

PANFILO D. BONGCAC, PETITIONER, VS. SANDIGANBAYAN, PEOPLE OF THE PHILIPPINES, SPECIAL PROSECUTOR FORTUNATO LIM, AND TORIBIO BON, RESPONDENTS.*G.R. Nos. 156687-88. May 21, 2009*

Ponente: CARPIO, J.

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The Mayor of Tagbilaran City, Jose V. Torralba, designated his secretary, petitioner Panfilo D. Bongcac (petitioner), as the "Mayor's representative to the City Market Committee," "Consultant and Coordinator on market matters," and "adviser to the Acting Market Administrator." In January 1991, respondents Engr. Fortunato Lim (Lim) and Toribio Bon (Bon) applied for stalls or tiendas in the Cogon Public Market in Tagbilaran City and were referred to petitioner. Petitioner showed them the Minutes of the City Market Committee meeting held on 9 January 1991 which included their names as among the awardees of the market stalls. Petitioner informed Lim and Bon that the city government could not afford to construct a new market and if they were interested, they should give him more money for the construction of the stalls or tiendas they were applying for. Accordingly, Lim issued and delivered to petitioner a BPI check, pay to cash, in the amount of P62,000. Bon issued and delivered to petitioner two Metrobank checks, pay to cash, in the amounts of P30,000 and P10,000. Petitioner issued handwritten receipts to Lim and Bon. Petitioner assured Lim that his stalls would be finished on or before 30 June 1991 and promised Bon that his stall would be finished before the fiesta in Tagbilaran City. The checks were subsequently encashed.

Thereafter, Lim and Bon read in the 30 June 1991 issue of a local newspaper that petitioner was "sacked" as market body consultant and was terminated as secretary to the Mayor. They looked for him and demanded that he either make an accounting of the money he received or deliver the stalls or tiendas already constructed.

Petitioner failed to do so. Thus, he was charged with two counts of Estafa defined and penalized under Article 315, 1(b) of the Revised Penal Code before the Sandiganbayan. The cases were docketed as Criminal Case Nos. 18005 and 18006.

Upon arraignment, petitioner pleaded not guilty. Trial ensued and the cases were tried jointly.

On 28 March 2001, the Fourth Division[1] of the Sandiganbayan rendered judgment finding petitioner guilty of Estafa, the dispositive portion of which reads:

WHEREFORE, in Criminal Case No. 18005, the accused, PANFILO D. BONGCAC, is hereby found guilty beyond reasonable doubt of the crime of ESTAFA (of the amount of P54,000.00) defined under subdivision 1, paragraph (b), and penalized under the 1[st] paragraph, both of Article 315, Revised Rules of Court, and he is hereby sentenced to suffer the indeterminate penalty of imprisonment of from Four (4) Years and Two (2) Months of prision correccional, as minimum, to Eleven (11) Years of prision mayor, as maximum, to indemnify Engr. Fortunato Lim in the amount of P54,000.00 plus P10,000.00 as attorney's fees; and

In Criminal Case No. 18006, the same accused, PANFILO D. BONGCAC, is likewise found guilty beyond reasonable doubt of the same crime of ESTAFA (of the amount of P35,000.00) defined and penalized under the aforestated law, and he is hereby sentenced to suffer the indeterminate penalty of Two (2) Years, Three (3) Months and Five (5) Days of prision correccional, as minimum, to Nine (9) Years of prision mayor, as maximum, to indemnify Toribio Bon in the amount of P35,000.00; and to pay the costs.[2]

Petitioner filed a motion for reconsideration of the 28 March 2001 Decision of the Sandiganbayan. The motion was denied in the Resolution dated 3 September 2001.[3]

Thereafter, petitioner filed a petition for review on certiorari[4] with this Court, which was docketed as G.R. Nos. 149711-12. The petition sought the reversal of the 28 March 2001 Decision of the Sandiganbayan.

