



Republic of the Philippines  
Supreme Court  
Manila

SPECIAL SECOND DIVISION

EMILIO J. AGUINALDO IV,  
Petitioner,

G.R. No. 226615

Present:

- versus -

PEOPLE OF THE  
PHILIPPINES,  
Respondent.

PERLAS-BERNABE, J.,  
Chairperson,  
CAGUIOA,  
DELOS SANTOS,  
HERNANDO, and  
ROSARIO, JJ.

Promulgated:

JAN 13 2021

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RESOLUTION

PERLAS-BERNABE, J.:

In a Resolution<sup>1</sup> dated October 10, 2018, the Court affirmed the Amended Decision<sup>2</sup> dated August 25, 2016 of the Court of Appeals (CA) in CA-G.R. CR. No. 36063 and found petitioner Emilio J. Aguinaldo IV (petitioner) guilty beyond reasonable doubt of the crime of Estafa, defined and penalized under Article 315 (2) (a) of the Revised Penal Code (RPC), the pertinent portion of which reads:

**WHEREFORE**, premises considered, the Amended Decision dated August 25, 2016 of the Court of Appeals in CA-G.R. CR. No. 36063, finding petitioner Emilio J. Aguinaldo IV guilty beyond reasonable doubt of the crime of Estafa, defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code, is hereby **AFFIRMED**.<sup>3</sup>

<sup>1</sup> Rollo, pp. 323-329.

<sup>2</sup> Id. at 81-85. Penned by Associate Justice Carmelita Salandanan Manahan with Associate Justices Japar B. Dimaampao and Franchito N. Diamante, concurring.

<sup>3</sup> Id. at 328.

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Verily, the assailed CA Amended Decision sentenced petitioner to suffer the penalty of imprisonment for an indeterminate period of four (4) years and two (2) months of *prison correccional*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum,<sup>4</sup> but deleted the awards of actual damages and interest due to petitioner's payment of the judgment award in the amount of ₱2,050,000.00 which was duly acknowledged by the private complainant.<sup>5</sup>

Aggrieved, petitioner moved for reconsideration,<sup>6</sup> which was denied with finality in a Resolution<sup>7</sup> dated January 14, 2019. The said Resolution came with a directive that "[n]o further pleadings or motions shall be entertained in this case. Let entry of judgment be issued immediately."<sup>8</sup> Accordingly, Entry of Judgment<sup>9</sup> was issued on even date.

The foregoing notwithstanding, petitioner still filed the following motions, namely: (a) Omnibus Motion (1) For Leave to File Incorporated Second Motion for Reconsideration; (2) To Refer Case to the Honorable Court *En Banc*; and (3) For Second Reconsideration<sup>10</sup> dated March 20, 2019; and (b) Urgent Motion for Recomputation of Penalty<sup>11</sup> dated March 9, 2020. Essentially, the first motion insists on petitioner's innocence and prays for his acquittal from the crime charged; whereas the second motion prays that petitioner's sentence be readjusted in accordance with Republic Act No. (RA) 10951.<sup>12</sup>

In a Resolution<sup>13</sup> dated July 27, 2020, the Court, *inter alia*, required petitioner's counsel to submit petitioner's prison record. However, in a Manifestation and Compliance<sup>14</sup> dated September 4, 2020, petitioner informed the Court that he is on bail pending appeal, and therefore, not confined in any prison.

The Court now resolves.

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<sup>4</sup> See Decision dated June 18, 2013 of the Regional Trial Court of Makti City, Branch 147 in Crim. Case No. 07-1545 as affirmed by the CA; *id.* at 93. See also *id.* at 78.

<sup>5</sup> *Id.* at 84.

<sup>6</sup> See Omnibus Motion for Reconsideration, or to Remand the Case for Reception of Material Evidence dated December 12, 2018; *id.* at 330-349.

<sup>7</sup> *Id.* at 355-356.

<sup>8</sup> *Id.* at 355.

