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Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-13-CRM-0737

For: Violation of Section 3(e) of
R.A. 3019

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Pahimna, J.

Alvin B. Garcia
Accused.

Promulgated:
May 25, 2017
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RESOLUTION

HERRERA, JR., J:

Before the Court is a ***Motion For Reconsideration***¹ dated January 3, 2017, filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, seeking reconsideration of the ***Resolution***² promulgated on December 14, 2016, dismissing the case with respect to accused Rico Rey Holganza. The last paragraph and the dispositive portion of said ***Resolution*** read:

“All told, the criminal complaint against movant Holganza must be dismissed on the ground of inordinate delay amounting to a transgression of the right to a speedy disposition of cases.

WHEREFORE, the motion is GRANTED.

Accordingly, Criminal Case No. SB-13-CRM-0737 with respect to accused RICO REY HOLGANZA for violation of Section 3(e) of R.A. No. 3019, as amended, is hereby DISMISSED. Let the bail bond posted by the accused for his provisional liberty be ordered cancelled and returned to him subject to the usual accounting and auditing rules and procedures. The hold departure order against the accused is also hereby ordered LIFTED. Accordingly, let a copy of this resolution be furnished the Bureau of Immigration.

¹ Record, Vol. 4, pp. 1740-1752
² Id, pp. 1706-1714

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SO ORDERED.³

Accused Holganza is charged in this case with **Violation of Section 3(e) of Republic Act (R.A.) 3019**, also known as the **Anti-Graft and Corrupt Practices Act**, jointly with accused Alvin B. Garcia, Laurito M. Malinao, Rodolfo V. Cabrera, Eustaquio B. Cesa and Pura Cimafranca, under an **Information**⁴ dated October 16, 2012.

In the **Motion For Reconsideration**, the plaintiff contends that the findings and conclusions made in the **Resolution** of December 14, 2016 are contrary to law and jurisprudence; that there was no undue delay in the investigation of the case against accused Holganza by the Office of the Ombudsman; that his constitutional right to speedy disposition of cases was not violated; and that the length of time spent in the investigation of the case is reasonably attributable to the processes of justice.

After a careful study, the Court rules that the **Motion For Reconsideration** must necessarily be denied.

The dismissal of a criminal case on the ground of violation of the Constitutional right of the accused to speedy disposition of cases guaranteed under **Section 16, Article III of the 1987 Constitution** is akin to a dismissal based on the violation of the right of an accused to speedy trial likewise guaranteed under **Section 14(2) of the same Article III of the Constitution**.

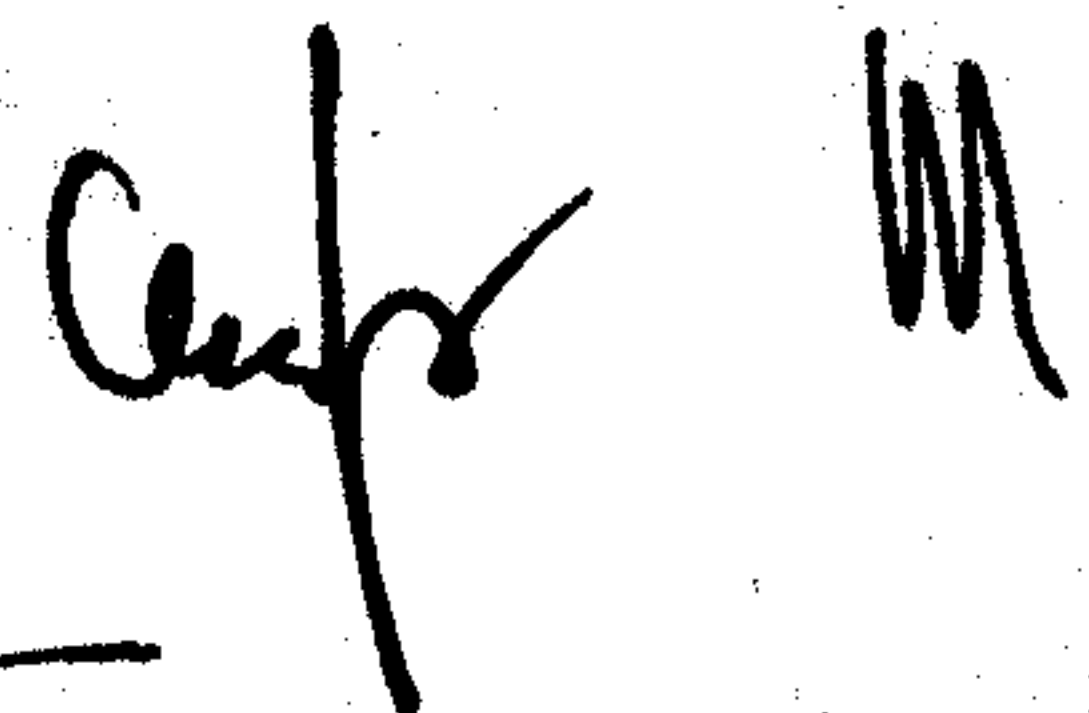
In the case of **Coscolluela v. Sandiganbayan**,⁵ the Supreme Court declared:

