

EDGARDO V. ESTARIJA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, REPRESENTED BY THE SOLICITOR GENERAL, AND EDWARD RANADA, RESPONDENTS.

G.R. No. 173990. October 27, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This Petition for Review under Rule 45 of the Rules of Court seeks to reverse and set aside the 25 November 2005 Decision[1] and the 11 July 2006 Resolution[2] of the Court of Appeals, which affirmed with modifications the Decision and Resolution of the Regional Trial Court (RTC) of Davao City, Branch 8, finding petitioner, Captain Edgardo V. Estarija (Estarija), then Harbor Master of the Philippine Ports Authority, Davao City, guilty beyond reasonable doubt of violating Section 3, paragraph b of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

On 7 August 1998, an Information was filed before the RTC of Davao City against Estarija for violating Section 3, paragraph b of Republic Act No. 3019. The accusatory portion of the Information reads:

That on or about August 6, 1998, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, EDGARDO ESTARIJA, a public officer, being then the Harbor Master of the Philippine Ports Authority at Sasa, Davao City, while in the performance of his official function as such, did then and there, willfully, unlawfully and feloniously request and consequently receive the amount of FIVE THOUSAND PESOS (P5,000.00) from Davao Pilot Association in consideration of accused's issuance of berthing permits.[3]

Upon his arraignment on 26 August 1998, Estarija, assisted by a counsel de parte, pleaded not guilty to the charge.[4] Thereafter, trial on the merits ensued.

On 15 March 2000, the RTC rendered a decision convicting Estarija of the crime charged and imposing upon him a straight penalty of seven years. The decretal portion of the RTC decision reads:

For the foregoing, this Court finds accused Capt. Edgardo Estarija GUILTY beyond reasonable doubt of violating Par. B, Sec. 3 of Republic Act 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

Accordingly, he is hereby sentenced to suffer a penalty of imprisonment of SEVEN (7) YEARS.[5]

Estarija filed a motion for reconsideration, which was denied by the RTC.

On 10 August 2000, Estarija filed a notice of appeal.

On appeal, the Court of Appeals affirmed the conviction of Estarija. The Court of Appeals, however, modified the penalty to an indeterminate sentence ranging from 6 years and 1 day to 9 years, with the accessory penalty of perpetual disqualification from public office, thus:

WHEREFORE, this Court x x x hereby AFFIRMS the finding of guilt of the accused-appellant but ORDERS

the modification of the sentence imposed upon the accused-appellant. Conformably, accused-appellant is hereby sentenced to an Indeterminate penalty of Six (6) Years and One (1) Month to Nine (9) Years of imprisonment, with the accessory penalty of perpetual disqualification from public office.[6]

Hence, the instant petition.

In the main, the issue for resolution is whether or not error attended the RTC's findings, as affirmed by the Court of Appeals, that Estarija is guilty beyond reasonable doubt of violating Section 3, paragraph b of Republic Act No. 3019.

Quite apart from the foregoing issue raised by Estarija, the question that comes to the fore, as made evident by the proceedings below, is whether or not Estarija correctly filed his appeal with the Court of Appeals; or put differently, whether the Court of Appeals had appellate jurisdiction over the RTC decision convicting Estarija of the charge. Although not assigned as an error, said issue can be entertained by the Court, since, in a criminal proceeding, an appeal throws the whole case open for review, and it becomes the duty of the Court to correct any error in the appealed judgment, whether it is made the subject of an assignment of error or not.[7]

Republic Act No. 8249 entitled, "An Act Further Defining the Jurisdiction of the Sandiganbayan, Amending for the Purpose Presidential Decree No. 1606, as Amended, Providing Funds Therefor, and for Other Purposes," which further defined the jurisdiction of the Sandiganbayan, took effect on 23 February 1997. Paragraph 3, Section 4(c) of Republic Act No. 8249 reads:

In cases where none of the accused are occupying positions corresponding to salary Grade `27' or higher, as prescribed in the said Republic Act No. 6758, or military and PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders of regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided. (Emphasis supplied.)

It is manifest from the above provision that the decisions of the Regional Trial Court -- convicting an accused who occupies a position lower than that with salary grade 27 or those not otherwise covered by the enumeration of certain public officers in Section 4 of Presidential Decree No. 1606 as amended by Republic Act No. 8249 -- are to be appealed exclusively to the Sandiganbayan.

Time and again, it has been held that the right to appeal is not a natural right or a part of due process, but merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of the law. The party who seeks to avail himself of the same must comply with the requirements of the rules, failing in which the right to appeal is lost.

Having failed to comply with the requirements set forth in the rules, Estarija's appeal should have been dismissed by the Court of Appeals.

In the instant case, instead of appealing his conviction to the Sandiganbayan, Estarija erroneously filed an appeal with the Court of Appeals, in utter disregard of paragraph 3, Section 4(c) of Republic Act No. 8249. The Court of Appeals did not notice this conspicuous misstep, since it entertained the appeal. This fatal flaw committed by Estarija did not toll the running of the period for him to perfect his appeal to the Sandiganbayan. Because of Estarija's failure to perfect his appeal to the Sandiganbayan within the period granted therefor, the Decision of the RTC convicting him of violating Section 3(a) of Republic Act No. 3019 has thus become final and executory.

Inasmuch as the decision of the RTC has long been final and executory, it can no longer be altered or modified.[8] Nothing is more settled in law than that when a judgment becomes final and executory, it becomes immutable and unalterable.[9] The same may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and whether or not made by the highest court of the land. The reason is grounded on the fundamental considerations of public policy and sound practice that, at the risk of occasional error, the judgments or orders of courts must be final at some definite date fixed by law.

The RTC imposed upon Estarija the straight penalty of seven (7) years. This is erroneous. The penalty for violation of Section 3(b) of Republic Act No. 3019 is imprisonment for not less than six years and one month nor more than fifteen years, and perpetual disqualification from public office. Under the Indeterminate Sentence Law, if the offense is punished by a special law, the Court shall sentence the accused to an indeterminate penalty, the maximum term of which shall not exceed the maximum fixed by said law, and the minimum term shall not be less than the minimum prescribed by the same. Thus, the correct penalty should have been imprisonment ranging from six (6) years and one (1) month, as minimum, to nine (9) years as maximum, with perpetual disqualification from public office. However, since the decision of the RTC has long become final and executory, this Court cannot modify the same.[10]

WHEREFORE, premises considered, the instant petition is DENIED. The Decision of the Regional Trial Court of Davao City, Branch 8, dated 15 March 2000, finding Edgardo V. Estarija GUILTY beyond reasonable doubt of violating Section 3(b) of Republic Act No. 3019 is declared FINAL and EXECUTORY.

SO ORDERED.

Quisumbing,[*] Carpio, (Chairperson), Peralta, and Abad,** JJ., concur.

[*] Per Special Order No. 764, dated 21 October 2009, signed by Chief Justice Reynato S. Puno designating Associate Justice Leonardo A. Quisumbing to replace Associate Justice Teresita J. Leonardo-De Castro, who is on official leave.

[**] Per Special Order No. 753, dated 12 October 2009, signed by Chief Justice Reynato S. Puno designating Associate Justice Roberto A. Abad to replace Associate Justice Presbitero J. Velasco, Jr., who is on official leave.

[1] Penned by Associate Justice Rodrigo F. Lim, Jr. with Associate Justices Teresita Dy-Liacco Flores and Ramon R. Garcia, concurring. Rollo, pp. 41-52.

[2] Rollo, pp. 54-55.

[3] Records, p. 1.

[4] Id. at 34.

[5] Id. at 228-229.

[6] Rollo, p. 51.

[7] *Ungsod v. People*, G.R. No. 158904, 16 December 2005, 478 SCRA 282, 297.

[8] *Eastland Construction and Development Corporation v. Mortel*, G.R. No. 165648, 23 March 2006, 485 SCRA 203, 216.

[9] Id.

[10] Id.

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