

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LUDIGARIO CANDELARIO AND GERRY LEGARDA, ACCUSED-APPELLANTS.

G.R. No. 125550. July 11, 2000

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PER CURIAM:

On July 28, 1999, a Decision was rendered by this Court in the above-entitled case, affirming, with modification, the decision of the Regional Trial Court of Roxas City, Branch 14, convicting the herein accused-appellants of the crime of Robbery with Multiple Rape. The dispositive portion of the Court's Decision reads:

WHEREFORE, premises considered, the judgment of the Regional Trial Court of Roxas City, Branch XIV, in Criminal Case No. C-4692 dated February 29, 1996 imposing the death penalty on the accused-appellant Ludigario Candelario and reclusion perpetua on accused-appellant Gerry Legarda is hereby AFFIRMED with the MODIFICATION that accused-appellants shall be ordered to indemnify the victim Maribel Degala in the amount of P75,000.00 as civil indemnity and P50,000.00 as moral damages, respectively for each count of the offense charged.

Costs against accused-appellants.

In accordance with Section 25 of Republic Act No. 7659, amending Article 83 of the Revised Penal Code, upon finality of this decision, let the records of this case be forthwith forwarded to the Office of the President for possible exercise of executive clemency.

SO ORDERED.[1]

The said Decision of the Court became final and executory on August 20, 1999. Thus, entry of judgment was made.[2]

On December 20, 1999, a Final Report[3] dated November 3, 1999 was filed with this Court by Zenaida A. Mabugat, Field Office Director of the Department of Social Welfare and Development (DSWD)-Field Office VI, Molo, Iloilo City. The Final Report states as follows:

FINAL REPORT

COMES NOW, the Department of Social Welfare and Development, Field Office VI, Molo, Iloilo City through the Regional Director, respectfully submits the Final Report on the above youth offender who was committed to the Regional Rehabilitation Center for Youth, Concordia, Nueva Valencia, Guimaras on March 26, 1996 per Court Order of this Honorable Court dated March 6, 1996 pursuant to the provision of Article 192 of Presidential Decree 603, otherwise known as the Child and Youth Welfare Code as amended.

- That, Jerry Legarda, 18 years and 11 months old, was placed under the custody of the Department of Social Welfare and Development, Regional Rehabilitation center for Youth, Concordia, Nueva Valencia, Guimaras.
- That, before Jerry was admitted to the DSWD-Regional Rehabilitation Center for Youth, He had stayed at the Bureau of Jail Management and Penology, Roxas City for almost one (1) year for his preventive detention. His record showed that he had properly behaved and willing to undergo reformation process.

- That, Jerry has been staying at RRCY for a period of three (3) years and eight (8) months. He was afforded with various rehabilitation programs and services.

- That during Jerry's stay in the center, he actively responded to his rehabilitation plans and activities as agreed upon by both the rehabilitation team and Jerry himself. He demonstrated the following behaviors and attitudes that can qualify him as developed person in terms of his intellectual, physical, moral and emotional being;

4.1 He has maintained self-discipline and has never been involved in fights/troubles inside the center.

4.2 He is respectful, humble, obedient, honest, trustworthy and is a well adjusted person with his co-residents.

4.3 He performs work assignment without supervision from the staff.

4.4. He is clean, tidy, well-groomed and very particular of his personal hygiene.

4.5. He actively participated in group work activities and has been trained in various Practical Skills Training conducted inside the center such as; Hollow Blocks Making, Parol Making, Paper Making, Food Processing, Poultry Raising, Pig Fattening, Vegetable Gardening and undergoing Driving Lessons. He is also trained in Arts and Drama conducted by the UP-Pahinungod Student Volunteers.

4.6. Due to his good behavior and exemplary performance, he was granted the privilege of availing formal education and was enrolled in Grade III at Concordia Elementary School. He was accelerated to Grade VI when he passed the Philippine Educational Placement Test conducted by the Department of Education, culture and Sports dated December 1, 1996. Consequently, he finished first year high school at Nueva Valencia National High School.

