



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

ROLANDO S. SIDEÑO,

Petitioner,

G.R. No. 235640

Present:

- versus -

PERALTA, C.J., Chairperson,  
CAGUIOA,  
REYES, J., JR.,  
LAZARO-JAVIER, and  
LOPEZ, JJ.

PEOPLE OF THE PHILIPPINES,

Respondent.

Promulgated:

SEP 03 2020

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DECISION

PERALTA, C.J.:

Before the Court is a petition for review on *certiorari*<sup>1</sup> seeking to reverse and set aside the July 7, 2017 Resolution<sup>2</sup> of the Sandiganbayan (SB) in Criminal Case Nos. SB-17-A/R-0004-0006, dismissing the appeal of petitioner Rolando S. Sideño from the May 19, 2016 Decision<sup>3</sup> of the Regional Trial Court, Branch 25, Manila (RTC), as well as its November 10, 2017 Resolution,<sup>4</sup> denying Sideño's motion for reconsideration.

The factual and procedural antecedents are as follows:

<sup>1</sup> *Rollo*, pp. 8-17.

<sup>2</sup> *Id.* at 104-107. Penned by Associate Justice Edgardo M. Caldoná, with the concurrence of Associate Justice Efren N. Dela Cruz and Associate Justice Geraldine Faith A. Econg.

<sup>3</sup> *Id.* at 34-46. Penned by Judge Marlina M. Manuel.

<sup>4</sup> *Id.* at 23-26.

Sideño was indicted for three (3) counts of violation of Section 3(b) of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, in three (3) separate Informations which were similarly worded, except as to the dates of the alleged commission of the offense and the amounts of share or commission of money allegedly requested and received by him. The accusatory portion of each of the Informations reads:

That on or about xxx, or sometime prior or subsequent thereto, in the City of Manila, and within the jurisdiction of this honorable Court, the above-named accused, a low-ranking public officer, being the Barangay Chairman of Barangay 205, Zone 18, District II, Manila, while in the performance of his official function, committing the offense in relation to his office, and taking advantage of his official position, did then and there willfully, unlawfully and criminally request and receive from Aljon Trading, a bidder in the projects of Barangay 205, Zone 18 and engaged in the supply of office supplies and materials, his "share" in the amount of xxx, in connection with the project of the barangay and in his official capacity the accused has the right to intervene, to the damage and prejudice of the government and the public interest.

Contrary to law.<sup>5</sup>


Upon arraignment, Sideño pleaded not guilty to the charge. After the pre-trial was terminated, trial on the merits ensued.

The prosecution evidence tends to show that private complainant Aljon Trading is a business enterprise owned and operated by Allan Garcia. It is engaged in the business of supplying office, electrical and paint materials to *barangays*. Allan Garcia testified that Sideño was the *Barangay* Chairman of *Barangay* 205, Zone 18, District II, Manila at the time material to the case. *Barangay* 205 has undertaken a project for the procurement of electrical and educational supplies, and, for which reason, Sideño issued a Purchase Request. *Barangay* Treasurer Jaime Garcia issued an Invitation to Bid and, thereafter, the project was bid out. Later, a document, denominated as Abstract of Bid/Canvass and Award, recommending that the project be given to Aljon Trading was signed and approved by Sideño and seven *barangay* *kagawad*.

On March 8, 2010, Allan Garcia received Purchase Order No. 205-10-03, approved by Jaime Garcia and noted by Sideño, for the procurement and delivery of the subject items to *Barangay* 205. Allan Garcia delivered the items to *Barangay* 205 which were received by Sideño and Jaime Garcia, as indicated in the Acceptance and Inspection Report which was signed by Jaime Garcia and Sideño. Also, a Confirmation Report was prepared and signed by Sideño, confirming the delivery of the subject items by Aljon Trading to

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<sup>5</sup> *Id.* at 34.



