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7. JUDGMENT

1. Definition

Judgment means that adjudication by the court that the accused is guilty or is not guilty of the offense charged, and the imposition of the proper penalty and civil liability provided for by law on the accused.²¹⁴

Checklist

Steps To Take In Rendering Judgment

Rules of Court, Rule 120, Sec. 2

1. Prepare the judgment personally and directly in the official language and sign the same.²¹⁵ This holds true with orders of dismissal;

2. See to it that the judgment contains a clear and distinct statement of facts proved or admitted by the accused and the law upon which the judgment is based;²¹⁶

3. If it is of conviction, state:

3.1 the legal qualification of the offense constituted by the acts committed by the accused, and the aggravating or mitigating circumstances attending the commission thereof, if there are any;

3.2 the participation of the accused in the commission of the offense, whether as principal, accomplice, or accessory after the fact;

3.3 the penalty imposed upon the accused;²¹⁷

3.4 the civil liability or damages caused by the wrongful act to be recovered from the accused by the offended party, if there is any, unless the enforcement of the civil liability by a separate action has been reserved or waived.

4. In case the judgment is of acquittal, it shall state whether the evidence of the prosecution absolutely failed to prove the guilt of the accused or merely failed to prove his/her guilt beyond reasonable doubt. In either case, the judgment shall determine if the act or omission from which the civil liability might arise did not exist.

5. When two or more offenses are charged in a single complaint or information, and the accused fails to object to it before trial, convict the accused of as many offenses as are charged and proved, and impose on him the penalty for each and every one of them setting out separately the findings of fact and law in each offense.²¹⁸

6. When there is a variance between the offense charged in the complaint or information, and that proved or established by the evidence, and the offense as charged is included in or necessarily includes the offense proved, the accused shall be convicted of the offense proved which is included in the offense charged, or of the offense

charged which is included in the offense proved.²¹⁹

An offense charged necessarily includes that which is proved, when some of the essential elements or ingredients of the former, as this is alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in the offense proved, when the essential ingredients of the former constitute or form part of those constituting the latter.²²⁰

2. Extent of Damages Awarded in Civil Liability Arising from Crimes

Civil liability arising from crime includes, moral damages, exemplary damages and loss of earning capacity.²²¹ Attorney's fees may be awarded but only when a separate civil action to recover civil liability has been filed or when exemplary damages are awarded.²²² Life expectancy must be included in award of damages.²²³

The court should, however, specify how much is the indemnity for death and how much is for moral damages and not lump the whole amount.²²⁴ Civil indemnity is separate from moral damages.²²⁵

In rape cases a civil indemnity of Php 50,000 is mandatory.²²⁶ In addition, moral damages in rape is automatic without the need of pleading or any proof.²²⁷

Civil indemnity or actual and compensatory damages if committed or effectively qualified by any of the circumstances under which the death penalty is authorized by law, the indemnity for the victim shall be increased to the amount of Php 75,000.²²⁸

Actual damages should be supported by receipts.²²⁹

To justify a grant of actual or compensatory damages, it is necessary to prove with a reasonable degree of certainty, premised upon competent proof and on the best evidence obtainable by the injured party, the actual amount of loss.²³⁰

Where there are no aggravating circumstances, exemplary damages should not be awarded. So also actual damages if not supported by evidence may not be awarded.²³¹

Acquittal does not necessarily preclude civil liability, as in the following cases:

(a) Where the acquittal is based on reasonable doubt²³² as only preponderance of evidence is required in civil cases;

(b) Where there is a finding that the accused's liability is not criminal but only civil in nature;²³³ and

(c) Where there is a finding that the civil liability does not arise from or is not based upon the criminal act of which the accused was acquitted²³⁴ as where the accused was acquitted of malversation but was held liable for the funds which were spent for unauthorized purposes.

3. Promulgation Of Judgment

1. What to do (Rule 120, Section 6, Rules of Court).

1.1 Direct the clerk of court/branch clerk of court to give notice to the accused personally or through his/her bondsman if bonded, or through the warden if detained, or through the custodian if out on recognizance.

1.2 To promulgate the judgment, direct the clerk of court/branch clerk of court to read the same in the presence of the accused and counsel de-parte or de officio.

1.3 If the conviction is for a light offense, the judgment may be read in the presence of the accused's counsel or

representative.

1.4 When the judge is absent or outside of the province or city, direct the clerk of court/branch clerk of court to promulgate the judgment.

1.5 If the accused is confined or detained in another province or city, request the executive judge of the Regional Trial Court having jurisdiction over the place of confinement or detention to promulgate the judgment. The court promulgating the judgment shall have authority to accept the notice of appeal and to approve the bail bond pending appeal provided, that if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed and resolved by the appellate court.

1.6 The proper clerk of court shall give notice to the accused personally or through his/her bondsman or warden and counsel, requiring him/her to be present at the promulgation of the decision. If the accused was tried in absentia because s/he jumped bail or escaped from prison, the notice to him/her shall be served at his/her last known address.

