



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Petitioner,

G.R. No. 247463

Present:

- versus -

GESMUNDO,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, *JJ.*

HON. AMELIA A. FABROS-
CORPUZ, in her capacity as Acting
Presiding Judge of RTC –
Muntinlupa City, Branch 256, and
ANTHONY ARCHANGEL y SY,
Respondents.

Promulgated:

APR 17 2024

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DECISION

HERNANDO, J.:

This Petition for *Certiorari* with Urgent Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction¹ (Petition) challenges the Resolution² of the Regional Trial Court (RTC) in Spec. Proc. No. 18-371 issued by the public respondent, Honorable Amelia A. Fabros-Corpuz.

In the assailed Resolution, the public respondent modified the penalty imposed on private respondent Anthony Archangel y Sy for three counts of

¹ *Rollo*, pp. 3–28.

² *Id.* at 29–30. The March 14, 2019 Resolution in Spec. Proc. No. 18-371 was penned by Acting Presiding Judge Hon. Amelia A. Fabros-Corpuz of Branch 256, Regional Trial Court, Muntinlupa City.

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Estafa, applied the provisions of Republic Act No. 10951,³ and directed the Bureau of Corrections to immediately release respondent Sy from the National Bilibid Prison.

Factual Antecedents

On February 8, 2001, nine separate Criminal Informations charged respondent Sy with Estafa under Article 315, paragraph 2 (d) of the Revised Penal Code (RPC) for issuing nine worthless bank checks.⁴ Of the nine criminal cases, five were dismissed on March 29, 2001 by Branch 48, RTC, Urdaneta City.⁵

Four criminal cases remained docketed as Criminal Case Nos. U-11223, U-11226, U-11227, and U-11228.⁶ The accusatory portion for Criminal Case No. U-11223 reads:

Criminal Case No. U-11223

That on or about September 16, 2000 at Brgy. Nancayasan, Urdaneta City and within the jurisdiction of this Honorable Court, the above-named accused, purchased construction materials from Allan Apaga and with intent to defraud by means of deceit and false pretenses representing that his Philippine Veterans Bank [Check] Nos. 0070220 and 0070218 dated September 19 and 17, 2000[,] in the amount of [sic] [PHP] 41,800.00 and [PHP] 41,500.00, respectively, are good and sufficiently funded, did then and there willfully, unlawfully and unlawfully [sic] draw, issue and deliver as payment of his purchase said checks to Allan Apaga, who believe[d] the misrepresentation of the accused causing him to part with his construction materials, accused knowing well that he has no fund or credit with the drawee bank as his checking account was already closed, such that when said check was presented for payment the same was dishonored for reason Account Closed and despite notice of dishonor and repeated demands upon him to make good his checks and/or pay the amount thereof, accused failed and refused to do any to the damage and prejudice of said Allan Apaga.

Contrary to [Article] 315, (2, d), [RPC] as amended by P.D. 818 and R.A. 4885.⁷

Trial then ensued.⁸

³ Republic Act No. 10951 (2017), An Act Adjusting The Amount Or The Value Of Property And Damage On Which A Penalty Is Based, And The Fines Imposed Under The Revised Penal Code, Amending For The Purpose Act No. 3815, Otherwise Known As "The Revised Penal Code," As Amended.

⁴ *Rollo*, p. 35.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* In the Decision dated September 3, 2007, only the accusatory portion for Criminal Case No. U-11223 was reproduced. The accusatory portions for Criminal Case Nos. U-11226, U-11227, and U-11228 were not reproduced.

⁸ *Id.*

Proceedings and Ruling of the Regional Trial Court

On September 3, 2007, Branch 48, RTC, Urdaneta City promulgated its Decision⁹ finding respondent Sy guilty beyond reasonable doubt for three counts of *Estafa*.¹⁰

The decretal portion of the RTC Decision reads:

IN LIGHT OF ALL THE FOREGOING, this Court firmly believes and so holds that the prosecution had equitably proved its case by the evidence presented, finds the accused Anthony Archangel guilty beyond reasonable doubt for *Estafa* defined and penalized under Article 315 (2, d) of the [RPC], as amended by P.D. 818 and R.A. 4885 on three (3) counts and sentences him as follows:

- (1) In Criminal Case No. U-11223, without any attending mitigating or aggravating circumstance, and applying the Indeterminate Sentence Law, hereby sentences him to a penalty of FOUR (4) YEARS TWO (2) MONTHS and ONE (1) DAY TO SIX (6) YEARS of *prision mayor* as minimum to SIX (6) YEARS and ONE (1) DAY TO EIGHT (8) years of *prision mayor* as maximum. [sic] The accused is further sentenced to pay complaining witness Allan Apaga the amount of [PHP] 41,500.00, without subsidiary imprisonment in case of insolvency, plus the costs of suit;
- (2) In Criminal Case No. U-11226, without any attending mitigating or aggravating circumstances and, applying the Indeterminate Sentence Law, hereby sentences the accused to a penalty of FOUR (4) YEARS TWO (2) MONTHS and ONE (1) DAY TO SIX (6) YEARS of *prision mayor* as minimum to SIX (6) YEARS and ONE (1) DAY TO EIGHT (8) years of *prision mayor* as maximum. The accused is further sentenced to pay complaining witness Allan Apaga the amount of [PHP] 55,923.00, without subsidiary imprisonment in case of insolvency, plus the costs of suit;
- (3) In Criminal Case No. U-11227, without any attending mitigating or aggravating circumstances and, applying the Indeterminate Sentence Law, hereby sentences the accused to a penalty of FOUR (4) YEARS TWO (2) MONTHS and ONE (1) DAY TO SIX (6) YEARS of *prision mayor* as minimum to SIX (6) YEARS and ONE (1) DAY TO EIGHT (8) years of *prision mayor* as maximum. The accused is further sentenced to pay complaining witness Allan Apaga the amount of [PHP] 34,909.00, without subsidiary imprisonment in case of insolvency, plus the costs of suit; and
- (4) In Criminal Case No. U-11228, the accused is hereby ACQUITTED on ground of reasonable doubt from the charge of *estafa*.

