

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. DOMINADOR VALES Y VICTA, ACCUSED.

G.R. Nos. L-20376-77. September 14, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On February 23, 1961, a criminal case for qualified theft was filed against Dominador Vales y Victa, an employee of the H. E. Heacock, Inc., before the Court of First Instance of Manila (Criminal Case No. 566.11), the information alleging, among other things, that the accused, conspiring with other persons and with intent of gain and without the consent of the owner, took and stole 311 pieces of assorted wrist watches belonging to H. E. Heacock, Inc., while on March 3, 1961 another criminal case for qualified theft but only as accessory after the fact was filed against Romeo Villadolid y Garcia before the same court (Criminal Case No. 56742) alleging, among others, that said accused having knowledge of the crime of qualified theft committed by Dominador Vales y Victa involving 311 pieces of wrist watches belonging to H. E. Heacock, Inc. concealed the effects of the crime by pawning the stolen property for his benefit and that of his co-malefactor.

On February 24, 1961, acting upon the authority of a search warrant issued by the Court of First Instance of Manila, the Manila Police Department seized from T. V. Picache's Agencia de Empeños, Inc. 145 assorted wrist watches which were described in the pawnshop certificates enumerated in the list attached to the search warrant.

The two cases having been jointly tried, the two accused, after first pleading not guilty to the charges, substituted later their plea with one of guilty of simple theft and of accessory after the fact of only for the sum of P11,876.84 which was arrived at by deducting the value of the stolen 194 watches which were later recovered from various pawnshops, including the 145 watches seized from T. V. Picache's Agencia de Empeños, Inc. Accordingly, the two accused were sentenced in separate decisions, but in each of them the following sentence was included: "It is directed that all the stolen articles involved in this case which are still in the custody of the Manila Police Department should be returned to said complainant", meaning the complainant H. E. Heacock, Inc., and pursuant to said directive, the Manila Police Department delivered to said complainant all the watches in its custody, including the 145 pieces of assorted watches which were seized from the T. V. Picache's Agenda de Empeños, Inc.

Seven months later, or on September 3, 1962, T. V. Picache's Agenda de Empeños, Inc. filed separately a motion in each case praying for the return to it of the 145 watches seized by the Manila Police Department and claiming that the directive of the court ordering their delivery to complainant had the effect of depriving the movant of its property without due process of law; but the two motions were denied by the court on the ground that the decisions rendered in the two cases had already become final. The movant appealed from this decision.

The main argument of appellant in disputing the order appealed from hinges on its claim that the court a quo in rendering its decision in the two criminal cases filed against Dominador Vales y Victa and his companion Romeo Villadolid, where they pleaded guilty, exceeded its jurisdiction in ordering the delivery of all the stolen properties,

including the 145 watches seized by the Manila Police Department from T. V. Picache's Agencia de Empeños, Inc., to complainant H. E. Heacock, Inc., for the reason that said watches were never presented as evidence and, in fact, were even excluded in the plea of guilty, and so they were not under the control of the court. Hence, appellant now claims, that the court a quo erred in including said watches in its decision and much less in ordering their delivery to complainant.

This claim may be correct, only that it came too late, or at a time when the court a quo had no more jurisdiction over its two decisions. It should be noted that the motion under consideration was filed in the two cases seven months after the decisions had been rendered, or after said decisions had become final and executory. In fact, the two accused not only failed to appeal but commenced to serve their sentences on the very day they were passed upon. Hence, it is evident that the court a quo has no more power to alter, amend, or modify the two decisions, except probably to correct clerical errors, which is not the case here (*The Fiscal of the City of Manila v. Del Rosario*, 52 Phil., 20).

The fact that the defendants merely pleaded guilty to a portion of the articles stolen described in the two informations did not deprive the court a quo of its jurisdiction over them it appearing that they were allowed to substitute their plea of not guilty for that of guilty for a lesser amount only out of simple pity on the part of the offended party after they had admitted having committed the offense as originally charged. The court a quo may be mistaken in ordering the delivery of the rest of the articles stolen to the offended party instead of ordering that they litigated in an appropriate action, but that is merely an error of law that cannot affect the jurisdiction of the court.[1]

The case of *Chua Hai vs. Hon, Ruperto Kapunan, Jr., et al.*, L-11108, June 30, 1958 invoked by appellant, is not in point, for there the petitioner filed his motion for delivery of the stolen articles within a reasonable time and when the court had still jurisdiction over the case, whereas in the present the action taken by the movant came too late. Its remedy now is to assert its claim over the watches in an appropriate action which it may take separately against the proper party.

Premises considered, we find no justification to set aside the order appealed from, which we hereby affirm, with costs against appellant.

Bengzon, C. J., Concepcion, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

[1] *Herrera v. Barreto*, 25 Phil., 245; *Castro v. Peña*, 80 Phil., 488.

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