

THIRD DIVISION

[G.R. No. 173990, October 27, 2009]

EDGARDO V. ESTARIJA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, REPRESENTED BY THE SOLICITOR GENERAL, AND EDWARD RANADA, RESPONDENTS.

D E C I S I O N

CHICO-NAZARIO, J.:

This Petition for Review under Rule 45 of the Rules of Court seeks to reverse and set aside the 25 November 2005 Decision^[1] and the 11 July 2006 Resolution^[2] of the Court of Appeals, which affirmed with modifications the Decision and Resolution of the Regional Trial Court (RTC) of Davao City, Branch 8, finding petitioner, Captain Edgardo V. Estarija (Estarija), then Harbor Master of the Philippine Ports Authority, Davao City, guilty beyond reasonable doubt of violating Section 3, paragraph b of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

On 7 August 1998, an Information was filed before the RTC of Davao City against Estarija for violating Section 3, paragraph b of Republic Act No. 3019. The accusatory portion of the Information reads:

That on or about August 6, 1998, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, EDGARDO ESTARIJA, a public officer, being then the Harbor Master of the Philippine Ports Authority at Sasa, Davao City, while in the performance of his official function as such, did then and there, willfully, unlawfully and feloniously request and consequently receive the amount of FIVE THOUSAND PESOS (P5,000.00) from Davao Pilot Association in consideration of accused's issuance of berthing permits.^[3]

Upon his arraignment on 26 August 1998, Estarija, assisted by a counsel *de parte*, pleaded not guilty to the charge.^[4] Thereafter, trial on the merits ensued.

On 15 March 2000, the RTC rendered a decision convicting Estarija of the crime charged and imposing upon him a straight penalty of seven years. The decretal portion of the RTC decision reads:

For the foregoing, this Court finds accused Capt. Edgardo Estarija GUILTY beyond reasonable doubt of violating Par. B, Sec. 3 of Republic Act 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

Accordingly, he is hereby sentenced to suffer a penalty of imprisonment

of SEVEN (7) YEARS.^[5]

Estarija filed a motion for reconsideration, which was denied by the RTC.

On 10 August 2000, Estarija filed a notice of appeal.

On appeal, the Court of Appeals affirmed the conviction of Estarija. The Court of Appeals, however, modified the penalty to an indeterminate sentence ranging from 6 years and 1 day to 9 years, with the accessory penalty of perpetual disqualification from public office, thus:

WHEREFORE, this Court x x x hereby AFFIRMS the finding of guilt of the accused-appellant but ORDERS the modification of the sentence imposed upon the accused-appellant. Conformably, accused-appellant is hereby sentenced to an Indeterminate penalty of Six (6) Years and One (1) Month to Nine (9) Years of imprisonment, with the accessory penalty of perpetual disqualification from public office.^[6]

Hence, the instant petition.

In the main, the issue for resolution is whether or not error attended the RTC's findings, as affirmed by the Court of Appeals, that Estarija is guilty beyond reasonable doubt of violating Section 3, paragraph b of Republic Act No. 3019.

Quite apart from the foregoing issue raised by Estarija, the question that comes to the fore, as made evident by the proceedings below, is whether or not Estarija correctly filed his appeal with the Court of Appeals; or put differently, whether the Court of Appeals had appellate jurisdiction over the RTC decision convicting Estarija of the charge. Although not assigned as an error, said issue can be entertained by the Court, since, in a criminal proceeding, an appeal throws the whole case open for review, and it becomes the duty of the Court to correct any error in the appealed judgment, whether it is made the subject of an assignment of error or not.^[7]

Republic Act No. 8249 entitled, *"An Act Further Defining the Jurisdiction of the Sandiganbayan, Amending for the Purpose Presidential Decree No. 1606, as Amended, Providing Funds Therefor, and for Other Purposes,"* which further defined the jurisdiction of the Sandiganbayan, took effect on 23 February 1997. Paragraph 3, Section 4(c) of Republic Act No. 8249 reads:

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