1.7 In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him/her a copy thereof at his/her last known address or thru his/her counsel.

1.8 If the judgment is for conviction and the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these rules against the judgment and the court shall order his/her arrest. Within fifteen (15) days from promulgation of judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. S/he shall state the reasons for his/her absence at the scheduled promulgation and if s/he proves that his/her absence was for a justifiable cause, s/he shall be allowed to avail of said remedies within fifteen (15) days from notice.

4. Modification of Judgment²³⁵

1. Modify or set aside a judgment of conviction only

1.1 Upon motion of the accused and

1.2 Before the judgment has become final or appeal has been perfected. Except when the death penalty is imposed, a judgment for conviction becomes final (a) after the lapse of the period for perfecting an appeal or (b) when the sentence has been partially or totally satisfied or (c) the accused has expressly waived in writing his/her right to appeal or (d) the accused has applied for probation.²³⁶

5. Entry of Judgment ²³⁷

1. After the judgment has become final, have it entered in the book of entries of judgments.²³⁸

2. If no appeal or motion for new trial is filed within the time provided in the rules, direct the clerk of court/branch clerk of court to enter the judgment and prepare a certificate that such judgment has become final and executory.

²³⁴ Rules of Court, Rule 120, Sec. 1 .

²³⁵ *Abay v. Garcia*, G. R. No. 66132, June 27, 1988, 162 SCRA 665.

²³⁶ *People v. Escobar*, G. R. No. 69564, January 29, 1988, 157 SCRA 541.

²³⁷ *People v. Licerio*, 61 Phil. 361 [1935].

218 Rules of Court, Rule 120, Section 3 ; People v. Basoy, G. R. No. 68578, July 7, 1986, 142 SCRA 476; People v. Alcid, G. R. No. 66387-88, February 28, 1985, 135 SCRA 280.

219 Rules of Court, Rule 120, Sec. 4 .

220 Rules of Court, Rule 120, Sec. 5 .

221 People v. Morallano, G. R. No. 105004, July 24, 1997, 276 SCRA 84.

222 People v. Teehankee, Jr., G. R. Nos. 111206-08, October 6, 1995, 249 SCRA 54; People v. Quilaton, G. R. No. 69666, January 23, 1992, 205 SCRA 279.

223 People v. Villanueva, G. R. No. 96469, October 21, 1992, 215 SCRA 22; People v. Cordero, G. R. No. 108919, October 11, 1996, 263 SCRA 122.

224 People v. Castillo, G. R. No. 116122, September 6, 1996, 261 SCRA 493.

225 People v. Mangila, G. R. Nos. 130203-4, February 15, 2000.

226 People v. Marabillas, G. R. No. 127494, February 18, 1999, 303 SCRA 352; People v. Mostrales, G. R. No. 125397, August 28, 1998, 294 SCRA 701; People v. Ilao, G. R. No. 129529, September 20, 1998, 296 SCRA 658.

227 People v. Prades, G. R. No. 127569, July 30, 1998, 293 SCRA 411; People v. Malapo, G. R. No. 123115, August 25, 1998, 294 SCRA 579; People v. Lozano, G. R. No. 125080, September 25, 1998, 296 SCRA 403; People v. Padilla, G. R. No. 126124, January 30, 1999.

228 People v. Victor, G. R. No. 127903, July 9, 1998, 292 SCRA 186; People v. Prades, *supra*, note 227; People v. Malapo, *supra*, note 227; People v. Perez, G. R. No. 122764, September 24, 1998, 296 SCRA 17.

229 People v. Cordero, G. R. No. 108919, October 11, 1996, 263 SCRA 122; People v. Cayabyab, G. R. No. 123073, June 19, 1997, 274 SCRA 387; People v. Morollano, G. R. No. 105004, July 24, 1997, 276 SCRA 84; Sumalpong v. Court of Appeals, G. R. No. 123404, February 26, 1997, 268 SCRA 764.

230 Sumalpong v. Court of Appeals, *supra*, note 229.

231 People v. Manggasin, G. R. No. 130599-600, April 21, 1999, 306 SCRA 228.

232 Padilla v. Court of Appeals, No. 39999, May 31, 1994, 129 SCRA 558; People v. Jalandoni, No. L-57555, August 28, 1984, 131 SCRA 454.

233 De Guzman v. Alvia, 96 Phil 558 [1955]; People v. Pantig, 97 Phil. 748.

234 Castro v. Collector of Internal Revenue, L-12174, April 26, 1962, 4 SCRA 1093; Republic v. Bello, No. L-34906, January 27, 1983, 120 SCRA 203.

235 Rules of Court, Rule 120, Section 7.

236 Ramos v. Gonong, No. L-42010, August 31, 1976, 72 SCRA 559.

237 Rules of Court, Rule 36, Section 2.

238 The record shall contain the dispositive part of the judgment and shall be signed by the Clerk of Court.

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