<sup>9</sup> *Id.* at 378.

<sup>10</sup> *Id.* at 358-370.

<sup>11</sup> *Id.* at 385-391.

<sup>12</sup> Entitled "AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS 'THE REVISED PENAL CODE,' AS AMENDED," approved on August 29, 2017.

<sup>13</sup> *Id.* at 394.

<sup>14</sup> *Id.* at 395-397.

At the outset, it must be noted that by virtue of the Entry of Judgment issued on January 14, 2019, petitioner's conviction for Estafa had become final and executory; and hence, immutable. In *Uy v. Del Castillo*,<sup>15</sup> the Court explained the doctrine of immutability of judgment as follows:

Time and again, the Court has repeatedly held that "a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. This principle, known as the doctrine of immutability of judgment, has a two-fold purpose, namely: (a) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (b) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Verily, it fosters the judicious perception that the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As such, it is not regarded as a mere technicality to be easily brushed aside, but rather, a matter of public policy which must be faithfully complied." However, this doctrine "is not a hard and fast rule as the Court has the power and prerogative to relax the same in order to serve the demands of substantial justice considering: (a) matters of life, liberty, honor, or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) the lack of any showing that the review sought is merely frivolous and dilatory; and (f) that the other party will not be unjustly prejudiced thereby."<sup>16</sup>

Anent the first motion, suffice it to say that the Court finds that the issues raised therein are but mere reiterations of the grounds already evaluated and passed upon in the Assailed Resolution. Therefore, there is no cogent reason to warrant an application of any of the exceptions to the doctrine of immutability of judgment in order to reverse petitioner's conviction for Estafa.

On the other hand, the second motion merely asks that the Court readjust petitioner's prison sentence in accordance with RA 10951 which was enacted in 2017. As may be gleaned from the law's title, it adjusted the value of the property and the amount of damages on which various penalties are based, taking into consideration the present value of money, as opposed to its archaic values when the RPC was enacted in 1932. While it is conceded that petitioner committed the crime for which he was convicted way before the enactment of RA 10951, this law expressly provides for retroactive effect if it is favorable to the accused.<sup>17</sup>

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<sup>15</sup> 814 Phil. 61 (2017)

<sup>16</sup> Id. at 74-75; citations omitted.

<sup>17</sup> See *People v. Manlac*, G.R. No. 234023 September 3, 2018, citing Article 100 of RA 10951 and *Rivac v. People*, 824 Phil. 156, 171 (2018).

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To recall, petitioner was found guilty beyond reasonable doubt of Estafa for having defrauded private complainant in the amount of **₱2,050,000.00**. As such, he was sentenced to suffer the penalty of imprisonment for an indeterminate period of four (4) years and two (2) months of *prison correccional*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. Notably, the computation of this penalty was based on the schedule of penalties stated in Article 315 of the RPC, prior to the enactment of RA 10951. However, due to the enactment of RA 10951 – which readjusted the graduated values for which the penalties for Estafa are based – the prescribed penalty for Estafa involving the aforementioned defrauded amount was significantly lowered, as follows:

SECTION 85. Article 315 of the same Act, as amended by Republic Act No. 4885, Presidential Decree No. 1689, and Presidential Decree No. 818, is hereby further amended to read as follows:

x x x x

“2nd. The penalty of **prison correccional in its minimum and medium periods**, if the amount of the fraud is over One million two hundred thousand pesos (₱1,200,000) but does not exceed Two million four hundred thousand pesos (₱2,400,000).

x x x x (Emphasis and underscoring supplied)

At this juncture, it is well to stress that in *Bigler v. People (Bigler)*,<sup>18</sup> the Court ruled that notwithstanding the finality of a criminal conviction, it still has the power to correct the penalty imposed against an accused-convict, if it finds the same to be outside the range prescribed by law. In this regard, the Court further elucidated that “a sentence which imposes upon the defendant in a criminal prosecution a penalty in excess of the maximum which the court is authorized by law to impose for the offense for which the defendant was convicted, **is void for want or excess of jurisdiction as to the excess.**”<sup>19</sup>

Thus, in view of the Court’s pronouncement in *Bigler*, the provisions of RA 10951, the Indeterminate Sentence Law, and considering further the absence of any mitigating or aggravating circumstances, the proper penalty to be imposed on petitioner should be four (4) months and twenty (20) days of *arresto mayor*, as minimum, to two (2) years, eleven (11) months, and ten (10) days of *prison correccional*, as maximum.