The period of imprisonment of which herein accused has undergone shall be credited in the service of the term of his imprisonment.

⁹ *Id.* at 35-37. The September 3, 2007 Decision in Criminal Case Nos. U-11223, U-11226, U-11227, and U-11228 was penned by Judge Aurelio R. Ralar, Jr. of Branch 48, Regional Trial Court, Urdaneta City.

¹⁰ *Id.* at 35.

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SO ORDERED.¹¹ (Emphasis in the original)

On December 22, 2018, respondent Sy, through the Public Attorney's Office (PAO), filed a Petition to Adjust and Fix Penalty (With Urgent Motion to Release) (Petition to Adjust and Fix Penalty)¹² before the RTC of Muntinlupa City praying for his immediate release from confinement.¹³

In respondent Sy's Petition to Adjust and Fix Penalty, he manifested that the same complied with the decision of this Court in *Hernan v. Sandiganbayan*¹⁴ and argued that the passage of Republic Act No. 10951 provided basis to warrant the adjustment of the imposable penalty upon him.¹⁵

Since respondent Sy was convicted of Estafa in criminal cases involving the amounts of PHP 41,500.00, PHP 55,923.00, and PHP 34,909.00, respectively, then the adjusted imposable penalty is *arresto mayor* in its maximum period to *prision correccional* in its minimum period.¹⁶ To respondent Sy, the adjusted imposable penalty should be four months and one day to six months as the maximum period of *arresto mayor*, to six months and one day to two years and four months, as the minimum period of *prision correccional* for each count of Estafa.¹⁷

Respondent Sy added that he already served 21 years, 10 months, and 14 days with earned good conduct time as evidenced by his prison record.¹⁸ Furthermore, when the ameliorative benefit of Republic Act No. 10951 was applied, respondent Sy already exceeded the maximum years of incarceration for his conviction in Criminal Case Nos. U-11223, U-11226, and U-11227.¹⁹

In an Order²⁰ dated February 6, 2019, the public respondent directed the Office of the Solicitor General (OSG) to file its comment to the Petition to Adjust and Fix Penalty.

The OSG timely complied with the Order and filed its Comment²¹ dated February 28, 2019.

¹¹ *Id.* at 36–37.

¹² *Id.* at 31–34.

¹³ *Id.* at 32.

¹⁴ 822 Phil. 148 (2017) [Per J. Peralta, *En Banc*].

¹⁵ *Rollo*, p. 32.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 40. The February 6, 2019 Order in Spec. Proc. No. 18-371 was issued by Acting Presiding Judge Hon. Amelia A. Fabros-Corpuz of Branch 256, Regional Trial Court, Muntinlupa City.

²¹ *Id.* at 40–46.

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In the assailed Resolution,²² the RTC, through the public respondent, modified the original penalty imposed on respondent Sy for three counts of Estafa and ordered his immediate release from prison pursuant to the provisions of Republic Act No. 10951.²³ For ease of reference, the adjusted penalty for each count of Estafa became an indeterminate sentence as follows:²⁴

CRIMINAL CASE NUMBER	AMOUNT	ADJUSTED PENALTY
U-11223	PHP 41,500.00	One year of <i>arresto mayor</i> maximum to <i>prision correccional</i> minimum as minimum and one year and eight months of <i>arresto mayor</i> maximum to <i>prision correccional</i> minimum as maximum
U-11226	PHP 55,923.00	
U-11227	PHP 34,909.00	Two months of <i>arresto mayor</i> minimum and medium as minimum and three months of <i>arresto mayor</i> minimum and medium as maximum

The dispositive portion of the assailed RTC Resolution reads:

IN VIEW OF THE FOREGOING, this Decision dated September 3, 2007 [sic] by the Regional Trial Court, Branch 48, Urdaneta, Pangasinan [sic], in regard to the penalty is hereby modified and the Bureau of Corrections is hereby directed to release **ANTHONY ARCHANGEL y SY** from the National Bilibid Prison [sic] upon receipt of this order, unless he is being detained for other lawful cause/s.

SO ORDERED.²⁵ (Emphasis in the original)

²² *Id.* at 29–30.

²³ *Id.* at 30.

²⁴ *Id.* There was no table in the Resolution dated March 14, 2019. This table was added to summarize the ruling in the Resolution dated March 14, 2019 with regard to the penalty imposed.