*Barangay 205*. Later, a disbursement voucher, signed by Sideño, was issued to Aljon Trading. All the documents pertinent to the procurement project were submitted to Atty. Analyn Marcelo-Buan, the Director of Manila Barangay Bureau, who in turn issued the 1st Indorsement, dated March 24, 2010, forwarding the disbursement voucher to the City Accountant of Manila. Subsequently, a check was drawn, payable to Aljon Trading, and handed to Sideño as the *Barangay* Chairman of *Barangay 205*.<sup>6</sup>

Allan Garcia recalled that even before the processing and approval of the disbursement voucher and the issuance of the corresponding check, Sideño directly requested and demanded from him for a percentage share of 25% of the project cost. Since he knew that Sideño was the approving official of the disbursement voucher and one of the signatories of the check (the other being Jaime Garcia), as well as due to the fact that he really needed to collect the payment, he was forced to accede to Sideño's request. Thus, on March 25, 2010, he gave Sideño ₱31,000.00, as the latter's share or commission of money on the sale transaction, and made him sign an acknowledgement receipt. In exchange, Sideño handed to him the check payment.<sup>7</sup>

Allan Garcia further testified that sometime in February 2011, Sideño intimated to him that *Barangay 205* would undertake another project, for the purchase of various supplies and materials, and promised/assured him that the same would be awarded to Aljon Trading. However, as a consideration for the said promise/assurance, Sideño requested for a share or commission thereon. Considering that Sideño was the approving official of the next project, he was again forced to shell out the amounts of ₱20,000.00 and ₱30,000.00, and gave the same to Sideño by way of commission, as evidenced by acknowledgement receipts dated February 4, 2011 and June 28, 2011, respectively, signed by Sideño. Despite Sideño's receipt of such amounts, no project was given to him. Sideño's proclivity to ask for commission was again repeated, still in the guise of an assured contract for the next *barangay* project. It was on this last attempt of Sideño to ask for commission that Allan Garcia decided to file a complaint against Sideño for bribery, violation of Section 3(b) and (e) of R.A. No. 3019, grave misconduct, dishonesty and conduct prejudicial to the best interest of the service before the Office of the Ombudsman (*Ombudsman*).<sup>8</sup>

Thereafter, the prosecution formally offered its documentary evidence and rested its case.

Sideño interposed the defense of denial, contending that he never requested any money by way of commission nor asked any favor from Allan Garcia. He alleged that Allan Garcia falsely accused him of demanding

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<sup>6</sup> *Id.* at 37-39.

<sup>7</sup> *Id.* at 38.

<sup>8</sup> *Id.* at 36-39.



commission just to harass him. Sideño claimed that he did not sign the three acknowledgement receipts presented by the prosecution, although he admitted that those signatures resembled his own signature. He averred that Aljon Trading was a blacklisted supplier in the Manila City Hall and that a complaint was filed by *Barangay* Chairman Saturnino Grutas of *Barangay* 101, Zone 8, District I, Manila against Allan Garcia for falsification of public documents and unauthorized withdrawal of funds. Anent the charges in Criminal Case Nos. 13-299982 and 13-299983, Sideño stressed that it is impossible for him to have received any share or commission from Allan Garcia for the year 2011 since *Barangay* 205 had no projects during the first quarter of that year.<sup>9</sup>

During cross-examination, Sideño alleged that Allan Garcia filed a complaint against him before the Ombudsman. Sideño submitted a counter-affidavit denying the accusation of requesting and receiving from Allan Garcia the total amount of ₱81,000.00. Sideño asserted that Allan Garcia forged his signature on the three acknowledgement receipts. He explained that he did not raise this defense before the Ombudsman because he discovered the forgery much later on.<sup>10</sup>

Atty. Marcelo-Buan confirmed that *Barangay* Chairman Grutas filed a complaint against Aljon Trading or Allan Garcia regarding a *barangay* project to which she was tasked to investigate. She averred that she interviewed Allan Garcia when he applied for accreditation. The documents were forwarded to the City Council for accreditation.<sup>11</sup>

The defense rested its case and filed its formal offer of evidence. The RTC, however, resolved to deny the admission of the pieces of documentary evidence of the defense because they were mere photocopies.<sup>12</sup>

On May 19, 2016, the RTC rendered a verdict of conviction in Criminal Case Nos. 13-299981, 13-299982 and 13-299983. The decretal portion of which reads:

WHEREFORE, the Court finds the accused ROLANDO S. SIDENO GUILTY beyond reasonable doubt of three (3) counts of Violation of Section 3(b) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended. He is hereby sentenced to suffer, for each count, the straight penalty of imprisonment from eight (8) years and one (1) day and perpetual disqualification from public office. No cost.

