

### Title:

Tanega v. Hon. Masakayan and the Chief of Police of Quezon City: A Discourse on Prescription of Penalty for Evasion of Sentence

### Facts:

The petitioner, Adelaida Tanega, was originally convicted of slander by the City Court of Quezon City and subsequently affirmed by the Court of First Instance and the Court of Appeals. The Supreme Court refused to review the case on certiorari. Following the affirmation of her guilt, the Court of First Instance set the execution of her sentence to January 27, 1965, which was later deferred to February 12, 1965. On the deferred date, Tanega failed to appear, prompting the issuance of a warrant for her arrest and later an alias warrant. Despite these warrants, Tanega remained unarrested.

On December 10, 1966, Tanega filed a motion to quash the warrants based on the prescription of the penalty, arguing that the period for the penalty prescribed had lapsed. The Court of First Instance rejected this argument and insisted on serving the sentence, leading to another alias warrant of arrest. This series of events escalated to the Supreme Court via a petition for certiorari and prohibition, focusing on the contention that the penalty imposed had prescribed.

### Issues:

1. When does the prescription of penalty for imprisonment imposed by final sentence commence?
2. Does evasion of service of sentence apply to a convict who has never been placed in confinement?

### Court's Decision:

The Supreme Court dismissed the petition for certiorari and prohibition, holding that for the prescription of penalty to commence, the individual must escape during the term of imprisonment by final judgment. The Court elaborated that evasion of sentence, in this context, essentially requires an act of jailbreaking. It relied on Article 157 of the Revised Penal Code and historical interpretations to conclude that prescription of penalty did not apply to Tanega since she never commenced her sentence in confinement.

### Doctrine:

The Court reiterated the doctrine that prescription of penalties for imprisonment requires actual evasion from service of sentence, meaning that the individual must have been

physically serving the sentence when the evasion occurred. This decision emphasized that mere failure to present oneself for the commencement of a sentence does not trigger the prescription of penalties.

### Class Notes:

- **Prescription of Penalty**: Under Article 92 of the Revised Penal Code, light penalties prescribe in one year. The period commences when the convict evades service of their sentence.
- **Evasion of Sentence**: Defined in Article 157 of the RPC, it necessitates that the convict is serving a sentence of deprivation of liberty and escapes during the term of imprisonment.
- **Historical Background Interpretation**: The Court referenced historical texts to support that prescription of penalties requires the commencement and subsequent escape from the service of sentence.

### Historical Background:

This case reflects the Philippine legal system's interpretation of the concept of prescription of penalty and evasion of sentence, rooted in Spain's Penal Code of 1870. It underscores the judiciary's role in clarifying legal principles that balance the enforcement of judgments with the rights of the convicted individuals. The case is pivotal in understanding the procedural aspects intertwined with the execution of penal sentences and the nuances of legal interpretations on prescription and evasion within the Philippine context.