²⁵ *Id.*

Dissatisfied, the People, through the OSG, filed the present Petition before this Court under Rule 65 of the Rules of Court, pursuant to Office of the Court Administrator (OCA) Circular No. 179-2018.

Arguments of the OSG

In the Petition, the OSG argues that the public respondent erroneously applied the penalty provided in the *first* 4th paragraph of Article 315 of the RPC, which was amended by Section 85 of Republic Act No. 10951.²⁶ The OSG contends that the penalty cited by the public respondent in the assailed Resolution was not for fraud committed through the issuance of worthless checks under Article 315, paragraph 2 (d) of the RPC.²⁷

Instead, the applicable penalties of the law are found in the *second* 4th and 5th paragraphs of Article 315 of the RPC, as amended by Section 85 of Republic Act No. 10951, which is *prision mayor* in its medium period.²⁸

To support this contention, the OSG provided a comparison table of impossible penalties for Estafa under both the RPC and Republic Act No. 10951,²⁹ reproduced below for ease of reference:

CRIMINAL CASE NUMBER	ARTICLE 315, PARAGRAPH 2 (D) OF THE RPC	SECTION 85 OF REPUBLIC ACT NO. 10951
U-11223	<u>Minimum Sentence:</u> 4 years, 2 months and 1 day to 6 years <u>Maximum Sentence:</u> 6 years and 1 day to 8 years	<u>Minimum Sentence:</u> From 6 years and 1 day to 8 years <u>Maximum Sentence:</u> 8 years, 8 months and 1 day to 9 years and 4 months
U-11226	<u>Minimum Sentence:</u> 4 years, 2 months and 1 day to 6 years <u>Maximum Sentence:</u>	<u>Minimum Sentence:</u> From 6 years and 1 day to 8 years <u>Maximum Sentence:</u>

²⁶ *Id.* at 14.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 14–15. The table headers were modified for clarity.

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	6 years and 1 day to 8 years	8 years, 8 months and 1 day to 9 years and 4 months
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To the OSG, the legislative intent of Republic Act No. 10951 is clearly to impose a higher penalty for the crime of Estafa committed through the issuance of worthless checks involving the amount of PHP 40,000.00 but less than PHP 1,200,000.00.³⁰

Thus, the public respondent should have dismissed the petition in so far as Criminal Case Nos. U-11223 and U-11226 were concerned, then ordered respondent Sy to continue serving the remaining term of his sentence because applying Republic Act No. 10951 was disadvantageous to respondent Sy.³¹

Even assuming that the correct provision of law was applied, the OSG argues that the public respondent should not have applied the same since it would have effectively raised the penalty imposed on respondent Sy, contrary to Section 100 of Republic Act No. 10951.³² In other words, the penalty in Section 85 of Republic Act No. 10951 was not favorable to respondent Sy.³³ Instead, the original penalty imposed by Branch 48, RTC, Urdaneta City should be maintained.³⁴

In its Petition, the OSG also points out that the immediate release of respondent Sy was unwarranted since respondent Sy had only served his sentence for 14 years, 9 months, and 27 days compared to his total maximum sentence of 24 years.³⁵

Proceedings before the Supreme Court

The Court, without giving due course to the Petition, issued a Resolution³⁶ dated January 8, 2020. In the Court's Resolution, respondent Sy was required to file a Comment, among others, and the People's prayer for issuance of a temporary restraining order (TRO) was granted.

The TRO³⁷ enjoined the public respondent, her successor, representatives, agents, or other persons acting on her behalf from enforcing the assailed Resolution in Spec. Proc. No. 18-371.³⁸ The decretal portion of the TRO reads:

³⁰ *Id.* at 15.

³¹ *Id.* at 15-16.

³² *Id.* at 16-21.

³³ *Id.* at 17-18.

³⁴ *Id.* at 17.

³⁵ *Id.* at 18.

³⁶ *Id.* at 83-84.

³⁷ *Id.* at 85-87.

³⁸ *Id.* at 84.

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NOW, THEREFORE, effective immediately and continuing until further orders from this Court, You, the Hon. Amelia A. Fabros-Corpuz, Acting Presiding Judge, or your successor, RTC, Br. 256, Muntinlupa City, and respondent, your representatives, agents and all other persons acting on your behalf are hereby **RESTRAINED** from implementing and enforcing the Resolution dated 14 March 2019 of the RTC, Br. 256, Muntinlupa City in Spec. Pro[c]. No. 18-371.³⁹ (Emphasis in the original)

Sy, through PAO, filed a Comment⁴⁰ dated June 30, 2020, after multiple extensions of time.

In a Resolution⁴¹ dated January 25, 2021, the Court directed the respective Clerks of Court of Branch 256, RTC, Muntinlupa City, and Branch 48, RTC, Urdaneta City, to elevate the complete records of the case within 10 days from notice.⁴²

On April 26, 2021, this Court issued a Resolution⁴³ requiring the OSG to file its Reply.

The OSG, for the People, filed its Reply⁴⁴ dated July 6, 2021.

The Court issued a Resolution⁴⁵ dated November 10, 2021 giving due course to the Petition and requiring the parties to file their respective Memoranda.⁴⁶

The People, through the OSG, filed its Memorandum⁴⁷ dated January 11, 2022.

