 FOR MURDER [WAS] PROPER/VALID UNDER THE CIRCUMSTANCE."<sup>[9]</sup>

As a rule, this Court reviews only the specific issues or errors raised by the parties.<sup>[10]</sup> However, questions involving jurisdiction may be taken up *moto proprio* by the Court<sup>[11]</sup> even when not specifically assigned as errors by the parties, inasmuch as they delve into the very essence of decision-making. We have repeatedly ruled that a judgment rendered by a court without jurisdiction is null and void and may be attacked anytime.<sup>[12]</sup> It creates no rights and produces no effect. In view of the peculiar facts of this case, we believe that the issue to be resolved is whether the Court of Appeals had jurisdiction over petitioners' appeal.

### **The Court's Ruling**

The Court of Appeals did not have jurisdiction over petitioners' appeal; hence, the challenged Decision is null and void.

### **Main Issue: *Jurisdiction of the Court of Appeals***

Petitioners Lito Limpangog and Jerry Limpangog were sentenced by the trial court to *reclusion perpetua* as penalty for murder; and to an indeterminate period of ten years of *prision mayor*, as minimum, to seventeen years of *reclusion temporal*, as maximum, for each frustrated murder conviction. The three crimes were committed on the same occasion and arose from the same facts. In this light, the Court of Appeals did not have jurisdiction over the appeals filed by herein petitioners. Section 9 (3) of the judiciary Reorganization Act of 1980 (BP Blg. 129) states that the CA has exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders, or awards of regional trial courts *except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the provisions of BP Blg. 129, and of the judiciary Act of 1948.*

Under Article VIII, Section 5 (2)(d) of the constitution, the Supreme Court has jurisdiction over appeals of final judgments in criminal cases in which the penalty imposed is *reclusion perpetua* or higher:

"Section 5. The Supreme Court shall have the following powers:

xxx      xxx      xxx

(2) Review, revise, reverse, modify or affirm on appeal or *certiorari* as the law or Rules of Court may provide, final judgments and orders of the lower court in:

xxx      xxx      xxx

(d) *All criminal cases in which the penalty imposed is reclusion perpetua or higher xxx*"

Leaving no doubt that the CA had no jurisdiction over the two cases for frustrated murder, Section 17 (1) of the judiciary Act of 1948 provides as follows: