

TAHILRAM JASHANMAL BALANI, PETITIONER, VS. INTERMEDIATE APPELLATE COURT, JUDGE AUGUSTO AMORES, PAIR JUDGE OF BRANCH XXIII OF THE REGIONAL TRIAL COURT OF MANILA, AND THE PEOPLE O...

G.R. No. 69537. June 20, 1986

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-69537/>

MELENCIO-HERRERA, J.:

Petitioner seeks a review of the Decision of respondent Intermediate Appellate Court in AC-G.R. SP No. 04381, promulgated on November 9, 1984.

On March 13, 1984, before the Regional Trial Court of Manila, Branch XXIII, with Judge Agustin C. Bagasao presiding, petitioner was charged with violation of Sections 1 and 3 of CA No. 142 (An Act to Regulate the Use of Aliases), as amended by Republic Act No. 6085. The Information reads:

"That on or about July 17, 1961 and subsequent thereto, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously use the name TAHILRAM J. BALANI which name is different from the one with which he was registered with the Commission on Immigration and Deportation upon entry or such substitute name as he have been authorized by a competent court, to wit: 'TAHILRAM JASHANMAL' and presented himself as TAHILRAM J. BALANI in any public or private documents without stating or affixing his real or original name and all names, aliases, or pseudonyms he is or have been authorized to use." (Emphasis supplied)[1]

Before arraignment, petitioner moved to quash on three grounds: 1) that criminal liability had been extinguished; 2) that the accused had been previously acquitted of the offense charged; and 3) the facts charged to not constitute an offense.

Over the opposition of the prosecuting Fiscal, Judge Bagasao issued a quashal Order on April 25, 1984 on the grounds of prescription and that the facts charged do not constitute an offense.

Upon reconsideration sought by the private prosecutor, respondent Judge Augusto Amores (now Associate Justice of the Sandiganbayan), who was the pair Judge of Branch XXIII, RTC, Manila, as Judge Bagasao had already retired in the meantime, reversed the dismissal Order and scheduled the arraignment of the accused.

Challenging that Order before respondent Appellate Court, the latter found the corresponding Petition without merit and dismissed it, without asking for any comment from respondents "considering that everything pertinent to a determination of the issues at bar is alleged and/or gleanable from the Petition and the annexes thereto." Respondent Court then opined:

"And finally, respondent Judge's finding that the offense charged has not prescribed--is impressed with merit. The information indicting petitioner covers not only alleged violation of the anti-alias law on or about July 17, 1961 but also violations of the same law subsequent thereto. The phrase in the information reading: 'on or

about July 17, 1981 or subsequent thereto,' is broad enough as to embrace and encompass every transgression of the penal law in point during the period from July 17, 1961 to January of this year, when said information was filed. What is more, the violation of law imputed to the petitioner is of a continuing nature such that illegal use of the unauthorized alias complained of on any particular day within the aforesated period of time is a separate and distinct offense. For as long as the illicit use of such unauthorized alias referred to in the information does not cease and the perpetrator thereof persists in such highly reprehensible offense, the latter is criminally answerable therefor and the period of prescription of his continuing offense starts to run from the date of last illegal use of the unauthorized alias sued upon. x x x "

Petitioner now presents the following questions: (1) whether or not respondent Judge, as pair Judge, erred in acting on the reconsideration of the quashal Order sought by the prosecution; (2) whether or not the IAC acted correctly in deciding the petition before it on the basis solely of the petition and its annexes and (3) more importantly, whether or not the offense charged has prescribed.

Respondent pair Judge did not err in passing upon the Motion for Reconsideration of the prosecution. He had authority to act upon said Motion under the internal rules governing the Branches of the Regional Trial Court of Manila. And although the Motion was filed by the private complainant, it was the Fiscal who, in turn, opposed the defense Motion for Reconsideration, showing, at the very least, concurrence with the Motion filed.