On June 26, 2023, the Court issued a Resolution⁴⁸ granting respondent Sy's multiple motions for extension of time to file a memorandum totaling 92 days from February 1, 2022.⁴⁹

In the same Resolution, the Court stated that the respective Clerks of Court of the Branch 256, RTC, Muntinlupa City, and Branch 48, RTC, Urdaneta City failed to comply with the Resolution dated January 25, 2021 directing them to elevate the complete records of Spec. Proc. No. 18-371.⁵⁰ Thus, the said Clerks of Court were required to show cause why they should not be disciplinarily dealt

³⁹ *Id.* at 86.

⁴⁰ *Id.* at 121–127.

⁴¹ *Id.* at 130–131.

⁴² *Id.* at 131.

⁴³ *Id.* at 134–135.

⁴⁴ *Id.* at 137–150.

⁴⁵ *Id.* at 151–152.

⁴⁶ *Id.* at 151.

⁴⁷ *Id.* at 153–159.

⁴⁸ *Id.* at 222–223.

⁴⁹ *Id.* at 222.

⁵⁰ *Id.*

with or held in contempt for such failure and to comply with the Resolution dated January 25, 2021 within 10 days from notice.⁵¹

In compliance with the Court's directive, the Clerk of Court of Branch 48, RTC, Urdaneta City elevated the entire records of Criminal Case Nos. U-11223, U-11226, U-11227, and U-11228 on October 19, 2023.⁵²

Similarly, the Clerk of Court of Branch 256, RTC, Muntinlupa City complied with the Court's directive and elevated the records of the case on October 23, 2023.⁵³

The records show that respondent Sy, through PAO, has not filed a Memorandum with covering motion for leave to file and admit the same. Thus, respondent Sy has not elaborated further on the relevant issue of the instant case.

Nevertheless, We proceed to resolve the case at bar.

Issue

The sole issue is whether the public respondent committed grave abuse of discretion amounting to lack or in excess of discretion in adjusting respondent Sy's prison sentence and ordering respondent Sy's immediate release from prison.

Our Ruling

The Court rules in favor of the People and grants the Petition.

*Direct resort to the Court is allowed following the guidelines set forth in In Re: Elbanbuena*⁵⁴

As a general rule, litigants must observe the hierarchy of courts.⁵⁵ Direct resort to this Court is justified only when there are special and important reasons specifically set out in the petition.⁵⁶

⁵¹ *Id.*

⁵² *Id.* at 224–237.

⁵³ *Id.* at 238–240.

⁵⁴ 837 Phil. 1025, 1034–1035 (2018) [Per J. Jardeleza, *En Banc*].

⁵⁵ *Lasam v. Philippine National Bank.*, 844 Phil. 781, 790 (2018) [Per J. J. Reyes, Jr., Third Division], *citing Chamber of Real Estate and Builders Associations, Inc. v. Secretary of Agrarian Reform*, 635 Phil. 283, 300 (2010) [Per J. Perez, First Division].

⁵⁶ *Id.* at 791, *citing Heirs of Bertuldo Hinog v. Hon. Melicor*, 495 Phil. 422, 432 (2005) [Per J. Austria-Martinez, Second Division].

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In *Hernan v. Sandiganbayan*,⁵⁷ We ruled that the passage of Republic Act No. 10951 is an exceptional circumstance which warrants not only the re-opening of an already terminated case, but also the recall of an Entry of Judgment for purposes of modifying the penalty to be served. *Hernan* sought only the modification of sentence pursuant to Republic Act No. 10951.

In contrast and applying *Hernan*, the case of *In Re: Elbanbuena*⁵⁸ involved the modification of sentence pursuant to Republic Act No. 10951, as well as the immediate release from confinement on account of full service of the re-computed sentence.

The Court in *In Re: Elbanbuena* then issued guidelines to govern the procedures for actions seeking the following reliefs: (1) the modification, based on the amendments introduced by Republic Act No. 10951, of penalties imposed by final judgments; and (2) the immediate release of the petitioner-convict on account of full service of the penalty/penalties, as modified.⁵⁹ Among others, We laid down the rule on direct resort to this Court:

VII. *Judgment of the court.*

To avoid any prolonged imprisonment, the court shall promulgate judgment no later than ten (10) calendar days after the lapse of the period to file comment. The judgment shall set forth the following:

- a. The penalty/penalties imposable in accordance with RA No. 10951;
- b. Where proper, the length of time the petitioner-convict has been in confinement (and whether time allowance for good conduct should be allowed); and
- c. Whether the petitioner-convict is entitled to immediate release due to complete service of his sentence/s, as modified in accordance with RA No. 10951.

The judgment of the court shall be immediately executory, without prejudice to the filing before the Supreme Court of a special civil action under Rule 65 of the Revised Rules of Court where there is showing of grave abuse of discretion amounting to lack or excess of jurisdiction.⁶⁰ (Emphasis supplied)

For the guidance of all first and second level courts, the OCA issued OCA Circular No. 179-2018 highlighting the guidelines set in *In Re: Elbanbuena*.

⁵⁷ 822 Phil. 148, 174 (2017) [Per J. Peralta, *En Banc*].

