

FIRST DIVISION

[G.R. No. 106531, November 18, 1999]

FERNANDO GARCIA, JUANITO GARCIA, AND WENCESLAO TORRES, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, AND HON. RICARDO P. GALVEZ, IN HIS OFFICIAL CAPACITY AS THE PRESIDING JUDGE OF BRANCH 29, REGIONAL TRIAL COURT OF ILOILO, RESPONDENTS.

D E C I S I O N

PARDO, J. :

The case before the Court is a special civil action for *mandamus* to compel the Regional Trial Court, Branch 29, Iloilo, to forward the records of Criminal Case No. 20774 to the Supreme Court for automatic review of the decision finding petitioners guilty of murder and sentencing each of them to *reclusion perpetua*, to pay jointly and severally, the heirs of Jose Estrella the sum of P30,000.00 as civil indemnity, to suffer the accessory penalties of the law and to pay the costs.

We deny the petition.

The facts are as follows:

On September 29, 1986, the Provincial Fiscal of Guimaras filed with the Regional Trial Court, Iloilo City, an information charging petitioners with murder for the killing of one Jose Estrella.^[1]

After due trial, on September 21, 1990, the trial court promulgated its decision convicting petitioners of the crime charged and sentencing each of them to the penalty of *reclusion perpetua*, to pay jointly and severally, the heirs of Jose Estrella the sum of P30,000.00 as civil indemnity, to suffer the accessory penalties of the law and to pay the costs.^[2]

On September 24, 1990, petitioners filed with the trial court a motion for reconsideration of the decision.^[3] However, on September 2, 1991, the trial court denied the motion.^[4] On September 5, 1991 petitioner received notice of the order of denial.^[5] Petitioners did not interpose an appeal^[6] from the decision by the filing of a notice of appeal. Thus, the decision became final on September 17, 1991. Accordingly, the trial court issued warrants for the arrest of petitioners.

On November 13, 1991, petitioners filed with the trial court a motion to lift warrant of arrest and to allow accused to appeal, arguing that there was no need for them to appeal the decision as the same was subject to automatic review by the Supreme Court.^[7]