

****Title:**** Hernan v. The Honorable Sandiganbayan

****Facts:****

Ophelia Hernan, an employee of the Department of Transportation and Communication (DOTC) in the Cordillera Administrative Region, served as a cashier responsible for the collection and deposit of fees into the DOTC's bank account at the Land Bank of the Philippines (LBP), Baguio City Branch. On December 17, 1996, a Commission on Audit (COA) examination led by auditor Maria Imelda Lopez found irregularities in two deposit slips supposedly made by Hernan, prompting a series of verifications that concluded these amounts were never deposited. Consequently, Hernan was charged with malversation of public funds and convicted by the Regional Trial Court (RTC) of Baguio City. The RTC's decision was affirmed with modification by the Sandiganbayan upon appeal, with subsequent motions for reconsideration by Hernan being denied due to procedural missteps and claimed newly discovered evidence. Hernan's actions, including the late filing of a motion to reopen the case after the entry of judgment had become final and efforts to reintroduce evidence not presented during the trial, were unsuccessful at the Sandiganbayan, leading to her filing a petition for certiorari under Rule 65 with the Supreme Court.

****Issues:****

1. Whether the Sandiganbayan erred in concluding that the motion to reopen was filed out of time, considering extraordinary circumstances surrounding the case.
2. Whether the Sandiganbayan erred in finding that the evidence intended to be presented by Hernan had been passed upon by the trial court.
3. Whether the Sandiganbayan erred in pronouncing the motion to reopen and the petition for reconsideration filed by Hernan as considered as the second and third motions to the denial of the decision.

****Court's Decision:****

The Supreme Court denied the petition for lack of merit, affirming the Sandiganbayan's resolutions while modifying the penalty imposed on Hernan based on Republic Act No. 10951. The court determined that Hernan's petition under Rule 65 was an improper remedy since the resolutions she sought to assail were final orders. Moreover, the court found Hernan's claims unfounded, particularly noting that procedural missteps and the late assertion of alleged new evidence were insufficient to merit the reopening of the case.

However, considering the enactment of R.A. No. 10951, which adjusted penalties for various crimes, including malversation, the Court modified Hernan's sentence to a lesser penalty as provided under the new law.

****Doctrine:****

The court reiterated the principle that once a judgment becomes final and executory, it is immutable and unalterable except under exceptional circumstances, such as a change in law that retroactively applies to benefit the accused. R.A. No. 10951, adjusting penal sanctions under the Revised Penal Code, constitutes such an exceptional circumstance when it lessens the penalty for the specific offense involved. Additionally, the Supreme Court highlighted the responsibilities of parties and their counsels to keep abreast of their case developments and properly inform the court of changes in contact information to avoid procedural lapses.

****Class Notes:****

1. ****Finality of Judgment:**** A judgment becomes immutable and unalterable once it turns final and executory, barring exceptions like clerical errors, void judgments, or supervening conditions making execution unjust.
2. ****Rule 65 (Certiorari):**** An extraordinary remedy that can only be availed of in the absence of any plain, speedy, and adequate remedy in the ordinary course of law, not applicable for assailing final orders.
3. ****R.A. No. 10951:**** Adjusts the amount or value of property and damage upon which penal sanctions are based under the Revised Penal Code, thereby affecting the penalties for crimes including malversation. This law has retroactive effect if it is beneficial to the accused.
4. ****Duty of Litigants and Counsel:**** It reemphasizes the duty of litigants and their counsels to actively participate in their case, including informing the court of address changes to ensure proper receipt of court communications.

****Historical Background:****

This case demonstrates the evolution of penal laws in the Philippines, particularly through R.A. No. 10951, which significantly impacts the penal system by adjusting penalties relative to the contemporary value of currency and societal contexts. It showcases the Philippine judiciary's adaptability in applying new laws retroactively for the benefit of the accused,

underpinning the principles of justice and fairness.