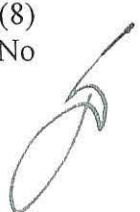
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<sup>9</sup> *Id.* at 40-41.

<sup>10</sup> *Id.* at 41.

<sup>11</sup> *Id.* at 40-42.

<sup>12</sup> *Id.* at 42.



SO ORDERED.<sup>13</sup>

The RTC declared that the prosecution was able to establish all the elements of violation of Section 3(b) of R.A. No. 3019 by proof beyond reasonable doubt. It rejected the defense of denial proffered by Sideño for being self-serving and unsupported by any plausible proof. It ruled that Sideño requested and received from Allan Garcia the amounts of ₱31,000.00, ₱20,000.00 and ₱30,000.00 as his share on the *barangay* projects which were duly proved by the acknowledgement receipts adduced by the prosecution. The RTC observed that there is an uncanny similarity in the lines and strokes between the signatures on the three acknowledgement receipts over the printed name "P/B ROLANDO SIDENO" and Sideño's signatures as appearing on the *barangay* documents, such as to convince any person that those signatures were affixed by the same person. Lastly, the trial court held that the pieces of documentary evidence on record sufficiently showed that there was indeed a contract between Aljon Trading, as represented by Allan Garcia, and *Barangay 205* to which Sideño has the right to intervene, being the Chairman of the *barangay*.<sup>14</sup>

Not in conformity, Sideño filed on July 12, 2016 a Notice of Appeal,<sup>15</sup> stating that the foregoing Decision of the RTC was promulgated on June 29, 2016 and that he was elevating said decision to the Court of Appeals (CA).

On July 20, 2016, the RTC issued an Order forwarding the entire records of Criminal Case Nos. 13-299981, 13-299982 and 13-299983 to the CA for its review and disposition.<sup>16</sup>

On August 25, 2016, Sideño received a Notice to File Brief dated August 10, 2016 from the clerk of court of the CA, directing him to file an Appellant's Brief within thirty (30) days from notice thereof. Upon motion for extension of time, the CA granted Sideño a grace period of until October 24, 2016 within which to submit the required pleading *via* its October 7, 2016 Resolution. On October 24, 2016, Sideño filed his Appellant's Brief.<sup>17</sup>

In the meantime, the Ombudsman filed a Manifestation,<sup>18</sup> dated December 5, 2016, clarifying that it should not be made a party to the case because only the Solicitor General may bring or defend actions in behalf of the Republic of the Philippines, or represent the People or State in criminal proceedings before the Supreme Court and the CA. The Ombudsman further

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<sup>13</sup> *Id.* at 46.

<sup>14</sup> *Id.* at 44-45.

<sup>15</sup> *Id.* at 47-48.

<sup>16</sup> *Id.* at 139.

<sup>17</sup> *Id.* at 10-11.

<sup>18</sup> *Id.* at 74-76.





manifested that the CA has no jurisdiction over the appeal because the SB has the exclusive appellate jurisdiction over final judgments of the RTC, pursuant to Section 4(c), paragraph 3 of R.A. No. 8249.

Later, the Office of the Solicitor General (OSG) filed before the CA a Manifestation with Motion,<sup>19</sup> dated January 5, 2017, seeking for the outright dismissal of Sideño's appeal for lack of jurisdiction. According to the OSG, the appeal of Sideño's conviction falls within the exclusive appellate jurisdiction of the SB under Section 4 of Presidential Decree (P.D.) No. 1606. The OSG further claimed that the SB's exclusive appellate jurisdiction over final orders or judgments of the regional trial courts over violations of the anti-graft and corruption laws has already been affirmed in *Engr. Abbot v. Judge Mapayo*<sup>20</sup> and *Magno v. People, et al.*<sup>21</sup>

On January 30, 2017, Sideño filed a Manifestation and Motion<sup>22</sup> before the CA praying that his Appellant's Brief be referred to the SB in the interest of justice and equity. He posited that he should not be faulted for the erroneous filing of the appeal as it is the duty of the RTC to refer the Notice of Appeal and forward the records of Criminal Case Nos. 13-299981, 13-299982 and 13-299983 to the proper forum, which is the SB.

