

Title: People of the Philippines v. Salvador Alapan, G.R. No. 206258, March 13, 2019

****Facts:****

1. In August 2005, Spouses Salvador Alapan and Myrna Alapan borrowed P400,000.00 from Brian Victor Britchford, promising to repay within three months, secured by eight postdated checks issued by Salvador Alapan.
2. When the checks matured, Britchford deposited them at the Philippine National Bank, Olongapo City branch, but the checks were dishonored because the account was closed.
3. Britchford notified the Alapans of the dishonor. The Alapans admitted their account was closed due to business reverses and expressed willingness to settle their obligation.
4. On May 26, 2006, an Information was filed against the Alapans for eight counts of violation of B.P. Blg. 22 (Bouncing Checks Law). They were arraigned on September 1, 2006, and both pleaded not guilty.
5. On February 4, 2009, the Municipal Trial Court of San Felipe, Zambales (MTC) convicted Salvador Alapan of the offenses and fined him P30,000.00 for each case (P240,000.00 total). The court also ordered him to indemnify Britchford P411,000.00 plus legal interest and attorney's fees of P15,000.00. Myrna was acquitted.
6. The judgment became final and executory, but the writ of execution was returned unsatisfied. Britchford then filed a Motion to Impose Subsidiary Imprisonment for Salvador's failure to pay the fine, which the MTC denied on September 24, 2010, because such a penalty was not included in the judgment.
7. Britchford appealed to the Regional Trial Court, Branch 69, Iba, Zambales (RTC), which dismissed the appeal for lack of jurisdiction on January 25, 2011.
8. Britchford further appealed to the Court of Appeals (CA), which dismissed the petition on November 22, 2011, ruling that it lacked the intervention of the Office of the Solicitor General (OSG).

Petitioner (Brian Victor Britchford) then elevated the matter to the Supreme Court.

****Issues:****

1. Whether the petitioner may assail the penalty imposed in the judgment of conviction.

2. Whether the respondent may undergo subsidiary imprisonment for failure to pay the fine.

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

1. ****Assailing the Penalty:****

- The Supreme Court highlighted that the authority to represent the People of the Philippines in criminal appeals lies solely with the Office of the Solicitor General as per Section 35, Chapter 12, Title III, Book IV of the Administrative Code.
- Jurisprudence dictates that the private complainant's interest is limited to civil liability. Representation in criminal aspects on appeal is exclusive to the OSG.
- The Court referenced *Bautista v. Cuneta-Pangilinan* to reinforce that only the State may appeal the criminal aspects of a case. Consequently, the CA was correct in dismissing the petition for lack of OSG intervention.

2. ****Subsidiary Imprisonment:****

- The ruling emphasized that for subsidiary imprisonment due to non-payment of a fine to be imposed, it must be expressly stated in the judgment of conviction.
- In *People v. Fajardo*, it was underscored that mandatory inclusion of subsidiary imprisonment in the court's judgment is necessary for due process.
- Administrative Circular No. 13-2001 does not negate the need for explicit mention of subsidiary imprisonment in the judgment.
- Hence, the absence of such a provision in the MTC's judgment precludes the imposition of subsidiary imprisonment.

3. ****Immutability of Judgment:****

- The doctrine of immutability of final judgments prohibits revising, altering, or modifying a final judgment even if there are errors of fact or law unless clerical errors or void judgments are involved.
- The MTC's judgment having attained finality cannot be modified to include subsidiary imprisonment.

****Doctrine:****

1. ****Exclusive Authority of OSG:**** The OSG exclusively represents the People in criminal appeals (Sec. 35, Book IV, Title III, Chapter 12 of the Revised Administrative Code).
2. ****Subsidiary Imprisonment Specificity:**** The imposition of subsidiary imprisonment must be expressly stated in the judgment of conviction (*People v. Fajardo*).

3. **Immutability of Final Judgments:** A judgment that has attained finality is immutable and unalterable except for correction of clerical errors or void judgments (Doctrine of immutability of judgment).

Class Notes:

- **B.P. Blg. 22:** Establishes penalties for issuing bounced checks.
- **Administrative Code Provision:** Only the OSG may represent the People of the Philippines in appeals.
- **Article 39, RPC:** Governed subsidiary imprisonment in case of insolvency.
- **Administrative Circular No. 13-2001:** Acknowledges subsidiary imprisonment but insists on compliance with legal requirements.

Historical Background:

- This case allows for the discussion on the historical use of B.P. Blg. 22 to prosecute bounced checks, indicating the legal system's measures to enhance credibility in commercial transactions.
- It highlights evolving legal interpretations and requirements concerning the roles of the judiciary and prosecutory bodies in criminal appeals.