On 20 February 2002, this Court, in G.R. Nos. 149711-12, issued a Resolution denying the petition for: (a) failure of the petition to sufficiently show that the Sandiganbayan committed any reversible error in the challenged decision and resolution; and (b) failure of the petition to show extraordinary circumstance justifying a departure from the established doctrine that findings of facts of the Sandiganbayan are well-nigh conclusive on this Court and will not be reviewed or disturbed on appeal.[5] No motion for reconsideration was filed. Consequently, the Resolution of 20 February 2002 became final and executory on 2 April 2002.[6]

On 4 December 2002, the Sandiganbayan issued a notice to petitioner and counsel directing them to be present on 8 January 2003 for the execution of judgment in the criminal cases.[7]

On 26 December 2002, petitioner filed in G.R. Nos. 149711-12 a Very Urgent Petition for Extraordinary Relief with this Court. The petition sought to "reverse and set aside the decision of the Sandiganbayan" and to "declare that petitioner is acquitted of the offense charged." [8]

Meanwhile, petitioner filed with the Sandiganbayan, in Criminal Case Nos. 18005 and 18006, a Manifestation and Very Urgent Motion to Suspend Further Proceedings praying that the execution of judgment be held in abeyance to await the action of this Court on the Very Urgent Petition for Extraordinary Relief he filed in G.R. Nos. 149711-12.[9]

On 10 January 2003, the Fourth Division[10] of the Sandiganbayan issued a Resolution in Criminal Case Nos. 18005 and 18006 denying, for lack of merit, petitioner's Manifestation and Very Urgent Motion to Suspend Further Proceedings. It further directed the issuance of a bench warrant of arrest against petitioner to serve the sentence imposed upon him. The cash bond posted by petitioner for his temporary liberty was ordered cancelled. Petitioner was given five days to voluntarily surrender.[11]

On 3 March 2003, this Court issued a Resolution in G.R. Nos. 149711-12 denying, for lack of merit, the Very Urgent Petition for Extraordinary Relief.

Petitioner filed the present petition for certiorari and prohibition, with prayer for issuance of a writ of preliminary injunction or temporary restraining order praying that the Resolution dated 10 January 2003 issued by the Sandiganbayan be set aside and that the bench warrant of arrest and the order cancelling the bail bond pending resolution of the Very Urgent Petition for Extraordinary Relief be recalled. Petitioner likewise sought to suspend the final execution of the 28 March 2001 Sandiganbayan Decision until after the resolution of the Very Urgent Petition for Extraordinary Relief.

Respondents People of the Philippines (People) and Lim filed their respective Comments to the petition. Respondent Bon did not file his comment and the Court resolved to dispense with the filing of the comment as the notices sent to him were returned with the notation "RTS party abroad, USA." [12]

The People, in its Comment, asserted that this Court had no more jurisdiction to entertain the Very Urgent Petition for Extraordinary Relief because the Court's Resolution of 20 February 2002 in G.R. Nos. 149711-12 had already become final and executory. Petitioner's bail bond was deemed automatically cancelled upon execution of the judgment of conviction.

In his Comment, respondent Lim alleged that the instant petition should be dismissed outright. He argued that the present petition was filed beyond the reglementary period of 60 days and that the Very Urgent Petition for Extraordinary Relief was not sanctioned by the Rules of Civil Procedure and was barred by *res judicata*. He further argued that the Very Urgent Petition for Extraordinary Relief and the present petition are obviously dilatory tactics to delay the execution of judgment in the criminal cases.

Issue

The resolution of the present petition hinges on the sole issue of whether or not the Sandiganbayan acted with grave abuse of discretion, amounting to lack of jurisdiction, in denying petitioner's motion to hold in abeyance the execution of judgment.

The Court's Ruling

We dismiss the petition.

Petitioner appealed the 28 March 2001 Sandiganbayan Decision via a petition for review on certiorari before this Court. The appeal was docketed as G.R. Nos. 149711-12. This Court, however, denied that petition in the Resolution of 20 February 2002. The Resolution of 20 February 2002 became final and executory on 2 April 2002 after petitioner failed to file a timely motion for reconsideration. Consequently, the 28 March 2001 Sandiganbayan Decision likewise became final and executory. Petitioner could no longer seek a reversal of the judgment of conviction rendered by the Sandiganbayan, as what petitioner did when he filed the Very Urgent Petition for Extraordinary Relief.