The outright dismissal of the Petition for Review by respondent IAC, on the basis of the Petition and its annexes alone and without requiring an Answer, is not a reversible error, a review not being obligatory but of sound judicial discretion. The Court requires an Answer where there is a prima facie showing (Section 3, Rule 47) of merit, which respondent Court found was wanting.

However, we differ with the conclusion of respondent Court on the issue of prescription. The penalty provided by the Anti-Alias Law for violation of the terms thereof is imprisonment from one to five years and a fine of P5,000.00 to P10,000.00. According to the provisions of Act 3326 (as amended by Act 3763), covering prescription of offenses punished by special laws, the prescriptive period for the offense charged is eight (8) years. Considering that the Information was filed on March 13, 1984 charging petitioner with violation of the Anti-Alias Law "on or about July 17, 1961, and subsequent thereto," or twenty-three (23) years later to be exact, it is clear that, by prescription, the People has lost the right to prosecute the crime.

The principle cited by the prosecution and sustained by the Appellate Court that the prescription of a continuing offense starts to run from the date of the last illegal use of the unauthorized alias sued upon, is inapplicable to this case. As Judge Bagasao had pointed out in his dis-missal Order:

"Public records consisting of the accused's petition for naturalization, his marriage contract, his passport dated August 21, 1967, alien certificate of registration No. 3116 dated November 20, 1963, ACR No. 2267733 dated August 4, 1949, Immigration Certificate of Registration (ICR) No. 37922 dated August 4, 1949, show that the accused had already used publicly the name Tahilram J. Balani (Resolution dated October 13, 1983, Exhs. 'A', 'B' & 'C') and the government authorities are deemed to have known the alleged violation.

"Where the offense has not been concealed, as when the offense is evidenced by a public record open to inspection, the State will not be permitted to plead ignorance of the act of the accused, in order to evade the operation of the Statute of Limitations (People vs. Dinsay, 4 O.G. No. 18, Off. Gaz. 50)."

In other words, petitioner was registered as "Tahilram J. Balani" even as far back as 1949 in his Alien Certificate of Registration (ACR) and Immigration Certificate of Registration (ICR). He had not used any unauthorized alias. On the contrary, petitioner's public use of said name was further confirmed in the Resolution of the Commission on Immigration and Deportation, dated October 13, 1983, in an administrative complaint filed by the same complainant which, although not binding on this Court, is of significance. It reads:

"This Office after due consideration and re-evaluation of the additional evidence which were not available and obtaining at the time the resolution sought to be reconsidered was promulgated and considering further the certification of the Embassy of India dated August 8, 1983 and marked as Exh. 'A' together with the copy of the passport issued on August 21, 1967 marked as Annex 'D' of the notion for reconsideration, the undersigned hereby recommends the approval of the motion for reconsideration filed by movant, TAHILRAM J. BALANI, it appearing and with ample support from the evidence on record that TAHILRAM, JASHANMAL BALANI and TAHILRAM J. BALANI is one and the same person." [2]

Identity may not, indeed, as the Solicitor General contends, be an issue in the criminal case, but it is apparent that the Commission on Immigration and Deportation, the government agency tasked with the registration of aliens, had authorized and recognized the use by the accused of the name "Tahilram J. Balani". There is no factual basis, therefore, for charging petitioner with illicit use thereof. It would not serve the interests of justice any for the Trial Court to go through the motions, and for the accused to undergo the rigors, of trial only to have to prove this defense.

ACCORDINGLY, the judgment under review of respondent Intermediate Appellate Court, dated November 9, 1984, and the Order of respondent Judge, dated July 9, 1984, are hereby SET ASIDE, and the original order of dismissal by Judge Agustin C. Bagasao, dated April 25, 1984, is hereby reinstated.

SO ORDERED.

Abad Santos, (Chairman), Yap, Narvasa, and Cruz, JJ., concur.

[1] p. 75, Rollo.

[2] p. 100, Rollo.

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.