⁵⁸ 837 Phil. 1025, 1034 (2018) [Per J. Jardeleza, *En Banc*].

⁵⁹ *Id.*

⁶⁰ *Id.* at 1035.

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In the Petition, the OSG cites the case of *In Re: Elbanbuena*⁶¹ and argues that the proper remedy to assail a judgment or resolution relative to the adjustment of penalty under Republic Act No. 10951 is the filing of a petition for *certiorari* under Rule 65 of the Rules of Court before Us.⁶²

Here, the OSG availed of the proper remedy.

We thus proceed to determine whether the Petition sufficiently shows grave abuse of discretion amounting to lack or in excess of jurisdiction on the part of the public respondent.

*The remedy of certiorari under
Rule 65 of the Rules of Court*

A petition for *certiorari* is governed by Rule 65, Section 1 of the Rules of Court, which expressly states:

Section 1. *Petition for certiorari.* — When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require. (Emphasis supplied)

A writ of *certiorari* may be issued only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or in excess of jurisdiction.⁶³ The writ cannot be used for any other purpose, as its function is limited to keeping the inferior court within the bounds of its jurisdiction.⁶⁴

In jurisprudence, We ruled that the following elements must concur in order to avail of the remedy of *certiorari* under Rule 65 of the Rules of Court: (1) the writ is directed against a tribunal, a board or any officer exercising judicial or quasi-judicial functions; (2) such tribunal, board or officer has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or in excess of jurisdiction; and (3) there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law.⁶⁵

⁶¹ *Id.*

⁶² *Rollo*, p. 9.

⁶³ *Madrigal Transport Inc. v. Lapanday Holdings Corp.*, 479 Phil. 768, 778 (2004) [Per J. Panganiban, Third Division].

⁶⁴ *Id.* (Citations omitted)

⁶⁵ *Idul v. Alster Int'l Shipping Services, Inc.*, G.R. No. 209907, June 23, 2021, [Per J. Hernando, Third Division].

Grave abuse of discretion is defined in jurisprudence as such capricious and arbitrary exercise of judgment as equivalent, in the eyes of the law, to lack of jurisdiction.⁶⁶ There is grave abuse of discretion where the power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility amounting to an evasion of a positive duty, or a virtual refusal to perform the duty enjoined, or to act at all in contemplation of law.⁶⁷ Through time, the meaning of grave abuse of discretion has been expanded to include any action done contrary to the Constitution, the law, or jurisprudence.⁶⁸

In the Petition, the OSG argues that the public respondent's failure to apply the law is not a mere error in judgment.⁶⁹ Instead, the same constitutes grave abuse of discretion.⁷⁰

We therefore briefly examine the relevant provisions of Republic Act No. 10951 vis-à-vis the original penalty imposed on respondent Sy.

There was a grave abuse of discretion amounting to lack or in excess of jurisdiction when the public respondent misapplied the penalty for Estafa committed through the issuance of worthless checks under Article 315, paragraph 2 (d) of the RPC

To recall, respondent Sy was convicted for three counts of Estafa under Article 315, paragraph 2 (d) of the RPC, as amended, involving the respective amounts of PHP 41,500.00, PHP 55,923.00, and PHP 34,909.00. By way of summary, the table below presents the penalties imposed, thus:⁷¹

CRIMINAL CASE NUMBER	AMOUNT	ORIGINAL PENALTY ⁷²	ADJUSTED PENALTY ⁷³
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⁶⁶ *Bacelonia v. Court of Appeals*, 445 Phil. 300, 307-308 (2003) [Per J. Corona, Third Division]; *Vda. De Bacaling v. Laguda*, 153 Phil. 524, 533-534 (1973) [Per J. Esguerra, Third Division].

⁶⁷ *Benito v. Commission on Elections*, 402 Phil. 764, 773 (2001) [Per J. De Leon, Jr., *En Banc*]; *Cuison v. Court of Appeals*, 351 Phil. 1089, 1102 (1998) [Per J. Panganiban, First Division].

⁶⁸ *Republic v. COCOFED*, 423 Phil. 735, 774 (2001) [Per J. Panganiban, *En Banc*].

⁶⁹ *Rollo*, p. 10.

⁷⁰ *Id.*

⁷¹ *Id.* at 36-37, 30.

⁷² *Id.* at 36-37. This is the original penalty imposed in the dispositive portion of the September 3, 2007 Decision of Branch 48, Regional Trial Court, Urdaneta City.

⁷³ *Id.* at 30. This is the adjusted penalty imposed in the dispositive portion of the March 14, 2019 Resolution of Branch 256, Regional Trial Court, Muntinlupa City.