On February 21, 2017, the CA issued a Resolution<sup>23</sup> denying the OSG's motion to dismiss outright the erroneously lodged appeal of Sideño. Instead, the CA ordered the forwarding of the appealed case to the SB for proper disposition, invoking the ruling in *Cariaga v. People*.<sup>24</sup> The *fallo* of which states:

WHEREFORE, the instant Manifestation and Motion of the OSG is hereby DENIED. Let the records of this case be transferred to the Sandiganbayan for appropriate action.

SO ORDERED.<sup>25</sup>

The motion for reconsideration filed by the OSG was also denied by the CA in its May 30, 2017 Resolution.<sup>26</sup>

On June 9, 2017, the records of Criminal Case Nos. 13-299981, 13-299982 and 13-299983 were transmitted to the SB.

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<sup>19</sup> *Id.* at 81-84.

<sup>20</sup> 390 Phil. 579 (2000).

<sup>21</sup> 662 Phil. 726 (2011).

<sup>22</sup> *Rollo*, pp. 85-87.

<sup>23</sup> *Id.* at 89-92.

<sup>24</sup> 640 Phil. 272 (2010).

<sup>25</sup> *Rollo*, p. 92.

<sup>26</sup> *Id.* at 98-100.

On July 7, 2017, the SB issued the assailed Resolution,<sup>27</sup> dismissing outright the appeal of Sideño. According to the SB, Sideño should have rectified the erroneous filing of the appeal to the CA within the fifteen (15)-day reglementary period to appeal, but he failed to do so. The SB added that the time frame within which to appeal before the proper court had already long lapsed. The dispositive portion of which reads:

IN VIEW OF THE FOREGOING, the appeal of the accused-appellant, Rolando S. Sidenio, is hereby DISMISSED for having been improperly filed.

SO ORDERED.<sup>28</sup>

Sideño filed a motion for reconsideration, but the same was denied by the SB *via* its November 10, 2017 Resolution,<sup>29</sup> stressing that the RTC Decision had already become final and unappealable due to the failure of Sideño to perfect the appeal within the time prescribed by the Rules of Court. The SB held that it could do nothing more with the appeal since it was already ousted jurisdiction upon the finality of the RTC judgment of conviction.

### The Issue

Undaunted, Sideño filed the present petition and posited the following lone issue, to wit:

WHETHER THE APPEAL OF THE PETITIONER (ACCUSED-APPELLANT) MUST BE GIVEN DUE COURSE BY THE SANDIGANBAYAN PURSUANT TO THE RESOLUTION OF THE COURT OF APPEALS, ISSUED ON SEPTEMBER 28, 2017 WHICH HAS BECOME FINAL AND EXECUTORY.<sup>30</sup>

Sideño insists that he had nothing to do with the erroneous filing of the appeal to the CA and decries the inadvertence of his counsel. He faults the RTC for not taking the appeal before the proper forum, contending that it is incumbent upon the court of origin to determine the proper court where the appeal should be lodged, taking into consideration the nature of the crime committed and the rank or position of the accused public official.

On May 8, 2018, the OSG filed a Manifestation and Motion,<sup>31</sup> stating that the Ombudsman, through the Office of the Special Prosecutor (OSP),

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<sup>27</sup> *Id.* at 104-107.

<sup>28</sup> *Id.* at 107.

<sup>29</sup> *Id.* at 23-26.

<sup>30</sup> *Id.* at 14-15.

<sup>31</sup> *Id.* at 109-112.





should represent the People in the proceedings before the Court, including the filing of the required pleadings, in consonance with the mandate of Section 4 of R.A. No. 8249, inasmuch as the challenged Resolutions were issued by the SB. The OSG moved that it be excused from participating in the instant petition.

