

****Title:****

Benjamin Pangan y Rivera vs. Hon. Lourdes F. Gatbalite and Col. James D. Labordo (Pangan v. Gatbalite)

****Facts:****

Petitioner Benjamin Pangan y Rivera was indicted for simple seduction under Criminal Case No. 85-816 in the Municipal Trial Court (MTC) of Angeles City, Branch 3. During the trial, the petitioner's legal counsel, Atty. Eduardo Pineda, submitted the case for decision without presenting any evidence, due to the petitioner's constant absence at hearings. On September 16, 1987, petitioner was convicted and sentenced to two months and one day of arresto mayor.

The petitioner appealed, and on October 24, 1988, the Regional Trial Court (RTC) affirmed the MTC's decision in toto. Despite due notice, neither the petitioner nor his counsel attended the promulgation of the decision on August 9, 1991, which resulted in the issuance of an arrest warrant by the court. The petitioner remained elusive until his apprehension on January 20, 2000. He was detained at the Mabalacat Detention Cell and subsequently transferred to the Angeles City Jail.

On January 24, 2000, petitioner filed a Petition for a Writ of Habeas Corpus with the RTC of Angeles City, contending that his detention was unlawful because his penalty had prescribed. He filed an amended petition after being transferred, impleading the jail warden, Col. James D. Labordo. The jail warden justified the detention through a commitment order issued by Marlon P. Roque, Clerk of Court III of the MTC of Angeles City.

On January 31, 2000, Judge Lourdes F. Gatbalite denied the petition, determining that the period of prescription had not commenced as the petitioner had not served any portion of his sentence.

****Issues:****

1. When does the prescriptive period for penalties under Article 93 of the Revised Penal Code commence?
2. Specifically, what is meant by the phrase "shall commence to run from the date when the culprit should evade the service of sentence"?

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

The Supreme Court affirmed the RTC's decision, concluding that the prescription of penalties begins only when a convict, who is already serving their term of imprisonment,

escapes. Since Pangan never served any part of his sentence, the prescriptive period did not begin. Consequently, his arrest in 2000 remained lawful as the penalty had not prescribed.

****Doctrine:****

The period of prescription for penalties under Article 93 of the Revised Penal Code starts only when the convict evades the service of their sentence by escaping during its term. It does not apply to convicts who have never commenced serving their sentences. This principle was reiterated from earlier jurisprudence such as in *Infante vs. Warden*, and *Tanega vs. Masakayan*.

****Class Notes:****

- ****Key Elements for Prescription of Penalties under Article 93, RPC:****

1. ****Final Judgment:**** The penalty must be imposed by a final judgment.
2. ****Evasion of Service:**** Convict must evade service during the term of sentence.
3. ****Continued Non-Capture:**** The convict should not have been captured or given himself up.
4. ****Lapse of Time:**** The period for prescription of penalties shall commence only from the date evasion takes place.

- ****Statutory Provisions:****

- ****Article 93, Revised Penal Code:**** “The period of prescription of penalties shall commence to run from the date when the culprit should evade the service of sentence...”

- ****Article 157, Revised Penal Code:**** Discusses evasion of service of sentence.

****Historical Background:****

The case reflects the importance of maintaining judicial integrity and order through the strict interpretation of laws surrounding the prescription of penalties. Rooted in earlier jurisprudence, this decision ensures that the legal framework does not unintentionally benefit those who evade legal consequences. It underscores a perpetual responsibility of governmental bodies to apprehend convicts and enforce justice notwithstanding the passage of time.