



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

CHARITA M. CHAN,

Accused.

SB-16-CRM-0511 to 0512
For: Violation of Sec. 3(j)
of R.A. 3019, as amended

Present:
LAGOS, J., Chairperson
MENDOZA-ARCEGA, J and
CORPUS-MAÑALAC, JJ.

Promulgated:

October 28, 2022

Suzel P. Geron

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RESOLUTION

CORPUS - MAÑALAC, J.:

This resolves the following: (1) Charita Chan's *Motion for Issuance of Finality and Entry of Judgment*¹ dated October 7, 2022 concerning Criminal Case No. *SB-16-CRM-0511*, (2) the prosecution's *Opposition*² thereto dated October 11, 2022, (3) Charita Chan's *Comment to Opposition to the Motion for the Issuance of Finality and Entry of Judgment in SB-16-CRM-0511* dated October 18, 2022³ and (4) the prosecution's *Manifestation (Re: Comment to Opposition to the Motion for the Issuance of Finality and Entry of Judgment in SB-16-CRM-0511)*.⁴

Accused alleges in her motion that in view of her acquittal in Criminal Case No. *SB-16-CRM-0511* in the *February 20, 2018 Decision*⁵ of this Court [which convicted her in Criminal Case No. *SB-16-CRM-0512*], and the denial of the motions for reconsideration from the said decision in the

¹ Record, pp. 91-94.

² Id. at 95-160.

³ Id. at 163-165.

⁴ Id. at 167-169.

⁵ Id. at 5-20.

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March 23, 2018 Resolution,⁶ without any appeal filed by the prosecution from such acquittal, the said decision has already become final. The accused now prays for the issuance of a finality and entry of judgment as far as Criminal Case No. *SB-16-CRM-0511* is concerned.

The prosecution objects to the said motion as allegedly the accused filed before the Supreme Court a Petition for Review appealing this Court's Decision dated February 20, 2018 and the Resolution dated March 23, 2018. In its *July 27, 2022 Decision*, the Supreme Court denied the Petition for Review of the accused affirming *in toto* the said decision but the accused has filed a motion for reconsideration of the *July 27, 2022 Decision* which remains pending. Thus, the prosecution alleges that the instant motion is premature.

The accused counters that while it is true that there is a pending motion for reconsideration before the Supreme Court, the same only pertains to Criminal Case No. *SB-16-CRM-0512* and not to Criminal Case No. *SB-16-CRM-0511*. She argues that even if these cases were consolidated, it does not change the fact that these are distinct from each other and cannot be treated as one case. She emphasizes that the petition pending in the Supreme Court was intended to appeal Criminal Case No. *SB-16-CRM-0512* only and that to await the finality of the resolution by the Supreme Court in Criminal Case No. *SB-16-CRM-0512* is tantamount to the violation of her right to speedy disposition of cases. Considering that no appeal was filed by the prosecution within the reglementary period in Criminal Case No. *SB-16-CRM-0511*, her acquittal has become final and the issuance of Finality of Judgment/Entry of Judgment is merely ministerial on the part of the Court.

In its *Manifestation*, the prosecution points out that the accused's *Comment to Opposition to the Motion for the Issuance of Finality and Entry of Judgment in SB-16-CRM-0511* is by its nature a reply to the said *Opposition*, which should be treated as a mere scrap of paper because it is not allowed pursuant to Section 4, Rule VII of the 2018 Revised Internal Rules of the Sandiganbayan.

THE COURT'S RULING

Verily, accused's *Comment to Opposition to the Motion for the Issuance of Finality and Entry of Judgment in SB-16-CRM-0511* is in the nature of a reply which is disallowed under Section 4, Rule VII of the 2018 Revised Internal Rules of the Sandiganbayan, which provides:

Sec. 4. Period to comment and to resolve. – In case of meritorious motions, the comment of the adverse party shall be filed within a period of ten (10) calendar days from notice or receipt of the order of the Sandiganbayan to file the same, and it shall resolve the motion within a

⁶ Id. at 21-26.

period of thirty (30) calendar days from the expiration of the ten (10)-day period, with or without comment.

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Reply and memorandum **shall not be allowed**. (Emphasis supplied.)

Nonetheless, the court finds merit to the *Motion for Issuance of Finality and Entry of Judgment* in Criminal Case No. *SB-16-CRM-0511* filed by the accused.

As borne by the records, what the accused appealed to the Supreme Court was the Decision in Criminal Case No. *SB-16-CRM-0512* only. No appeal was made from the same Decision acquitting the accused in Criminal Case No. *SB-16-CRM-0511*. Page 6 of the *July 27, 2022 Decision* of the Supreme Court states:

The sole issue before this Court is whether Chan is guilty beyond reasonable doubt for violation of Section 3(j) of RA 3019 in Criminal Case No. SB-16-CRM-0512.

Likewise, the dispositive portion of the said decision specifically mentions:

WHEREFORE, the Petition is hereby **DENIED**. The assailed February 20, 2018 Decision of the Sandiganbayan in so far as Criminal Case No. SB-16-CRM-0512 is hereby **AFFIRMED in toto**.

On the other hand, the failure of the prosecution to appeal from the *acquittal* of the accused in Criminal Case No. *SB-16-CRM-0511* or to file a motion for reconsideration therefrom renders finality to the decision in the said case, which is executory by operation of law. *Thomas v. Trono*⁷ elucidates:

... judgment becomes final and executory by operation of law. There is no need for any judicial declaration or performance of an act before the finality takes effect. Finality of a judgment becomes a fact upon the lapse of the reglementary period of appeal if no appeal is perfected, or motion for reconsideration or new trial is filed. The trial court need not even pronounce the finality of the order as the same becomes final by operation of law. Xxxx.

Considering the finality of the judgment of acquittal of the accused in Criminal Case No. *SB-16-CRM-0511*, it has now become a ministerial duty of the Court to issue a Certificate of Finality and to cause the entry of the same to the Books of Judgments. Section 8, Rule 120 and Section 2, Rule 36 of the Rules of Court, as Amended, respectively, provide:

⁷ *Thomas v. Trono and Republic*, G.R. No. 241032, March 15, 2021.

Section 8, Rule 120

Sec. 8. *Entry of Judgment.* - After a judgment has become final, it shall be entered in accordance with Rule 36. (emphasis supplied)

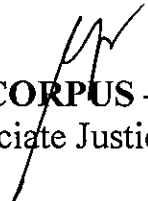
Section 2, Rule 36

Sec. 2. *Entry of judgments and final orders.* - If no appeal or motion for new trial or reconsideration is filed within the time provided in these Rules, the judgment or final order shall forthwith be entered by the clerk in the book of entries of judgments. (emphasis supplied)

WHEREFORE, premises considered, the Court hereby **GRANTS** accused Charita Chan’s *Motion for Issuance of Finality and Entry of Judgment*.

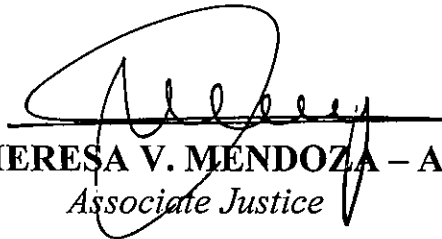
The Division Clerk of Court is ordered to issue a Certificate of Finality in Criminal Case No. *SB-16-CRM-0511* and to enter the judgment thereof in the book of entries of judgments of this Court.

SO ORDERED.


MARYANN E. CORPUS – MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARIA THERESA V. MENDOZA – ARCEGA
Associate Justice