RENNIE DECLARADOR, PETITIONER, VS. HON. SALVADOR S. GUBATON, PRESIDING JUDGE, BRANCH 14, ROXAS CITY, AND FRANK BANSALES, RESPONDENTS.

G.R. NO. 159208. August 18, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a Petition for Certiorari seeking to nullify the portion of the Decision[1] of the Regional Trial Court (RTC), Roxas City, Branch 14, in Criminal Case No. C-1419-10-2002, suspending the sentence of respondent Frank Bansales and ordering his commitment to the Regional Rehabilitation Center for Youth at Concordia, Nueva Valencia, Guimaras.

Frank Bansales was born on June 3, 1985. He was a student at the Cabug-Cabug National High School in President Roxas, Capiz. At around 9:45 a.m. on July 25, 2002, Yvonne Declarador was stabbed to death. After conducting the autopsy on the cadaver, Rural Health Physician Pilar Posadas prepared a Post-Mortem Certificate indicating that the victim sustained 15 stab wounds on different parts of the body.[2]

On October 10, 2002, an Information charging Frank Bansales with murder was filed by the Assistant Provincial Prosecutor with the Family Court. The accusatory portion reads:

> That on or about 9:45 o'clock in the morning of July 25, 2002, inside a classroom in Cabug-Cabug National High School in President Roxas, Capiz, Philippines, and within the jurisdiction of this Honorable Court, the accused armed with a knife and with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and stab with the said knife [his] teacher, one YVONNE DECLARADOR, thereby hitting and inflicting upon the latter multiple fatal stab wounds in the different parts of the body which caused the immediate death of the said Yvonne Declarador.
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> The crime was committed with the attendance of the qualifying aggravating circumstances of evident premeditation and abuse of superior strength considering that the attack was made by the accused using a long knife which the latter carried along with him from his house to the school against his lady teacher who was unarmed and defenseless at that time and by inflicting upon the latter about fifteen (15) fatal knife wounds resulting to her death.[3]

In view of the plea of the accused and the evidence presented, the RTC rendered judgment on May 20, 2003 finding Bansales guilty of murder. However, the court suspended the sentence of the accused and ordered his commitment to the Regional Rehabilitation for Youth at Concordia, Nueva Valencia, Guimaras. The dispositive portion of the decision reads:

> In view of the Plea of Guilty by the accused and the evidence presented by the prosecution, the court finds CICL Frank Bansales GUILTY beyond reasonable doubt of the crime of Murder being charged. Being a minor, 17 years of age at the time of the commission of the offense charged, he is entitled to a special mitigating circumstance of minority, and is sentenced to suffer an indeterminate imprisonment of twelve (12)

> years and one (1) day to seventeen (17) years and four (4) month of reclusion temporal and to pay the heirs of Yvonne Declarador, a civil indemnity of Seventy-Five Thousand Pesos (P75,000.00), Fifty Thousand Pesos (P50,000.00) for moral damages, Forty-Three Thousand Pesos (P43,000.00) for funeral expenses, attorney's fee of One Hundred Thousand Pesos (P100,000.00) and unearned income of One Million Three Hundred Seventy Thousand Pesos and Seventy Centavos (P1,370,000.70).
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> The parents (father and mother of juvenile Frank Bansales) and his teacher-in-charge at the Cabug-Cabug National High School of President Roxas, Capiz, are jointly subsidiarily liable in case of insolvency, as the crime was established to have been committed inside the classroom of Cabug-Cabug National High School and during school hours.
>
> Pursuant to the provision of P.D. 603, as amended, the sentence is suspended and the Child in conflict with the law (CICL), Frank Bansales is ordered committed to the Regional Rehabilitation Center for Youth at Concordia, Nueva Valencia, Guimaras.
>
> Furnish copies of this decision the Office of the Provincial Prosecutor, the Private Prosecutors, the DSWD Capiz Provincial Office, Roxas City, the Regional Rehabilitation for Youth, Concordia, Guimaras, the accused and his counsel, Atty. Ramcez John Honrado.
>
> SO ORDERED.[4]

On June 2, 2003, the RTC set a preliminary conference for 10:00 a.m. of June 10, 2003 with the Public Prosecutor, the Social Welfare Officer of the court, and the Officer-in-Charge of the Regional Rehabilitation Center for Youth, considering that the accused would turn 18 on June 3, 2003.[5]

Rennie Declarador, the surviving spouse of the deceased, filed a petition for certiorari under Rule 65 of the Rules of Court assailing that portion of the decision of the trial court's decision suspending the sentence of the accused and committing him to the rehabilitation center.

Petitioner claimed that under Article 192 of Presidential Decree (P.D.) No. 603, as well as A.M. No. 02-1-18-SC (otherwise known as the Rule on Juveniles in Conflict with the Law), the benefit of a suspended sentence does not apply to a juvenile who is convicted of an offense punishable by death,[6] reclusion perpetua or life imprisonment. Citing the ruling of this Court in People v. Ondo,[7] petitioner avers that since Bansales was charged with murder punishable by reclusion perpetua to death, he is disqualified from availing the benefits of a suspended sentence.