4.7.....He was observed to be diligent in his studies inspite of some difficulty in his subjects. He showed teachable attitude and faithfully accomplished his homework/assignment with the intensive assistance of the staff.

- That, Jerry has manifested leadership skills wherein he can lead the group and has developed respect and encourage cooperation among minors most especially during work activities, youth development training and practical endeavors conducted or offered by the center.

- That, the rehabilitation team has consolidated their efforts necessary for the total rehabilitation of Jerry by conducting case conferences, updating the plans and regularly evaluating his performance inside and outside the center.

- That, numerous skills training acquired by Jerry which can be of great help for his independent living so to earn income and support in augmenting family income. Likewise, his desire to go on schooling will be given proper attention with the commitment of his father and supervision of the Social Worker in the area.

- That, per assessment report submitted by Merbeth S. Duran, Social Welfare Officer II in Sorsogon, Sorsogon revealed that minor's father, Mr. Emilio Legarda, who is residing in Pinamancaan, Mandaon, Masbate is ready and capable to take custody of his son. Mr. Legarda expressed his commitment to send Jerry to school to continue his formal education.

- That, four (4) progress reports were submitted to RTC, Branch 14, Roxas City under Judge Salvador Gubaton where the case was originally filed. It was noted that the findings were consistently satisfactory considering the progress in Jerry's personality. He has behaved properly and has shown his capability to be useful member of the community.

- That, in order to substantiate the contents of our final reports, the undersigned respectfully submits the following documents before this Honorable Supreme Court;

- The updated Social Case Study Report re: Jerry Legarda.

- The four (4) copies of Progress Reports submitted by the RRCY Senior Social worker and noted by RRCY Head Social Worker.
- The original copy of the Assessment Report dated February 4, 1998 regarding the willingness and capability of Mr. Emilio Legarda to take care of his son, Jerry Legarda upon discharge into his custody.
- The copy of Court Order for the commitment of Jerry Legarda to the Department of Social Welfare and Development which was issued by Judge Salvador Gubaton, Judge, RTC Branch 14, Roxas City dated March 6, 1996.

WHEREFORE, premises considered, the undersigned respectfully recommends to the Honorable Supreme Court that the case of the herein subject be dismissed and his custody be transferred from Regional Rehabilitation Center for Youth, DSWD-Field Office VI, Concordia, Nueva Valencia, Guimaras to his father, Mr. Emilio Legarda, of Pinamancaan, Mandaon, Masbate for his best welfare and interest.

Department of Social Welfare and Development Regional Rehabilitation Center for Youth Concordia, Nueva Valencia, Guimaras, November 3, 1999.

FOR THE DEPARTMENT OF SOCIAL
WELFARE AND DEVELOPMENT

ZENAIDA A. MABUGAT
Field Office Director
DSWD-Field Office VI
Molo, Iloilo City

In a Resolution[4] dated February 8, 2000, the Court directed the Office of the Solicitor General to Comment on the final report submitted by the DSWD.

In compliance with the said resolution, the Solicitor General's office filed its Comment on March 14, 2000 stating that it interposes no objection to the recommendation of the DSWD.

In the said Final Report, the DSWD claims that as a result of its team's rehabilitation efforts, accused-youthful offender Gerry Legarda has allegedly behaved properly and has shown his capability to be a useful member of the community. Attached to that Final Report are (a) the updated Social Case Study Report re: Jerry Legarda;[5] (b) the four (4) copies of Progress Reports submitted by the RRCY Senior Social Worker and noted by RRCY Head Social Worker;[6] (c) the original copy of the Assessment Report dated February 4, 1998 regarding the willingness and capability of Mr. Emilio Legarda to take care of his son, Gerry Legarda upon discharge into his custody;[7] and (d) the copy of Court Order for the commitment of Gerry Legarda to the Department of Social Welfare and Development which was issued by Judge Salvador Gubaton, RTC Branch 14, Roxas City dated March 6, 1996.[8]

