



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** which reads as follows:*

**“G.R. No. 248504 (*Noreen Futalan v. People of the Philippines*). –**

The Court **NOTES:**

1. the Manifestation<sup>1</sup> (in lieu of comment) dated November 25, 2019 of counsel for respondent in compliance with the Resolution<sup>2</sup> dated September 18, 2019, adopting its comment dated June 21, 2018 filed before the Court of Appeals (CA) as its comment on the instant petition to expedite the disposition of this case and to avoid repetition of arguments; with attached copy of the aforesaid comment before the CA; and

2. the Manifestation<sup>3</sup> dated November 11, 2019 of counsel for petitioner, stating that she received this Court’s Resolution dated October 9, 2019 requiring petitioner Noreen Futalan (petitioner) to submit an appellant’s brief, which is confusing on her part since she filed the instant Petition for Review on *Certiorari*<sup>4</sup> under Rule 45 asking for the retroactive application of Republic Act No. 10951 (RA 10951), and is unsure as to whether or not she will comply with the aforesaid Resolution since it might be tantamount to forum shopping and praying that this manifestation be noted.

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<sup>1</sup> *Rollo*, pp. 131-133.

<sup>2</sup> *Id.* at 129-130.

<sup>3</sup> *Id.* at 139-141.

<sup>4</sup> *Id.* at 120-127.

Petitioner asks the Court to allow the application of the reduced penalties prescribed under RA 10951 to the cases against her in Criminal Case Nos. **2008-7137, 2008-7138 and 2008-7139**, all for Estafa through falsification of commercial documents, albeit she still has a pending appeal therein before the CA. It appears that she has not withdrawn her appeal in these cases as in fact the CA has already required her to file her appeal brief. And yet, to repeat, she is asking the Court to already determine and impose the penalty on her even in the absence of a final judgment of conviction which the CA may or may not render at all.

Indeed, by asking the Court to retroactively apply the provisions of RA 10951 while her appeal is still pending before the CA and even after the CA had already noted her motion seeking the same relief obviously to await its decision on the main appeal, petitioner has trifled with court processes and exposed the courts to the possibility of rendering conflicting decisions.<sup>5</sup> This is a specie of forum shopping.

At any rate, the Court, in *In Re: Saganib y Lutong*,<sup>6</sup> declared that the benefits of RA 10951 extends to final judgments or to those convicts who have rendered full service of the penalty and not to cases still on appeal, thus:

**“I. Scope.**

**These guidelines shall govern the procedure for actions seeking (1) the modification, based on the amendments introduced by R[.]A[.] 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.**

**x x x x” (Emphasis Supplied)**

Clearly, petitioner is not eligible to avail of the benefits of RA 10951 at this time when there is yet no final judgment of conviction rendered against her.

**WHEREFORE**, the Petition is **DENIED** on grounds of forum shopping and prematurity.

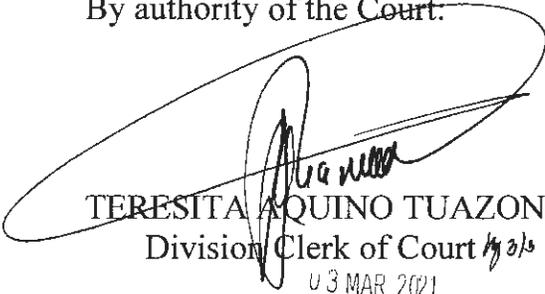
**SO ORDERED.”**

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<sup>5</sup> *Yap v. Chua*, 687 Phil. 392, 399 (2012).

<sup>6</sup> G.R. No. 240347, August 14, 2018.

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court *ky 2/3*  
U 3 MAR 2021

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 53  
Bulwagan ng Katarungan  
Sorsogon City  
(Crim. Case Nos. 2008-7137, 2008-7138 & 2008-7139)

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*Please notify the Court of any change in your address.*  
GR248504. 02/03/21(56)URES