On even date, the Ombudsman, through the OSP, filed a Manifestation with Motion,<sup>32</sup> praying that Sideño's counsel be directed to furnish the OSP with a copy of the present petition, including its annexes, and that it be given an extension period of thirty (30) days from receipt thereof within which to submit the required Comment.

In its Comment,<sup>33</sup> respondent People counters that Sideño had already lost his right to appeal by the time the CA deemed it proper to transfer the records of the case to the SB in the interest of substantial justice. Respondent maintains that Sideño's failure to perfect the appeal within the period of fifteen (15) days from promulgation of the RTC Decision or from notice thereof causes said decision to become final as to preclude the SB from acquiring jurisdiction to review it. Respondent avers that Sideño can no longer challenge the RTC's judgment of conviction because a decision that has attained finality becomes immutable and unalterable.

### **The Court's Ruling**

After a meticulous scrutiny and conscientious evaluation of the records of this case, the Court finds the petition to be impressed with merit.

There is no quibble that Sideño, through his counsel, had taken a wrong procedure. Inasmuch as Sideño is a low-ranking public officer, having a salary grade below 27, he should have sought relief on the RTC verdict of conviction from the SB, pursuant to P.D. No. 1606, as amended by R.A. No. 10660,<sup>34</sup> specifically Section 4 thereof, viz.:

SEC. 4. *Jurisdiction.* xxx.

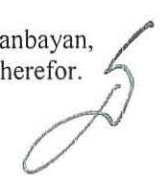
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In cases where none of the accused are occupying positions corresponding to Salary Grade '27' or higher, as prescribed in the said Republic Act No. 6758, or military and PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal

<sup>32</sup> *Id.* at 116-119.

<sup>33</sup> *Id.* at 135-146.

<sup>34</sup> An Act Strengthening Further the Functional and Structural Organization of the Sandiganbayan, Further Amending Presidential Decree No. 1606, as amended, and Appropriating Funds Therefor.





circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

**The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders of regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.** (Emphasis supplied)

This is complemented by Section 1, Rule XII, Part III of the Revised Internal Rules of the Sandiganbayan which reads:

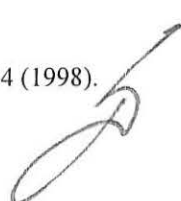
Section 1. *Ordinary Appeal.* Appeal to the Sandiganbayan from a decision rendered by a Regional Trial Court in the exercise of its original jurisdiction shall be by ordinary appeal under Rules 41 and 44 of the 1997 Rules of Civil Procedure, or Rules 122 and 124 of the Revised Rules of Criminal Procedure, as the case may be.

Verily, upon his conviction, Sideño's remedy should have been an appeal to the SB. There is nothing in the afore-quoted provisions which can conceivably justify the filing of Sideño's appeal before the CA. Indeed, the appeal was erroneously taken to the CA because Sideño's case properly falls within the appellate jurisdiction of the SB. Section 2, Rule 50 of the Rules of Court provides, among others, that an appeal erroneously taken to the CA shall not be transferred to the appropriate court but shall be dismissed outright. This has been the consistent holding of the Court.

However, the peculiar circumstances of the case at bench constrain the Court to relax and suspend the rules to give Sideño a chance to seek relief from the SB. After all, the Court has the power to except a particular case from the operation of the rule whenever the purpose of equity and substantial justice requires it. It bears stressing that aside from matters of life, liberty, honor or property which would warrant the suspension of the rules of the most mandatory character, and an examination and review by the appellate court of the lower court's findings of fact, the other elements that are to be considered are the following: (1) the existence of special or compelling circumstances, (2) the merits of the case, (3) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (4) a lack of any showing that the review sought is merely frivolous and dilatory, (5) the other party will not be unjustly prejudiced thereby.<sup>35</sup> All these factors are attendant in this case.