It is our view that, under the circumstances, the said Final Report and recommendation of the DSWD should be referred to the Regional Trial Court of Roxas City for its appropriate action and disposition in line with our Decision in the case of *People v. Ricky Galit, et al.*,[9] the pertinent portions of which read, to wit:

"The offense charged in this case, Robbery with Homicide, is punishable by reclusion perpetua to death (Art. 294(1), R.P.C.). As a matter of fact, the herein appellants were sentenced to suffer the penalty of reclusion perpetua. Consequently, the suspension of sentence as provided under Art. 192 of P.D. 603, as amended, does not apply to accused Raquel Tagalog and Ricky Galit.

Nonetheless, considering that the decision against accused Ricky Galit and Raquel Tagalog had become final, this Court can no longer alter the judgment rendered by the trial court however erroneous it may have been.

This Court has no jurisdiction to pass judgment on an accused who did not appeal the sentence of conviction imposed by the trial court (*People v. Medrano*, 122 SCRA 586 [1983]).

This brings us to the manifestation dated April 17, 1993 filed by counsel for accused Ricky Galit praying for his release from the National Training School for Boys (NTSB) as recommended in the Final Report submitted by the Senior Officer of the NTSB on the ground that Ricky Galit had complied with the conditions of his rehabilitation.

In his Comment dated October 15, 1993, the Solicitor General interposed no objection to the final release of Ricky Galit from the custody of the NTSB, DSWD, Tanay, Rizal, provided accused Galit's civil liability is not extinguished as provided in Articles 198 and 201 of the Child and Youth Welfare Code.

Be that as it may, it is not the responsibility of this Court to order the release of accused Ricky Galit without the benefit of a review of the recommendation of the Department of Social Welfare by the trial court. Art. 196 of PD 603 provides:

"Art. 196. Dismissal of the case. - If it is shown to the satisfaction of the court that the youthful offender whose sentence has been suspended, has behaved properly and has shown his capability to be a useful member of the community, even before reaching the age of majority, upon recommendation of the Department of Social Welfare, it shall dismiss the case and order his final discharge."

It is therefore clear that in cases where the DSWD recommends the discharge of a youthful offender, it is the trial court before whom the report and recommendation is subject to judicial review. Recommendation alone is not sufficient to warrant the release of a youthful offender. In reviewing the DSWD's recommendation, the trial judge must not base his judgment on mere conclusions but should seek out concrete, material and relevant facts to confirm that the youthful offender has indeed been reformed and is ready to re-enter society as a productive and law-abiding citizen.

Caution, however, is given to the trial court. To begin with, the youthful offender is not to be tried anew for the same act for which he was charged. The inquiry is not a criminal prosecution but is rather limited to the determination of the offender's proper education and rehabilitation during his commitment in the Training Center and his moral and social fitness to re-join the community."

WHEREFORE, in view of the favorable recommendation of the Field Office Director, Department of Social Welfare and Development (DSWD) Field Office VI, Molo, Iloilo City, the court a quo is hereby directed to review the same and to pronounce judgment thereon as it may deem proper under the circumstances without prejudice to any civil liabilities of accused-youthful offender Gerry Legarda may have incurred by reason of his conviction.

Let a copy of the said Final Report dated November 3, 1999 of the DSWD-Field Office VI, Molo, Iloilo City, together with its annexes, be forwarded to the Regional Trial Court of Roxas City, Branch 14, for that purpose.

SO ORDERED.

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

[1] Rollo, pp. 227-228.

[2] Rollo, p. 230.

[3] The name Gerry was spelled as "Jerry". Rollo, pp. 237-239.

[4] Rollo, p. 254.

[5] Rollo, pp. 244-245.

[6] Rollo, pp. 246-250.

[7] Rollo, pp. 251-252.

[8] Rollo, p. 243.

[9] Penned by Justice Abdulwahid A. Bidin. 230 SCRA 486, 497-498 (1994)

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