In his Comment, Bansales avers that petitioner has no standing to file the petition, considering that the offense charged is a public crime brought in the name of the People of the Philippines; only the Office of the Solicitor General (OSG) is authorized to file a petition in court assailing the order of the RTC which suspended the service of his sentence. He further avers that Section 32 of A.M. No. 02-1-18-SC entitles the accused to an automatic suspension of sentence and allows the court to commit the juvenile to the youth center; hence, the court did not abuse its discretion in suspending the sentence of the accused.

In reply, petitioner maintains that he has sufficient personality to file the petition.

The OSG, for its part, posits that respondent's sentence cannot be suspended since he was charged with a capital offense punishable by reclusion perpetua to death. It insists that the entitlement of a juvenile to a suspended sentence does not depend upon the sentence actually imposed by the trial court but upon the imposable penalty for the crime charged as provided for by law.

The issues for resolution are the following: (1) whether petitioner has standing to file the petition; (2) whether petitioner violated the doctrine of hierarchy of courts in filing his petition with this Court; and (3) whether

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respondent court committed grave abuse of discretion amounting to excess or lack of jurisdiction in ordering the suspension of the sentence of respondent Bansales and his commitment to the Regional Rehabilitation Center for the Youth.

The petition is granted.

On the first issue, we rule for the petitioner. Being the surviving spouse of the deceased and the offended party, he has sufficient personality to file the instant special civil action for certiorari.[8] This is in line with the underlying spirit of the liberal construction of the Rules of Court in order to promote their object.[9] Moreover, the OSG has filed its comment on the petition and has joined the petitioner in his plea for the nullification of the assailed portion of the RTC decision.

On the second issue, the rule is that a petition for review on certiorari which seeks to nullify an order of the RTC should be filed in the Court of Appeals in aid of its appellate jurisdiction.[10] A direct invocation of the original jurisdiction of the Court to issue writs of certiorari may be allowed only when there are special and important reasons therefor clearly and specifically set out in the petition.[11] This is an established policy necessary to prevent inordinate demands upon this Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further overcrowding of the Court's docket.[12]

However, in Fortich v. Corona,[13] the Court held that considering the nature and importance of the issues raised and in the interest of speedy justice, and to avoid future litigations, the Court may take cognizance of a petition for certiorari directly filed before it.[14] Moreover, this Court has suspended its own rules and excepted a particular case from their operation whenever the interests of justice so require.

In this case, we resolve to take cognizance of the case, involving as it does a juvenile and the application of the Rule on Juveniles in Conflict with the Law.

The charge against respondent Bansales was murder with the qualifying circumstance of either evident premeditation or abuse of superior strength. Under Article 248 of the Revised Penal Code, as amended by Republic Act (Rep. Act) No. 7659, the imposable penalty for the crime is reclusion perpetua to death. The trial court found him guilty of murder.

Article 192 of P.D. No. 603, as amended, provides:

> 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, upon application of the youthful offender and if it finds that the best interest of the public, as well as that of the offender will be served thereby, may suspend all further proceedings and commit such minor to the custody or care of the Department of Social Welfare and Development or to any training institution operated by the government 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 and Development or the government training institution or responsible person under whose care he has been committed.
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> Upon receipt of the application of the youthful offender for suspension of his sentence, the court may require the Department of Social Welfare and Development to prepare and submit to the court a social case study report over the offender and his family.
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> The youthful offender shall be subject to visitation and supervision by the representative of the Department of Social Welfare and Development or government training institution as the court may designate subject to such

> conditions as it may prescribe.
>
> The benefits of this article shall not apply to a youthful offender who has once enjoyed suspension of sentence under its provisions or to one who is convicted for an offense punishable by death or life imprisonment or to one who is convicted for an offense by the Military Tribunals.

The law was reproduced in A.M. No. 02-1-18-SC where, except for those under paragraph 3, Section 32 of the law, the sentence of the accused is automatically suspended:

> Sec. 32. Automatic Suspension of Sentence and Disposition Orders. – The sentence shall be suspended without need of application by the juvenile in conflict with the law. The court shall set the case for disposition conference within fifteen (15) days from the promulgation of sentence which shall be attended by the social worker of the Family Court, the juvenile, and his parents or guardian ad litem. It shall proceed to issue any or a combination of the following disposition measures best suited to the rehabilitation and welfare of the juvenile: care, guidance, and supervision orders; Drug and alcohol treatment; Participation in group counseling and similar activities; Commitment to the Youth Rehabilitation Center of the DSWD or other centers for juvenile in conflict with the law authorized by the Secretary of DSWD.
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> The Social Services and Counseling Division (SSCD) of the DSWD shall monitor the compliance by the juvenile in conflict with the law with the disposition measure and shall submit regularly to the Family Court a status and progress report on the matter. The Family Court may set a conference for the evaluation of such report in the presence, if practicable, of the juvenile, his parents or guardian, and other persons whose presence may be deemed necessary.
>
> The benefits of suspended sentence shall not apply to a juvenile in conflict with the law who has once enjoyed suspension of sentence, or to one who is convicted of an offense punishable by death, reclusion perpetua or life imprisonment, or when at the time of promulgation of judgment the juvenile is already eighteen (18) years of age or over.