In the present petition, petitioner prayed that the execution of the 28 March 2001 Sandiganbayan Decision be "suspended until after final resolution of petitioner's Very Urgent Petition for Extraordinary Relief." The Very Urgent Petition for Extraordinary Relief filed in G.R. Nos. 149711-12 sought to "reverse and set aside the decision of the Sandiganbayan" and to "declare that petitioner is acquitted of the offense charged." While technically, the Very Urgent Petition for Extraordinary Relief filed in G.R. Nos. 149711-12 is not sanctioned by the rules, nonetheless, that petition was likewise denied in the Court's Resolution of 3 March 2003. It is clear, therefore, that the Very Urgent Petition for Extraordinary Relief and the instant petition are merely dilatory tactics employed by petitioner in his efforts to delay the execution of the judgment in the criminal cases for *estafa* which had long become final and executory.

Petitioner cannot perpetually file any petition or pleading to forestall the execution of a final judgment. Execution of a final judgment is the fruit and end of the suit. While a litigant's right to initiate an action in court is fully respected, once his case has been adjudicated by a competent court in a valid final judgment, he should not be permitted to initiate similar suits in the hope of securing a favorable ruling. The 28 March 2001 Sandiganbayan Decision has attained finality. Such definitive judgment is no longer subject to change, revision, amendment or reversal. Upon finality of the judgment, the Court loses its jurisdiction to amend, modify or alter the same. Except for correction of clerical errors or the making of *nunc pro tunc* entries which cause no prejudice to any party, or where the judgment is void, the judgment can neither be amended nor altered after it has become final and executory. This is the principle of immutability of final judgment. In *Lim v. Jabalde*,^[13] this Court further explained the necessity of adhering to the doctrine of immutability of final judgments, thus:

Litigation must end and terminate sometime and somewhere and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.

Every litigation must come to an end once a judgment becomes final, executory and unappealable. For just as a losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of his case by the execution and satisfaction of the judgment, which is the "life of the law."^[14] To frustrate it by dilatory schemes on the part of the losing party is to frustrate all the efforts, time and expenditure of the courts. It is in the interest of justice that we should write finis to this litigation. Consequently, we find no grave abuse of discretion when the Sandiganbayan denied petitioner's motion to hold in abeyance the execution of judgment.

On the cancellation of petitioner's cash bailbond as ordered in the Resolution of 10 January 2003 of the Sandiganbayan, the cancellation of the bailbond was due to the execution of the final judgment of conviction. Section 22 of Rule 114 of the Revised Rules of Criminal Procedure expressly provides:

SEC. 22. Cancellation of bail. - Upon application of the bondsmen, with due notice to the prosecutor, the bail may be cancelled upon surrender of the accused or proof of his death.

The bail shall be deemed automatically cancelled upon acquittal of the accused, dismissal of the case, or execution of the judgment of conviction.

In all instances, the cancellation shall be without prejudice to any liability on the bail. (emphasis supplied).

From this provision, it is clear that the cancellation of bail is automatic upon execution of the judgment of conviction. The Sandiganbayan did not err in cancelling petitioner's cash bailbond after the judgment of conviction became final and executory and its execution became ministerial.

WHEREFORE, we DISMISS the petition. We AFFIRM the Resolution dated 10 January 2003 of the Sandiganbayan in Criminal Case Nos. 18005 and 18006. Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Penned by Justice Nicodemo T. Ferrer, with Justices Narciso S. Nario and Rodolfo G. Palattao, concurring.

[2] Rollo, p. 41.

[3] Id. at 44-45.

[4] Id. at 46-51.

[5] Id. at 52-53.

[6] Id. at 54-55.

[7] Id. 56.

[8] Id. at 57-64.

[9] Id. at 65-74.

[10] Composed of Justices Gregory S. Ong, Rodolfo G. Palattao and Ma. Cristina G. Cortez-Estrada.

[11] Rollo, pp. 75-76.

[12] Id. at 141.

[13] G.R. No. 36786, 17 April 1989, 172 SCRA 211, 224.

[14] Yau v. Silverio, Sr., G.R. Nos. 158848 and 171994, 4 February 2008, 543 SCRA 520.

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