In sum, the Court deems it proper to lift the Entry of Judgment dated January 14, 2019 in order to modify the penalty imposed on petitioner as explained above. Notably, this reduction of penalty entitles petitioner to apply

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<sup>18</sup> 782 Phil. 158 (2016).

<sup>19</sup> Id. at 167.

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for probation, pursuant to RA 10707,<sup>20</sup> which allows an accused-convict to apply for probation in the event that he/she is sentenced to a non-probationable penalty by the trial court but subsequently modified by the appellate court to a probationable penalty,<sup>21</sup> viz.:

SECTION 1. Section 4 of Presidential Decree No. 968, as amended, is hereby further amended to read as follows:

"SEC. 4. *Grant of Probation.* — Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant for a probationable penalty and upon application by said defendant within the period for perfecting an appeal, suspend the execution of the sentence and place the defendant on probation for such period and upon such terms and conditions as it may deem best. No application for probation shall be entertained or granted if the defendant has perfected the appeal from the judgment of conviction: **Provided, That when a judgment of conviction imposing a non-probationable penalty is appealed or reviewed, and such judgment is modified through the imposition of a probationable penalty, the defendant shall be allowed to apply for probation based on the modified decision before such decision becomes final.** The application for probation based on the modified decision shall be filed in the trial court where the judgment of conviction imposing a non-probationable penalty was rendered, or in the trial court where such case has since been re-raffled. In a case involving several defendants where some have taken further appeal, the other defendants may apply for probation by submitting a written application and attaching thereto a certified true copy of the judgment of conviction.

x x x x (Emphasis and underscoring supplied)

**WHEREFORE**, petitioner Emilio J. Aguinaldo IV's (petitioner) Omnibus Motion (1) For Leave to File Incorporated Second Motion for Reconsideration; (2) To Refer Case to the Honorable Court *En Banc*; and (3) For Second Reconsideration dated March 20, 2019 is **DENIED** for lack of merit.

On the other hand, petitioner's Urgent Motion for Recomputation of Penalty dated March 9, 2020 is **GRANTED**. Accordingly: (a) the Entry of Judgment dated January 14, 2019 is **LIFTED**; and (b) the Court's Resolutions dated October 10, 2018 and January 14, 2019 affirming petitioner's conviction for the crime of crime of Estafa, defined and penalized under Article 315 (2) (a) of the Revised Penal Code are **AFFIRMED** with **MODIFICATION**, sentencing him to suffer the penalty of imprisonment for an indeterminate period of four (4) months and twenty (20) days of *arresto mayor*, as minimum, to two (2) years, eleven (11) months, and ten (10) days of *prision correccional*, as maximum.

<sup>20</sup> Entitled "AN ACT AMENDING PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS THE 'PROBATION LAW OF 1976', AS AMENDED," approved on November 26, 2015.

<sup>21</sup> See *Hernan v. Sandiganbayan*, 822 Phil. 148, 175-177 (2017).

**SO ORDERED.**

*U.P. Kerl*  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice

**WE CONCUR:**

*[Signature]*  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

*[Signature]*  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

*[Signature]*  
**RAMON PAUL L. HERNANDO**  
Associate Justice

*[Signature]*  
**RICARDO R. ROSARIO**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Special Division.

*U.P. Kerl*  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice  
Chairperson, Special Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Special Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Special Division.

*[Signature]*  
**DIOSDADO M. PERALTA**  
Chief Justice