

VENANCIO VILLANUEVA, PETITIONER, VS. COURT OF FIRST INSTANCE OF ORIENTAL MINDORO, PINAMALAYAN, BRANCH II, AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-45798. December 15, 1982

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Petitioner prays that the orders dated December 4, 1976, and February 4, 1977, of the respondent court be set aside on the ground that they were issued without and/or in excess of jurisdiction.

The facts which led to the filing of the petition are the following:

Venancio Villanueva, the petitioner, was accused of murder in Criminal Case No. P-570 of the Court of First Instance of Oriental Mindoro. The information alleged that he committed the crime on February 22, 1974.

Material to this case because the petitioner invokes P.D. No. 603, otherwise known as The Child and Youth Welfare Code which took effect on June 10, 1975, is the fact that Venancio was born on April 1, 1954, so that on February 22, 1974, when he was said to have committed the murder he was 19 years, 11 months and 22 days old.

On July 30, 1975, the respondent court promulgated its decision in the aforesaid criminal case. It convicted Venancio of the crime of murder, sentenced him to suffer the penalty of reclusion perpetua and indemnify the heirs of the deceased in the amount of P12,000.00. Venancio did not appeal the sentence and he was forthwith committed to the National Penitentiary where he started to serve it.

On September 25, 1975, after the lapse of almost two months from the promulgation of the sentence, Venancio, thru counsel, filed an URGENT MOTION FOR APPLICATION OF CHAPTER 3 OF PRESIDENTIAL DECREE NO. 603. The motion contained the prayer "that the release of the accused to responsible authorities be forthwith ordered."

Acting on the motion, the respondent court issued a resolution on December 17, 1975, which reads as follows:

"The accused through counsel submitted this urgent motion for application of Chapter 3 of Presidential Decree No. 603 on the ground that the accused, who was born on April 1, 1954 was only 19 years, U months and 22 days old when he committed the crime on February 22, 1974, so that he falls squarely under the said chapter of Presidential Decree No. 603 which was issued on December 10, 1974, and which took effect on June 10, 1975, and the sentence having been promulgated on July 13, 1975, accused alleges that the Court did not have jurisdiction in imposing the penalty because it was promulgated after Presidential Decree No. 603 had already been in force and effective.

"Articles 192 and 193 of Chapter 3 of Presidential Decree No. 603 provides that if after hearing the Court finds that the youthful offender has committed the acts charged against him, the Court shall determine the impossible penalty including any civil liability against the accused but instead of pronouncing judgment of conviction the Court shall suspend all further proceedings and shall commit the minor to the custody or care of the

Department of Social Welfare or to any training institution operated by the government, or any duly licensed agencies or any responsible person until he shall have reached 21 years of age or for a shorter period as the Court may deem proper, after considering the reports and recommendations of the Department of Social Welfare or the agency or responsible individual under whose care the accused is committed.

"In the opposition filed by the Provincial Fiscal, the latter alleges that the motion for the application of Chapter 3 of Presidential Decree No. 603 was filed out of time so that the accused is already in estoppel and that the provisions of the subject decree are not applicable to the said accused on the ground that when the sentence was promulgated on July 30, 1975 at Roxas, Oriental Mindoro when the court was in session thereat and that on the hour and day of the promulgation counsel de parte of the accused was present and at that time he had many options to take considering that the judgment imposed was one of conviction and one of them is the filing of a motion for reconsideration which could be aimed at either a modification of judgment or the setting aside of the same and he could have pursued another one by filing a motion for new trial.

"The Provincial Fiscal further alleges that on September 25, 1975, when the present urgent motion was filed, it was only five (5) days short of two (2) months from the date of the promulgation, for which reason the submission of said urgent motion is clearly out of the period of fifteen (15) days from promulgation within which to file an appeal or to seek a reconsideration or a new trial of the case, as a consequence of which, the promulgation of judgment can no longer be recalled nor disturbed as it had already become final and executory and as said accused is already committed at the National Penitentiary at Muntinlupa, Rizal, he is no longer under the jurisdiction of the Court.

"The Provincial Fiscal, discussing another ground, alleges that while it is true that when the crime was committed by "the accused, the latter was only 19 years old it cannot be denied that on the date of the promulgation on July 30, 1975, he was already 21 years of age as reflected in Exhibit 'H', which is a birth certificate showing that he was born on April 1, 1954.