“Lest it be misunderstood, the right to speedy disposition of cases is not merely hinged towards the objective of spurring dispatch in the administration of justice but also to prevent the oppression of the citizen by holding a criminal prosecution suspended over him for an indefinite time. **Akin to the right to speedy trial, its “salutary objective” is to**

³ Id, p. 1714

⁴ Id, pp. 1455-1458

⁵ 701 SCRA 188



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assure that an innocent person may be free from the anxiety and expense of litigation or, if otherwise, of having his guilt determined within the shortest possible time compatible with the presentation and consideration of whatsoever legitimate defense he may interpose. This looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual. In the context of the right to a speedy trial, the *Court in Corpuz v. Sandiganbayan (Corpuz)* illumined:"

Upon the other hand, it is settled that a dismissal based on violation of the right to speedy trial is tantamount to an acquittal that bars an appeal or a reconsideration as it would amount to a violation of the principle of double jeopardy.

In *Bonsubre, Jr. v. Yerro, et al.*,⁶ the Supreme Court held:

"In a long line of cases, we have held that a dismissal on the ground of the denial of the accused's right to a speedy trial will have the effect of acquittal that would bar further prosecution of the accused for the same offense. Thus, we have held that where after such dismissal the prosecution moved for the reconsideration of the order of dismissal and the court re-set the case for trial, the accused can successfully claim double jeopardy as the said order was actually an acquittal, was final and cannot be reconsidered. x x x."

Indeed, it is also settled that a judgment of acquittal becomes final immediately after promulgation and cannot be recalled for correction or amendment, because of the doctrine that nobody may be put twice in jeopardy of punishment for the same offense. This is known as the "finality of acquittal rule."⁷

Although a judgment of acquittal is erroneous, that judgment may not be annulled and set aside. It became final and executory upon its promulgation.

In *People v. Hernando*,⁸ the Supreme Court explained:

⁶ G.R. No. 205952, Feb. 11, 2015

⁷ *People vs. Tirso Velasco*, 340 SCRA 207

⁸ 108 SCRA 121

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"Notwithstanding, the error committed can no longer be rectified under the cardinal rule on double jeopardy. The judgment of acquittal in favor of an accused necessarily ends the case in which he is prosecuted and the same cannot be appealed nor reopened because of the doctrine that nobody may be put twice in jeopardy for the same offense. Respondents have been formally acquitted by respondent Court, albeit erroneously. That judgment of acquittal is a final verdict. Errors or irregularities, which do not render the proceedings a nullity, will not defeat a plea of *antefois acquit*."

The aforementioned doctrinal pronouncement was reiterated in the fairly recent case of *Chiok v. People*:⁹

"In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the "finality-of-acquittal" rule."

WHEREFORE, premises considered, the ***Motion For Reconsideration*** dated January 3, 2017, filed by the plaintiff, is hereby denied.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice

⁹ G.R. No. 179814, Dec. 7, 2015