To begin with, the Court notes that the notice of appeal was seasonably filed, reflecting Sideño's resolute to comply with the fifteen (15)-day reglementary period to appeal as prescribed by the Rules of Court. Records

<sup>35</sup> *Sanchez v. Court of Appeals*, 452 Phil. 665, 674 (2003); and *Ginete v. CA*, 357 Phil. 36, 54 (1998).



show that the May 19, 2016 Decision of the RTC was promulgated on June 29, 2016, and on July 12, 2016, or thirteen (13) days later, Sideño, through counsel, filed a notice of appeal stating his intention to elevate the said decision albeit designating the wrong forum. Doubtless, Sideño's counsel erred in filing the appeal before the CA. However, this should not be taken against Sideño for it is highly unjust for him to lose his liberty simply because his counsel blundered. Moreover, the wrongful designation of court did not appear to be a dilatory tactic on the part of Sideño. In any event, error in indicating in the notice of appeal the court to which the appeal is being interposed is not fatal to the appeal.<sup>36</sup> The designation of the wrong court does not necessarily affect the validity of the notice of appeal.<sup>37</sup>

Likewise, Sideño should not be prejudiced by the error in transmitting the records of Criminal Case Nos. 13-299981, 13-299982 and 13-299983 to the CA. In *Dizon v. People*,<sup>38</sup> citing the case of *Ulep v. People*,<sup>39</sup> the Court wrote:

**The trial court, on the other hand, was duty-bound to forward the records of the case to the proper forum, the Sandiganbayan. It is unfortunate that the RTC judge concerned ordered the pertinent records to be forwarded to the wrong court, to the great prejudice of petitioner. Cases involving government employees with a salary grade lower than 27 are fairly common, albeit regrettably so. The judge was expected to know and should have known the law and the rules of procedure. He should have known when appeals are to be taken to the CA and when they should be forwarded to the Sandiganbayan. He should have conscientiously and carefully observed this responsibility specially in cases such as this where a person's liberty was at stake.<sup>40</sup>**

Indeed, Sideño should not be prejudiced by the shortcoming or fault of the RTC judge. Guided by the pronouncement in *Dizon*, since cases involving government employees and officials with a salary grade lower than 27 are fairly common, the RTC judge herein is expected to know that Sideño's case should have been appealed to the SB. Apparently, she did not.

The Court deems it wise that the criminal cases against Sideño, particularly Criminal Case Nos. 13-299982 and 13-299983, be reviewed on the merits by the proper tribunal, following the appropriate procedures under the rules, in the interest of substantial justice. To be convicted of violation of Section 3(b) of R.A. No. 3019, the prosecution has the burden of proving the following elements: 1) the offender is a public officer; 2) who requested or received a gift, a present, a share, a percentage, or benefit; 3) on behalf of the

<sup>36</sup> *Heirs of Pizarro, Sr. v. Hon. Consolacion*, 244 Phil. 187, 194 (1988).

<sup>37</sup> *Torres v. People*, 672 Phil. 142, 149 (2011).

<sup>38</sup> G.R. No. 227577, January 24, 2018, 853 SCRA 158.

<sup>39</sup> 597 Phil. 580 (2009).

<sup>40</sup> *Dizon v. People*, G.R. No. 227577, January 24, 2018, 853 SCRA 158, 169; emphasis supplied.

offender or any other person; 4) in connection with a contract or transaction with the government; 5) in which the public officer, in an official capacity under the law, has the right to intervene.<sup>41</sup>

Sideño's freedom is forfeited only if all the foregoing elements are established by that requisite quantum of proof necessary for his criminal conviction for violation of Section 3(b) of R.A. No. 3019 in Criminal Case Nos. 13-299981, 13-299982 and 13-299983. A most careful re-examination and scrutiny of the evidence for the State by an appellate court are essential for conviction must rest on the strength of the prosecution's case and not on the weakness of the defense.