U-11223	PHP 41,500.00		
U-11226	PHP 55,923.00	<u>Minimum Penalty:</u> 4 years, 2 months, and 1 day to 6 years of prision mayor	<u>Minimum Penalty:</u> 1 year of arresto mayor maximum to prision correccional minimum <u>Maximum Penalty:</u> 1 year and 8 months of arresto mayor maximum to prision correccional minimum
U-11227	PHP 34,909.00		<u>Minimum Penalty:</u> 2 months of arresto mayor minimum and medium <u>Maximum Penalty:</u> 3 months of arresto mayor minimum and medium as maximum

On August 29, 2017, Republic Act No. 10951 was enacted which amended the RPC by reducing the penalties for certain crimes.⁷⁴ Section 85 of Republic Act No. 10951 amended the penalties for Estafa, as follows:

Section 85. Article 315 of the same Act, as amended by Republic Act No. 4885, Presidential Decree No. 1689, and Presidential Decree No. 818, is hereby further amended to read as follows:

“ART. 315. *Swindling (estafa)*. – Any person who shall defraud another by any of the means mentioned herein below shall be punished by:

“1st. The penalty of *prisión correccional* in its maximum period to *prisión mayor* in its minimum period, if the amount of the fraud is over Two million four hundred thousand pesos ([PHP] 2,400,000) but does not exceed Four million four hundred thousand pesos ([PHP] 4,400,000), and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional Two million pesos ([PHP] 2,000,000); but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the

⁷⁴ *In Re: Elbanbuena*, 837 Phil. 1025, 1029 (2018) [Per J. Jardeleza, *En Banc*].

purpose of the other provisions of this Code, the penalty shall be termed *prisión mayor* or *reclusion temporal*, as the case may be.

“2nd. The penalty of *prisión correccional* in its minimum and medium periods, if the amount of the fraud is over One million two hundred thousand pesos ([PHP] 1,200,000) but does not exceed Two million four hundred thousand pesos ([PHP] 2,400,000).

“3rd. The penalty of *arresto mayor* in its maximum period to *prisión correccional* in its minimum period, if such amount is over Forty thousand pesos ([PHP] 40,000) but does not exceed One million two hundred thousand pesos ([PHP] 1,200,000).

“4th. By *arresto mayor* in its medium and maximum periods, if such amount does not exceed Forty thousand pesos ([PHP] 40,000): *Provided*, That in the four cases mentioned, the fraud be committed by any of the following means:

1. ...
2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
 - a. ...
 - b. ...
 - c. ...
 - d. By postdating a check, or issuing a check in payment of an obligation when the offender had no funds in the bank, or his funds deposited therein were not sufficient to cover the amount of the check. The failure of the drawer of the check to deposit the amount necessary to cover his check within three (3) days from receipt of notice from the bank and/or the payee or holder that said check has been dishonored for lack or insufficiency of funds shall be *prima facie* evidence of deceit constituting false pretense or fraudulent act.

“Any person who shall defraud another by means of false pretenses or fraudulent acts as defined in paragraph 2(d) hereof shall be punished by:

“1st. The penalty of *reclusion temporal* in its maximum period, if the amount of fraud is over Four million four hundred thousand pesos ([PHP] 4,400,000) but does not exceed Eight million eight hundred thousand pesos ([PHP] 8,800,000). If the amount exceeds the latter, the penalty shall be *reclusion perpetua*.

“2nd. The penalty of *reclusion temporal* in its minimum and medium periods, if the amount of the fraud is over Two million four hundred thousand pesos ([PHP] 2,400,000) but does not exceed Four million four hundred thousand pesos ([PHP] 4,400,000).

“3rd. The penalty of *prisión mayor* in its maximum period, if the amount of the fraud is over One million two hundred thousand pesos ([PHP] 1,200,000) but does not exceed Two million four hundred thousand pesos ([PHP] 2,400,000).

“4th. The *penalty of prisión mayor* in its medium period, if such amount is over Forty thousand pesos ([PHP] 40,000) but does not exceed One million two hundred thousand pesos ([PHP] 1,200,000).

“5th. By *prisión mayor* in its minimum period, if such amount does not exceed Forty thousand pesos ([PHP] 40,000).

For clarity, it can be seen in Section 85 of Republic Act No. 10951 that there are two groups of penalties for Estafa: the *first* group is the penalty imposed by the RPC, while the *second* group is the penalty for Estafa committed by specific fraudulent means, including the issuance of a worthless check:

PENALTY FOR ESTAFA	PENALTY FOR ESTAFA COMMITTED THROUGH THE ISSUANCE OF A WORTHLESS CHECK
<p>“1st. The penalty of <i>prisión correccional</i> in its maximum period to <i>prisión mayor</i> in its minimum period, if the amount of the fraud is over Two million four hundred thousand pesos ([PHP] 2,400,000) but does not exceed Four million four hundred thousand pesos ([PHP] 4,400,000), and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional Two million pesos ([PHP] 2,000,000); but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed <i>prisión mayor</i> or <i>reclusion temporal</i>, as the case may be.</p> <p>“2nd. The penalty of <i>prisión correccional</i> in its minimum and medium periods, if the amount of the fraud is over One million two hundred thousand pesos ([PHP] 1,200,000) but does not exceed Two</p>	<p>“Any person who shall defraud another by means of false pretenses or fraudulent acts as defined in paragraph 2(d) hereof shall be punished by:</p> <p>“1st. The penalty of <i>reclusion temporal</i> in its maximum period, if the amount of fraud is over Four million four hundred thousand pesos ([PHP] 4,400,000) but does not exceed Eight million eight hundred thousand pesos ([PHP] 8,800,000). If the amount exceeds the latter, the penalty shall be <i>reclusion perpetua</i>.</p> <p>“2nd. The penalty of <i>reclusion temporal</i> in its minimum and medium periods, if the amount of the fraud is over Two million four hundred thousand pesos ([PHP] 2,400,000) but does not exceed</p>

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million four hundred thousand pesos ([PHP] 2,400,000).