Thus, it is clear that a person who is convicted of an offense punishable by death, life imprisonment, or reclusion perpetua is disqualified from availing the benefits of a suspended sentence. "Punishable" is defined as "deserving of, or capable, or liable to punishment; liable to be punished; may be punished; liable to punishment."[15] The word "punishable" does not mean "must be punished," but "liable to be punished" as specified.[16] In U.S. v. Villalon,[17] the Court defined punishable as "deserving of, or liable for, punishment." Thus, the term refers to the possible, not to the actual sentence. It is concerned with the penalty which may be, and not which is imposed.

The disqualification is based on the nature of the crime charged and the imposable penalty therefor, and not on the penalty imposed by the court after trial. It is not the actual penalty imposed but the possible one which determines the disqualification of a juvenile.[18] Despite the disqualification of Bansales, respondent Judge, nevertheless, ordered the suspension of the sentence meted against him. By this act, respondent Judge committed grave abuse of discretion amounting to excess of jurisdiction.

We note that, in the meantime, Rep. Act No. 9344 took effect on May 20, 2006. Section 38 of the law reads:

> SEC. 38. Automatic Suspension of Sentence. – Once the child who is under eighteen (18) years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application: Provided, however, That suspension of sentence shall still be applied even if the juvenile is already eighteen (18) years of age or more at the time of the pronouncement of his/her guilt.
>
> Upon suspension of sentence and after considering the various circumstances of the child, the court shall

> impose the appropriate disposition measures as provided in the Supreme Court on Juveniles in Conflict with the Law.

The law merely amended Article 192 of P.D. No. 603, as amended by A.M. No. 02-1-18-SC, in that the suspension of sentence shall be enjoyed by the juvenile even if he is already 18 years of age or more at the time of the pronouncement of his/her guilt. The other disqualifications in Article 192 of P.D. No. 603, as amended, and Section 32 of A.M. No. 02-1-18-SC have not been deleted from Section 38 of Rep. Act No. 9344. Evidently, the intention of Congress was to maintain the other disqualifications as provided in Article 192 of P.D. No. 603, as amended, and Section 32 of A.M. No. 02-1-18-SC. Hence, juveniles who have been convicted of a crime the imposable penalty for which is reclusion perpetua, life imprisonment or reclusion perpetua to death or death, are disqualified from having their sentences suspended.

Case law has it that statutes in pari materia should be read and construed together because enactments of the same legislature on the same subject are supposed to form part of one uniform system; later statutes are supplementary or complimentary to the earlier enactments and in the passage of its acts the legislature is supposed to have in mind the existing legislations on the subject and to have enacted the new act with reference thereto.[19] Statutes in pari materia should be construed together to attain the purpose of an expressed national policy.[20]

IN LIGHT OF ALL THE FOREGOING, the petition is GRANTED. The Order of the respondent Judge suspending the sentence of respondent Frank Bansales is NULLIFIED.
SO ORDERED.
Panganiban, C.J., (Chairperson), Ynares-Santiago Austria-Martinez, and Chico-Nazario, JJ., concur.

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[1] Penned by Judge Salvador S. Gubaton; rollo, pp. 26-31.

[2] Exhibit "B," records pp. 7-8.

[3] Records, p. 1.

[4] Id. at 235-236.

[5] Id. at 243.

[6] Under Republic Act No. 9346 (An act prohibiting the imposition of death penalty in the Philippines), the imposition of the death penalty has been prohibited.

[7] G.R. No. 101361, November 8, 1993, 227 SCRA 562.

[8] Paredes v. Gopengco, 140 Phil. 81, 93 (1969).

[9] Narciso v. Sta. Romana Cruz, 385 Phil. 208, 222 (2000); Perez v. Hagonoy Rural Bank, Inc., 384 Phil. 322, 335 (2000).

[10] Rule 65, Section 4, 1997 Rules of Civil Procedure.

[11] People v. Cuaresma, G.R. No. 67787, April 18, 1989, 172 SCRA 415, 424.

[12] Liga ng mga Barangay National v. City Mayor of Manila, G.R. No. 154599, January 21, 2004, 420 SCRA 562, 572.

[13] 352 Phil. 461, 481 (1998).

[14] Government of the United States of America v. Purganan, 438 Phil. 417, 438 (2002).

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[15] People v. Superior Court of the City and Country of San Francisco, 116 Cal. App. 412, 2P.2d 843 (1931).

[16] The Thrasher 173 F. 258 (1909).

[17] 37 Phil. 322 (1917).

[18] People v. Hughes, 32 N.E. 1105 (1893).

[19] Agpalo, R. Statutory Construction, p. 212 (1995).

[20] Co v. Civil Register of Manila, G.R. No. 138496, February 23, 2004, 423 SCRA 420, 427.

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