

ROMEO D. LONZANIDA, PETITIONER, VS. THE HON. SANDIGANBAYAN, (FOURTH DIVISION), RESPONDENT.

G.R. NOS. 157236-45. November 16, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

This is a petition for the writs of certiorari and prohibition[1] petitioner Romeo D. Lonzanida ("petitioner") filed to set aside the Resolution[2] dated 21 January 2003 ("21 January 2003 Resolution") of respondent Sandiganbayan rendered in connection with falsification cases filed against petitioner.

In 1988, the Office of the Special Prosecutor ("OSP") charged petitioner[3] in the Sandiganbayan with 10 counts of Falsification of Public Document.[4] Petitioner pleaded "not guilty" to the charges and trial ensued. On 20 October 2000, the Sandiganbayan rendered judgment finding petitioner guilty as charged and sentenced him accordingly.[5] Petitioner sought reconsideration. However, before the Sandiganbayan could rule on his motion, petitioner moved that his motion for reconsideration be treated as a motion for new trial based on newly discovered evidence petitioner subsequently offered. The Sandiganbayan separately denied both motions. Petitioner sought reconsideration of the denial of his motion for new trial. The Sandiganbayan granted petitioner's motion "in the supreme interest of justice" and conducted hearings to receive the testimonies of petitioner's witnesses.[6] Afterwards, the Sandiganbayan required the parties to submit their memoranda and scheduled the promulgation of judgment on 2 December 2002, later moved to 3 March 2003.

However, instead of promulgating a new judgment, the Sandiganbayan issued the 21 January 2003 Resolution declaring its Decision of 20 October 2000 "final" and ordering petitioner's arrest.[7] Petitioner and the OSP filed motions seeking clarification of the ruling, with the OSP manifesting that the Sandiganbayan should render a new judgment, taking into account the evidence presented during the new trial. After hearing the motions, the Sandiganbayan considered the same submitted for resolution. Meanwhile, the Sandiganbayan cancelled the 3 March 2003 promulgation of judgment until "further directives/instructions x x x." [8]

On 10 March 2003, petitioner filed this petition to set aside the 21 January 2003 Resolution. Petitioner also prayed for an injunctive order to enjoin the Sandiganbayan from implementing such Resolution. We issued an injunctive order and required the Sandiganbayan to Comment on the petition.

In its Comment, the Sandiganbayan manifested that it had already prepared the draft of the new Decision. On 25 July 2003, the Sandiganbayan promulgated such Decision again finding petitioner guilty of 10 counts of Falsification of Public Document and imposing the same penalty meted in the Decision of 20 October 2000. In the same ruling, the Sandiganbayan set aside the 21 January 2003 Resolution.

After due deliberation, we resolved to dismiss the petition for having been rendered moot by the Sandiganbayan's Decision of 25 July 2003.

The object of this petition is to set aside the Sandiganbayan's 21 January 2003 Resolution declaring its Decision

of 20 October 2000 "final," on the ground that the Sandiganbayan's granting of new trial vacated the 20 October 2000 Decision. This state of affairs came to pass when the Sandiganbayan promulgated its 25 July 2003 Decision not only finding petitioner guilty as charged but also setting aside the 21 January 2003 Resolution. This supervening event effectively mooted the petition, rendering the issues raised academic and the relief prayed for superfluous. [9]

WHEREFORE, we DISMISS the petition.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, and Velasco, Jr., JJ., concur.

[1] Under Rule 65 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Rodolfo G. Palattao with Associate Justices Gregory S. Ong and Ma. Cristina G. Cortez-Estrada, concurring.

[3] Then the mayor of San Antonio, Zambales.

[4] Under Article 171(2) of the Revised Penal Code.

[5] The Decision's dispositive portion provides (Rollo, p. 79):

WHEREFORE, judgment is hereby rendered, convicting accused Mayor Romeo Lonzanida y Dumlaog of ten (10) cases [sic] of Falsification of Public Document, defined and punished under Article 171 of the Revised Penal Code. In the absence of any mitigating and aggravating circumstances, and applying the Indeterminate Sentence Law, accused is hereby sentenced in each of the cases to suffer the penalty of imprisonment of four (4) years and one (1) day of prision correccional as minimum to eight (8) years and one (1) day of prision mayor, as maximum, and to pay a fine of P5,000.00, in each of the cases without subsidiary imprisonment in case of insolvency.

[6] In a petition for certiorari and prohibition, the OSP appealed to this Court the Sandiganbayan's Resolutions (dated 3 January 2002 and 27 February 2002) granting new trial but the First Division dismissed the petition in its Resolution dated 24 July 2002 in G.R. Nos. 152365-74. The OSP sought reconsideration but the Court denied the motion with finality in the Resolution of 7 October 2002.

[7] The Resolution reads in pertinent parts (Rollo, pp. 36-37):

[T]he first motion for reconsideration or new trial was denied by this court in its resolution of January 8, 2001. The denial was based on a finding that the motion for reconsideration lacked merit. The court agreed with the position of the public prosecutor that without leave of court, it cannot entertain a second motion for reconsideration, invoking Rule 37, Section 5 of the Rules. x x x x

[T]he decision in the above-entitled case has long become final and executory. This Court cannot, even in the exercise of discretion, modify a decision that has long been final and executory. A subsequent pleading filed by the herein accused having been found pro forma, cannot affect the finality of the judgment.

Accordingly, a warrant of arrest is hereby issued for the apprehension of the accused for him to serve the sentence of the judgment rendered by this Court convicting him of the crime charged and which was promulgated on October 20, 2000.

[8] Rollo, p. 252.

[9] Petitioner appealed to this Court the Sandiganbayan's Decision of 25 July 2003 in G.R. Nos. 160243-52 but the First Division denied petitioner's petition in the Resolution of 14 July 2004. Petitioner's motion for reconsideration has been submitted for resolution.

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