"After a thorough and exhaustive examination of the arguments advanced by the accused and the government, the Court finds and so holds that the stand taken by the petitioner to be well-taken, the Court being of considered opinion that on July 30, 1975, when the judgment was promulgated, Presidential Decree 603 was already in force and in full effect thus rendering said promulgation to have been effected without proper jurisdiction. Consequently, considering that the evidence is clear that at the time of the commission of the offense by the accused he was only more than 19 years old, the provisions of Presidential Decree No. 603 should be interpreted liberally in his favor.

"WHEREFORE, in view of all the foregoing, the promulgation of judgment in this case on July 30, 1975, is hereby declared null and void, it having been effected after the effectivity of Presidential Decree No. 603 and the Director of Prisons is hereby ordered to deliver the person of the accused Venancio Villanueva to the custody and care of the officer-in-charge of the Vicente Madrigal Rehabilitation Center, Sampaloc, Tanay, Rizal, pursuant to the provisions of the aforementioned presidential decree and in accordance also with the provisions of Article 80 of the Revised Penal Code. The said accused shall be subject to visitation by the Secretary of the Department of Social Welfare or any of her authorized representative and the one incharge of the said rehabilitation center should submit to the Court a report on the conduct, demeanor and activities of the subject person once every four months." (Expediente, pp. 112-115.)

Venancio was transferred to the Vicente Madrigal Rehabilitation Center and in a Final Report dated March 20, 1976, Mrs. Constancia G. Bolinao, Officer-in-Charge of the Center, made the following recommendation:

"WHEREFORE, premises considered pursuant to the provisions of Presidential Decree No. 603 of the Revised Penal Code, as amended, it is respectfully recommended that the case handed down by this Honorable Court against herein accused, VENANCIO VILLANUEVA, be dismissed and definitely terminated and that he be released from the National Training School for Boys (Vicente Madrigal Rehabilitation Center), Sampaloc,

Tanay, Rizal to the care and custody of his parents, Mr. and Mrs. Ceverino Villanueva of Roma Mankalaya, Oriental Mindoro." (Expediente, p. 119.)

On June 15, 1976, the respondent court issued an order directing the trial fiscal to comment on or oppose the final report. The trial fiscal asked for time to consult the Solicitor General "this being a serious case and one of first impression." The request was granted.

On September 9, 1976, the Solicitor General filed a motion with the respondent court. He asked that it "set aside its Resolution dated December 17, 1975, and that it order the immediate return and recommitment of convict Venancio Villanueva to the National Penitentiary, Muntinlupa, Rizal, pursuant to its judgment of conviction of July 30, 1975."

Venancio and his father opposed the Solicitor General's motion and counter-petitioned for the release of the former. The Solicitor General replied to the opposition and opposed the petition. Venancio filed a rejoinder and finally on December 4, 1976, the respondent court issued the following order:

"The Solicitor General, in his motion dated August 2, 1976 which seeks to set aside the resolution of this Court, dated December 17, 1975, argues that the latter is null and void as the judgment of conviction promulgated on July 30, 1975 has already become final and executory without the accused having interposed any appeal and has, in fact, commenced serving his sentence, so that the Court had lost jurisdiction over the case, and that Presidential Decree No. 603 is not applicable to the herein accused who had attained the age of majority on the date of the promulgation of the judgment against him.

"The accused, thru counsel, was required to file his responsive pleading to the above-mentioned motion, and on October 14, 1976, Counter-Petition for the Release of the Accused Youthful Offender and Opposition to Solicitor-General's Motion, was received, to which pleading, the Solicitor-General filed Opposition/Reply to Counter-Petition and Opposition to Motion, on October 26, 1976. Accused, on November 9, 1976, submitted his reply to Opposition/Reply of the Solicitor-General.

"The Court has exhaustively examined the above motion of the Solicitor-General, together with the opposition thereto filed by the accused thru counsel, and the subsequent pleadings filed by them. It also reviewed and re-examined the urgent motion of the accused for the Court to apply Chapter 3 of Presidential Decree No. 603, in his favor, as well as the opposition thereto submitted by the trial fiscal, and in all humility and candor, it hereby acknowledges having committed an erroneous appreciation of Chapter 3 of the presidential decree in question, having relied on the constitutional precept that the law must be liberally construed in favor of the accused, and was of the honest belief that the decree is applicable to all offenders who commit offenses before reaching the age of twenty-one years, irrespective of the age of the offender when the judgment of conviction is promulgated.