“3rd. The penalty of *arresto mayor* in its maximum period to *prisión correccional* in its minimum period, if such amount is over Forty thousand pesos ([PHP] 40,000) but does not exceed One million two hundred thousand pesos ([PHP] 1,200,000).

“4th. By *arresto mayor* in its medium and maximum periods, if such amount does not exceed Forty thousand pesos ([PHP] 40,000): *Provided, That in the four cases mentioned, the fraud be committed by any of the following means:*

1. ...
2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
 - a. ...
 - b. ...
 - c. ...
 - d. By postdating a check, or issuing a check in payment of an obligation when the offender had no funds in the bank, or his funds deposited therein were not sufficient to cover the amount of the check. The failure of the drawer of the check to deposit the amount necessary to cover his check within three (3) days from receipt of notice from the bank and/or the payee or holder that said check has been dishonored for lack or insufficiency of funds shall be *prima facie* evidence of deceit constituting false pretense or fraudulent act. (Emphasis supplied)

Four million four hundred thousand pesos ([PHP] 4,400,000).

“3rd. The penalty of *prisión mayor* in its maximum period, if the amount of the fraud is over One million two hundred thousand pesos ([PHP] 1,200,000) but does not exceed Two million four hundred thousand pesos ([PHP] 2,400,000).

“4th. The penalty of *prisión mayor* in its medium period, if such amount is over Forty thousand pesos ([PHP] 40,000) but does not exceed One million two hundred thousand pesos ([PHP] 1,200,000).

“5th. By *prisión mayor* in its minimum period, if such amount does not exceed Forty thousand pesos ([PHP] 40,000). (Emphasis supplied)

In the case of *Abalos v. People*,⁷⁵ the accused was found guilty beyond reasonable doubt for Estafa under Article 315, paragraph 2 (d) of the RPC for issuing two worthless checks in the aggregate amount of PHP 267,500.00. For the penalty, this Court applied the *second* 4th paragraph of Section 85 of Republic Act No. 10951 and ruled in the wise:

Considering that the actual amount involved in this case is [PHP] 232,500.00, the proper imposable penalty is *prision mayor* in its medium period. Since the penalty prescribed by law is a penalty composed of only one period, Article 65 of the RPC requires the division of the time included in the penalty to three portions, thus:

**Maximum: 9 years, 4 months and 1 day to 10 years
Medium: 8 years, 8 months and 1 day to 9 years and 4 months
Minimum: 8 years and 1 day to 8 years and 8 months**

Under Article 64 of the RPC, the penalty prescribed shall be imposed in its medium period when there are neither aggravating nor mitigating circumstances. Considering the absence of any modifying circumstance in this case, the maximum penalty should be anywhere within the medium period of eight years, eight months and one day to nine years and four months.

Applying the Indeterminate Sentence Law (ISL), the minimum term, which is left to the sound discretion of the court, should be within the range of the penalty next lower than the aforementioned penalty, which is left to the sound discretion of the court. Thus, the minimum penalty should be one degree lower from the prescribed penalty of *prision mayor* in its medium period, or *prision mayor* in its minimum period. The minimum term of the indeterminate sentence should be anywhere from six years and one day to 10 years.

Under R.A. No. 10951, therefore, the petitioner is liable to suffer the indeterminate penalty of imprisonment ranging from six years and one day of *prision mayor*, as minimum, to eight years, eight months and one day of *prision mayor*, as maximum.⁷⁶ (Emphasis supplied)

In the Petition, the OSG correctly points out that the public respondent misapplied the *first* 4th paragraph of Article 315 of the RPC, as amended by Section 85 of Republic Act No. 10951.⁷⁷

Instead, the applicable penalties to the case at bar are the *second* 4th and 5th paragraphs of Section 85 of Republic Act No. 10951.

Applying the foregoing, We agree with the OSG that the public respondent's failure to apply the law constitutes a grave abuse of

⁷⁵ 859 Phil. 450 (2019) [Per J. J. Reyes, Jr., Second Division].

⁷⁶ *Id.* at 463-464. (Citations omitted)

⁷⁷ *Rollo*, p. 14.

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discretion, and not merely an error in judgment.⁷⁸ However, even if the public respondent correctly applied the *second* 4th and 5th paragraphs of Section 85 of Republic Act No. 10951, the same would have been disadvantageous to Sy.

The application of Section 85 of Republic Act No. 10951 is not favorable to Sy

Section 100 of Republic Act No. 10951 expressly states that the new law only has retroactive effect when it is favorable to the accused. The provision of law reads:

SECTION 100. *Retroactive Effect.* — This Act shall have retroactive effect to the extent that it is favorable to the accused or person serving sentence by final judgment.

In the case of *Abalos*,⁷⁹ this Court found that the retroactive application of Republic Act No. 10951 prejudiced the accused. Thus, the penalty under the RPC prevailed because it was beneficial to the accused.

