PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO GALLO Y IGLOSO, ACCUSED-APPELLANT.

G.R. No. 124736. September 29, 1999

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-124736/

PER CURIAM:

The penalty imposed upon accused-appellant Romeo Gallo y Igloso by the Regional Trial Court, Branch 68, of Binangonan, Rizal, after finding him guilty beyond reasonable doubt of the crime of qualified rape, was affirmed by this Court in its decision promulgated on 22 January 1998.

On 24 August 1999, accused-appellant filed a "Motion to Re-open Case (with Leave of Court)" seeking a modification of the death sentence to reclusion perpetua. Accused-appellant proffers that the reduction sought by him would be in line with the new Court rulings which annunciate that the seven attendant circumstances introduced in Section 11 of Republic Act No. 7659 partake of the nature of qualifying circumstances that must be pleaded in the indictment in order to warrant the imposition of the penalty.

The Court in the case of People vs. Garcia,[1] speaking through then, Justice Florenz D. Regalado, ratiocinated that the additional attendant circumstances introduced by R.A. 7659 should be considered as special qualifying circumstances distinctly applicable to the crime of rape and, if not pleaded as such, could only be appreciated as generic aggravating circumstances.[2]

The Information filed against accused-appellant reads:

> "That on or sometime in the period of May, 1994 in the Municipality of Cardona, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above named accused, with lewd designs and by means of force or intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with a 13 year old girl, Marites Gallo y Segovia."[3]

The above indictment has not specifically alleged that accused-appellant is the victim's father; accordingly, accused-appellant's relationship to the victim, although proven during the trial, cannot be considered to be a qualifying circumstance.[4]

The next crucial point is whether the Court must now apply retroactively the Garcia doctrine to the conviction of accused-appellant.

The Court has had the opportunity to declare in a long line of cases that the tribunal retains control over a case until the full satisfaction of the final judgment conformably with established legal processes. It has the authority to suspend the execution of a final judgment or to cause a modification thereof as and when it becomes imperative in the higher interest of justice or when supervening events warrant it.[5]

The doctrine declared in People vs. Garcia, and its reiteration in People vs. Ramos,[6] People vs. Ilao,[7] and People vs. Medina,[8] came only after almost a year from the promulgation of the instant case.

The Office of the Solicitor General, when requested to comment on the aforesaid 24th August 1999 motion of

accused-appellant, had this to state:

> "Judicial decisions applying or interpreting the law or the Constitution shall form part of the legal system of the land (Article 8, Civil Code of the Philippines). Medina, which has the force and effect of law, forms part of our penal statutes and assumes retroactive effect, being as it is, favorable to an accused who is not a habitual criminal, and notwithstanding that final sentence has already been pronounced against him (Article 22, Revised Penal Code).
>
> "Indeed, by operation of law, appellant is rightfully entitled to the beneficial application of Medina. Accordingly, the Office of the Solicitor General hereby joins appellant's prayer for reduction of his sentence from death to reclusion perpetua."

The Court agrees with the Office of the Solicitor General in its above observations and sees merit in its stand to join accused-appellant in praying for a modification of the sentence from death to reclusion perpetua.

WHEREFORE, the motion to re-open the case is GRANTED and the decision sought to be reconsidered is MODIFIED by imposing on accused-appellant the penalty of reclusion perpetua in lieu of the death penalty and ordering him to indemnify the victim the amount of P50,000.00.

Considering that the records of all cases where the death penalty is imposed are forwarded to the Office of the President in accordance with Section 25 of R.A. 7659, the Court directs the Clerk of Court to furnish the Office of the President with a copy of this resolution for appropriate guidance.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

---

[1] 281 SCRA 463, 484-489.

[2] People vs. Rodico, 249 SCRA 309.

[3] Rollo, p. 7.

[4] ART. 63. Rules for the application of indivisible penalties. – In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed. (Revised Penal Code)

[5] Candelaria vs. Cañizares, 4 SCRA 738; Philippine Veterans Bank vs. Intermediate Appellate Court, 178 SCRA 645; Lipana vs. Development Bank of Rizal, 154 SCRA 257; Lee vs. De Guzman, 187 SCRA 276; Bacharach Corporation vs. Court of Appeals, G.R. No. 128349, 25 September 1998; People vs. Echegaray, G.R. No. 132601, 19 January 1999.

[6] G.R. No. 129439, 25 September 1998.

[7] G.R. No. 129529, 29 September 1998.

[8] G.R. No. 126575, 11 December 1998.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.