"There is, therefore, no necessity of discussing in detail the pros and cons as ventilated by the parties in their pleadings. Suffice it to state that the Court indeed committed an honest mistake in applying the provisions of Presidential Decree No. 603 in favor of the accused in this case, for as correctly pointed out by the Solicitor-General and by the trial fiscal in the latter's written opposition to the Motion of Accused for the Application of Chapter 3 of Presidential Decree No. 603, the Court acted without jurisdiction in issuing the resolution in question, it appearing that on July 30, 1975 when the judgment of conviction was promulgated, accused Venancio Villanueva was more than 21 years old, and the latter not having interposed any appeal nor motion for reconsideration, the sentence had long become final and executory when the Court, on December 17, 1975, resolved to transfer the custody of the prisoner from the Director of Prisons, to the National Training School for Boys, now the Vicente Madrigal Rehabilitation Center, for rehabilitative purposes pursuant to the provisions of Presidential Decree No. 603.

"The Court having reversed its stand on the subject matter as it fully agrees with the posture taken by the

Solicitor-General in that it did not have any more jurisdiction to take cognizance of the motion of the accused who invoked that the provisions of Presidential Decree No. 603 be applied in his favor, which decree is not applicable to him, the judgment of conviction against him having been promulgated when he was already more than 21 years old, there is no alternative left but to grant the relief sought by the Solicitor-General.

"WHEREFORE, in view of the foregoing, order is hereby issued:

"1. Declaring as null and void the Resolution of this Court dated December 17, 1975, together with all the proceedings had thereunder, for lack of jurisdiction; and

"2. Ordering the Officer in Charge of the National Training School for Boys, now the Don Vicente Madrigal Rehabilitation Center, Sampaloc, Tanay, Rizal, to immediately return and re-commit Prisoner Venancio Villanueva to the Director, National Penitentiary, New Bilibid Prisons, Muntinlupa, Metro Manila, pursuant to the judgment of conviction rendered against him on July 30, 1975." (Expediente, pp. 178-181.)

On February 4, 1977, the respondent court denied Venancio's motion for reconsideration but gave him thirty days from notice to appeal to this Court by certiorari.

In the instant petition, the orders of the respondent court dated December 4, 1976, and February 4, 1977, are assailed and the following issues are submitted for resolution, namely:

"I. WAS THE RESPONDENT COURT AMPLY VESTED WITH JURISDICTIONAL POWER AND AUTHORITY TO RENDER ITS RESOLUTION OF DECEMBER 17, 1975 (ANNEX G) DECLARING NULL AND VOID ITS PROMULGATION OF JUDGMENT ON THE CASE ON JULY 30, 1975 (ANNEX A) AND ORDERING THE DIRECTOR OF PRISONS TO DELIVER THE PERSON OF PETITIONER TO THE CUSTODY AND CARE OF THE OFFICER-IN-CHARGE OF THE VICENTE MADRIGAL REHABILITATION CENTER, SAMPALOC, TANAY, RIZAL PURSUANT TO, AND FOR THE APPLICATION OF, THE BENEFICIAL PROVISIONS OF PRESIDENTIAL DECREE NO. 603.

"II. AFTER THE IMPLEMENTATION OF ITS RESOLUTION OF DECEMBER 17, 1975 (ANNEX G) AND WITH THE FAVORABLE FINAL REPORT OF THE INSTITUTION CONCERNED (ANNEX I) HAVING BEEN DULY SUBMITTED FOR APPROVAL, DOES THE RESPONDENT COURT HAVE JURISDICTION TO DECLARE NULL AND VOID ITS OWN AFOREMENTIONED RESOLUTION AND THE PROCEEDINGS HAD THEREUNDER, THEREBY, RESUSCITATING AND REVIVING ITS SENTENCE OF JULY 30, 1975 (ANNEX A) UPON PETITIONER AND ORDERING THE LATTER'S RECOMMITMENT TO THE NATIONAL PENITENTIARY UNDER ITS QUESTIONED ORDER DATED DECEMBER 4, 1976 (ANNEX R).