Applying the applicable law and jurisprudence, We find that Section 85 of Republic Act No. 10951 is not favorable to respondent Sy. As correctly pointed out by the OSG, the new penalty under Republic Act No. 10951 has the effect of unduly raising the penalty for two counts of Estafa and aggravating the same.⁸⁰ Instead, the original penalty imposed by Branch 48, RTC, Urdaneta City, which is eight years maximum for each of Criminal Case Nos. U-11223 and U-11226, should be maintained.

Based on the foregoing and without proof of compliance with the requirements under Section 5 of Republic Act No. 10592⁸¹ on the grant of time allowances for good conduct,⁸² the immediate release of respondent Sy is not warranted. Here, respondent Sy's Prison Record⁸³ was signed by the Officer-in-

⁷⁸ *Id.* at 10.

⁷⁹ 859 Phil. 450, 465 (2019) [Per J. J. Reyes, Jr., Second Division].

⁸⁰ *Rollo*, p. 10.

⁸¹ Republic Act No. 10592 (2013), An Act Amending Articles 29, 94, 97, 98 And 99 Of Act No. 3815, As Amended, Otherwise Known As The Revised Penal Code.

⁸² See Section 5 of Republic Act No. 10592. The provision of law states:

Section 5. Article 99 of the same Act is hereby further amended to read as follows:

“ART. 99. *Who grants time allowances.* — Whenever lawfully justified, the Director of the Bureau of Corrections, the Chief of the Bureau of Jail Management and Penology and/or the Warden of a provincial, district, municipal or city jail shall grant allowances for good conduct. Such allowances once granted shall not be revoked.”

⁸³ *Rollo*, pp. 38–39.

Charge of the Bureau of Corrections,⁸⁴ who is not authorized under the law and applicable jurisprudence.⁸⁵

A final note.

The Court cannot emphasize enough the pivotal role lower court judges play in the promotion of the people's faith in the judiciary.⁸⁶ While the public respondent's application of a reduced penalty to respondent Sy was noble, it was not proper.

Judges are expected to exhibit more than just a cursory acquaintance with statutes and procedural laws.⁸⁷ It is expected that judges know the laws and apply them properly for the misapplication of laws displays not only a lack of familiarity with the law, but a betrayal of justice and confidence in the judiciary as a whole.

ACCORDINGLY, the Petition for *Certiorari* is **GRANTED**.

1. The March 14, 2019 Resolution of Branch 256, Regional Trial Court, Muntinlupa City in Spec. Proc. No. 18-371 is **NULLIFIED** and **SET ASIDE** for being issued with grave abuse of discretion amounting to lack or in excess of jurisdiction, pursuant to OCA Circular No. 179-2018;
2. The Temporary Restraining Order issued by this Court in the Resolution dated January 8, 2020 is **DECLARED** as permanent effective immediately. The Honorable Amelia A. Fabros-Corpuz, Acting Presiding Judge, her successor in Branch 256, Regional Trial Court, Muntinlupa City, representatives, agents, and all other persons acting on her behalf are **PERMANENTLY RESTRAINED** from implementing and enforcing the Resolution dated March 14, 2019 of Branch 256, Regional Trial Court, Muntinlupa City in Spec. Proc. No. 18-371;
3. The Decision dated September 3, 2007 of Branch 48, Regional Trial Court, Urdaneta City in Criminal Cases Nos. U-11223, U-11226, and U-11227 is **REMANDED** to the Regional Trial Court in Muntinlupa City for the determination of: (1) the proper penalty/penalties in accordance with Republic Act No. 10951; and (2) whether respondent **ANTHONY ARCHANGEL y SY** is entitled to be immediately released on account of full service of his sentences, as modified.

⁸⁴ *Id.* at 39.

⁸⁵ See *City Warden of the Manila City Jail v. Estrella*, 416 Phil. 634, 655 (2001) [Per J. Mendoza, Second Division].

⁸⁶ See *Chan v. Majaducon*, 459 Phil. 754, 763 (2003) [Per J. Carpio, First Division].

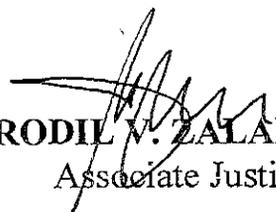
⁸⁷ See *Office of the Court Administrator v. Dumayas*, 827 Phil. 173, 186 (2018) [Per *Curiam*, *En Banc*].

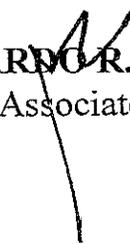
SO ORDERED.

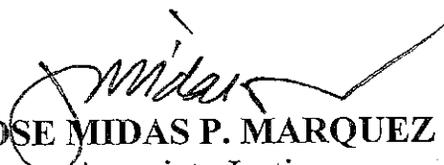

RAMON PAUL L. HERNANDO
Associate Justice
Working Chairperson

WE CONCUR:


ALEXANDER G. GESMUNDO
Chairperson
Chief Justice

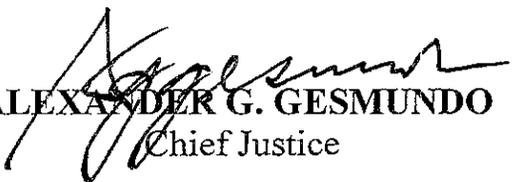

RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision 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

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