Further, the Court observes that the straight penalty of eight (8) years and one (1) day imposed by the RTC against Sideño for each count of violation of Section 3(b) of R.A. No. 3019 is not in accordance with the mandate of Section 1 of Act No. 4103, as amended by Act No. 4225 or the Indeterminate Sentence Law, to wit:

Section 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum [of] which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same. (Underscore supplied)

The application of the Indeterminate Sentence Law is mandatory to both the Revised Penal Code and the special laws where imprisonment exceeds one (1) year.<sup>42</sup> In *Luy v. People*,<sup>43</sup> the Court expounded on the worthy objective of the minimum and the maximum periods, thus:

The need for specifying the minimum and maximum periods of the indeterminate sentence is to prevent the unnecessary and excessive deprivation of liberty and to enhance the economic usefulness of the accused, since he may be exempted from serving the entire sentence, depending upon his behavior and his physical, mental, and moral record. The requirement of imposing an indeterminate sentence in all criminal offenses whether punishable by the RPC or by special laws, with definite minimum and maximum terms, as the Court deems proper within the legal

<sup>41</sup> *Cadio-Palacios v. People*, 601 Phil. 695, 703 (2009); citation omitted.

<sup>42</sup> *Romero v. People, et al.*, 677 Phil. 151, 165-166 (2011).

<sup>43</sup> 797 Phil. 201 (2016).





range of the penalty specified by the law must, therefore, be deemed mandatory.<sup>44</sup>

Under Section 9 of R.A. No. 3019, the penalty for violation of Section 3, among others, shall be imprisonment of not less than six (6) years and one (1) month nor more than fifteen (15) years. Applying the Indeterminate Sentence Law, the imposable penalty should have a minimum term which shall not be less than six (6) years and one (1) month, and should also have a maximum term which shall not exceed fifteen (15) years. The proper imposable penalty should be within the range of six (6) years and one (1) month to fifteen (15) years.

Sideño's liberty here is at stake. If Sideño has to suffer in prison, his guilt must be proven beyond reasonable doubt, availing all the remedies provided under the law to protect his right. Our legal culture requires the presentation of proof beyond reasonable doubt before any person may be convicted of a crime and deprived of his life, liberty or even property. It has been consistently held that:

In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. On the whole, the meager evidence for the prosecution casts serious doubts as to the guilt of accused. It does not pass the test of moral certainty and is insufficient to rebut the constitutional presumption of innocence.<sup>45</sup>

Where one's liberty is at stake, it is fitting, but on a case-to-case basis, that a window for redress should be opened for the accused, especially in cases where the accused, who is ordinarily unfamiliar with the rules of procedure, is prejudiced by the mistake or error of his counsel or of the lower court. The deprivation of an accused of liberty and/or property should certainly receive the liberal application of the Rules of Court to attain justice and fairness.

Taken in the light of the foregoing, the Court finds that a thorough review and appreciation of the evidence presented by the prosecution and the defense, as well as the determination of the proper imposable penalties by the Sandiganbayan, is necessary to assure Sideño that his appeal will be decided judiciously and fairly.

**WHEREFORE**, the petition is **GRANTED**. The Resolutions dated July 7, 2017 and November 10, 2017 of the Sandiganbayan in Criminal Case


<sup>44</sup> *Id.* at 213.

<sup>45</sup> *People v. Bansil*, 364 Phil. 22, 34 (1999); citation omitted.



Nos. SB-17-A/R-0004-0006 are hereby **SET ASIDE**. The Sandiganbayan is **DIRECTED** to **REINSTATE** the appeal of Rolando S. Sidenio.

**SO ORDERED.**




**DIOSDADO M. PERALTA**  
Chief Justice

**WE CONCUR:**



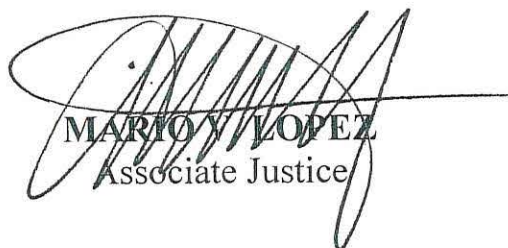
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



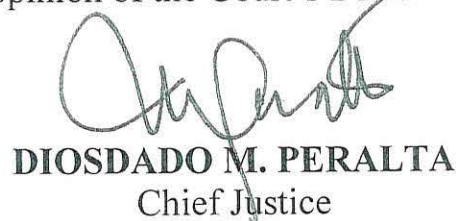
**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice

**CERTIFICATION**

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



**DIOSDADO M. PERALTA**  
Chief Justice