"III. HAS THE QUESTIONED ORDER OF THE RESPONDENT COURT DATED DECEMBER 4, 1976 (ANNEX R) VIOLATED THE PETITIONER'S RIGHTS UNDER THE DUE PROCESS AND DOUBLE JEOPARDY CONSTRAINTS OF THE NEW CONSTITUTION,"

The petition is not impressed with merit and should be denied.

Anent the first issue, even if it be assumed that P.D. No. 603 which became effective on June 10, 1975, can be applied retroactively in favor of a youth who had committed an offense long before the decree took effect, in this case on February 22, 1974, We do not believe that the respondent court was legally justified in issuing its resolution of December 17, 1975.

It should be recalled that Title VIII (Special Categories of Children) of Chapter 3 (Youthful Offenders) of the Code, defines a youthful offender as "one who is over nine years but under twenty-one years of age at the time of the commission of the offense." (Art. 189.) And Article 192 of the same Code reads:

"ART. 192. Suspension of Sentence and Commitment of Youthful Offender. — If after hearing the evidence in

the proper proceedings, the court should find that the youthful offender has committed the acts charged against him the court shall determine the imposable penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court shall suspend all further proceedings and shall commit such minor to the custody or care of the Department of Social Welfare, or to any training institution operated by the government, or duly licensed agencies or any other responsible person, until he shall have reached twenty-one years of age or, for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare or the agency or responsible individual under whose care he has been committed."

(Arts. 189 and 192 are quoted as they were on July 30, 1975, when the decision against Venancio was promulgated. Art. 189 was amended by P.D. No. 1179 on August 15, 1977; the age of 21 was reduced to 18 years. Art. 192 was also amended by P.D. No. 1179 and again by P.D. No. 1210 dated October 11, 1977.)

It is true that Venancio was a youthful offender as defined by Art. 189 because he was under 21 years of age when he committed the offense on February 22, 1974. However, when he was sentenced on July 30, 1975, he was over 21 years old and under the terms of Art. 192 (as well as Art. 197) he was no longer entitled to suspension of sentence.

Assuming, for the sake of argument, that Venancio was entitled to suspension of sentence on July 30, 1975, the failure of the respondent court to accord it to him did nullify its judgment for the reason that a wrong judgment is not a void judgment provided the court which rendered it had jurisdiction to try the case. The respondent court had such jurisdiction.

The result is that the judgment rendered by the respondent court on July 30, 1975, was a valid one and it became final when Venancio did not appeal but instead commenced to serve the sentence imposed upon him. Venancio's urgent motion invoking the benefits of P.D. No. 603 aside from lacking merit was filed out of time. Consequently, the resolution issued by the respondent court on December 17, 1975, was void for want of jurisdiction. Its orders dated December 4, 1976, and February 4, 1977, which merely reiterated its previous valid judgment are likewise valid.

The petitioner argues that under Sections 5 and 6 of the Rules of Court, courts have the inherent power to amend their judgments so as to make them conformable to law. True, but judgments which are subject to amendment are those which have not yet attained finality. For to allow courts to amend final judgments will result in endless litigation.

Finally, Section 9 of Rule 120 of the Rules of Court is invoked. The section reads:

"SEC. 9. Existing provisions governing suspension of sentence, probation and parole, not affected by this rule.
— Nothing in this rule shall be construed as affecting any existing provision in the law governing suspension of sentence, probation or parole."

The provision above-quoted is unavailing to the petitioner not only because he is not entitled to suspension of sentence but also because such a provision cannot affect a final judgment.

The preceding elucidation likewise resolves the second and third issues. It is only useful to add in respect of the third issue that considering, as We have held, that the resolution of December 17, 1975, was both void for lack of jurisdiction and unjustified because it was issued pursuant to a motion which lacked merit, whereas the orders dated December 4, 1976 and February 4, 1977, are valid, due process and double jeopardy which are claimed for the petitioner are utterly irrelevant.

WHEREFORE, the petition is dismissed; the assailed orders mentioned above are hereby upheld, Costs against the petitioner.

SO ORDERED.

Makasiar (Chairman), Aquino, Concepcion Jr., Guerrero, De Castro and Escolin, JJ., concur.

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