

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-11-CRM-0222 to
SB-11-CRM-0223

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

-versus-

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

Salvacion Z. Perez,
Accused.

Promulgated:
June 6, 2017

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RESOLUTION

HERRERA, JR., J:

Submitted for resolution of the Court is a ***Motion For Reconsideration Of The Honorable Court's Resolution Dated 8 March 2017***,¹ filed by the plaintiff *People of the Philippines*, through the Office of the Special Prosecutor, Office of the Ombudsman, seeking reconsideration of the ***Resolution***² promulgated on March 3, 2017, not March 8, 2017, granting the ***Demurrer To Evidence (With Leave of the Honorable Court)***³ dated December 7, 2016 of accused Salvacion Z. Perez (Accused Perez for short) and dismissing the above-captioned cases. Accused Perez, through counsel filed a ***Comment/Opposition (To Motion for Reconsideration)***⁴ dated April 10, 2017, praying that the ***Motion For Reconsideration*** be denied.

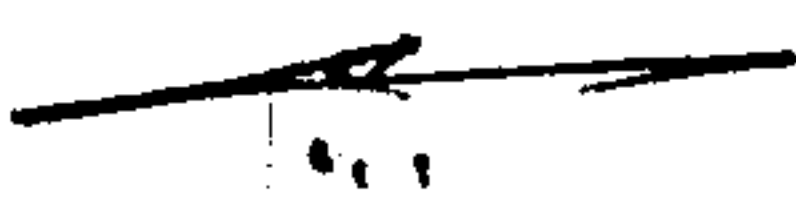
Accused Perez is charged with ***Violation of Section 3(e) of Republic Act (R.A.) No. 3019***, also known as the ***Anti-Graft and Corrupt Practices Act***, in Criminal Case No. SB-11-CRM-0222, under an

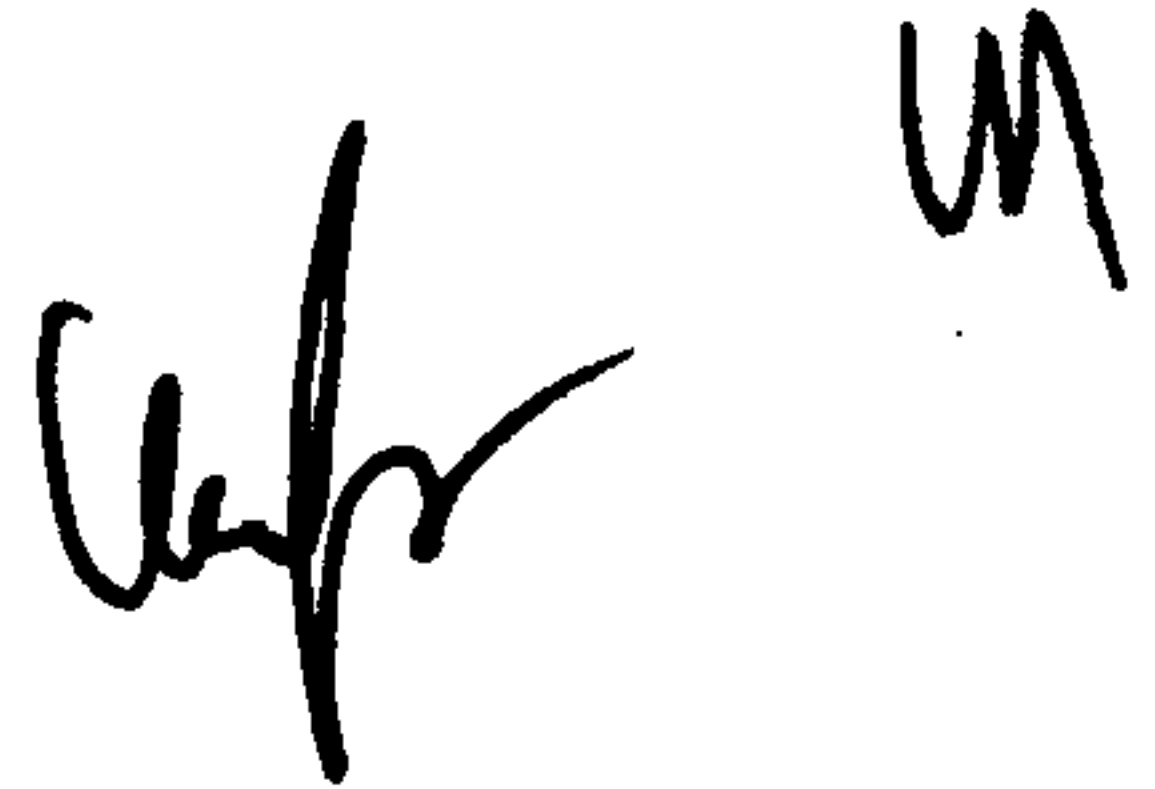
¹ Record, Vol. 3, pp. 950-959

² Id, pp. 931-944

³ Id, pp. 897-909

⁴ Id, pp. 967-978





Information⁵ dated May 13, 2011, and with **Violation of Section 3(h)** of the same law, in Criminal Case No. SB-11-CRM-0223, under an **Information**⁶ also dated May 13, 2011.

In seeking reconsideration of the Court's **Resolution** of March 3, 2017, the plaintiff essentially contends that the prosecution was able to prove the elements of both charges and clearly established the liability of accused Perez, there being sufficient evidence against her showing **Violations of Sections 3(e) and (h) of R.A. 3019**.

The Court rules that the plaintiff's **Motion For Reconsideration, etc.** must necessarily be denied.

It is settled that an order granting a demurrer to evidence is tantamount to an acquittal.

In **Bautista, et al. v. Cuneta**,⁷ the Supreme Court declared:

"Moreover, not only did the CA materially err in entertaining the petition, it should be stressed that the granting of petitioner's Demurrer to Evidence already amounted to a dismissal of the case on the merits and a review of the order granting the demurrer to evidence will place the accused in double jeopardy. xxx"

In **People v. Jose Go**,⁸ the Supreme Court held:

"xxx. As to effect, "the grant of a demurrer to evidence amounts to an acquittal and cannot be appealed because it would place the accused in double jeopardy. The order is reviewable only by certiorari if it was issued with grave abuse of discretion amounting to lack or excess of jurisdiction."

Hence, the Court's **Resolution** of March 3, 2017 is tantamount to a judgment of acquittal.

⁵ Id, pp. 893-894

⁶ Id, pp. 895-896

⁷ G.R. No. 189754, October 24, 2012

⁸ G.R. No. 191015, August 6, 2014

Ampr *M*

It is 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."⁹

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*,¹⁰ the Supreme Court explained:

"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*."

In *People v. Sandiganbayan*,¹¹ the Supreme Court declared:

"The rule is that a judgment acquitting the accused is final and immediately executory upon its promulgation, and that accordingly, the State may not seek its review without placing the accused in double jeopardy. Such acquittal is final and unappealable on the ground of double jeopardy whether it happens at the trial court or on appeal at the CA."

The aforementioned doctrinal pronouncements were reiterated in the fairly recent case of *Chiok v. People*:¹²

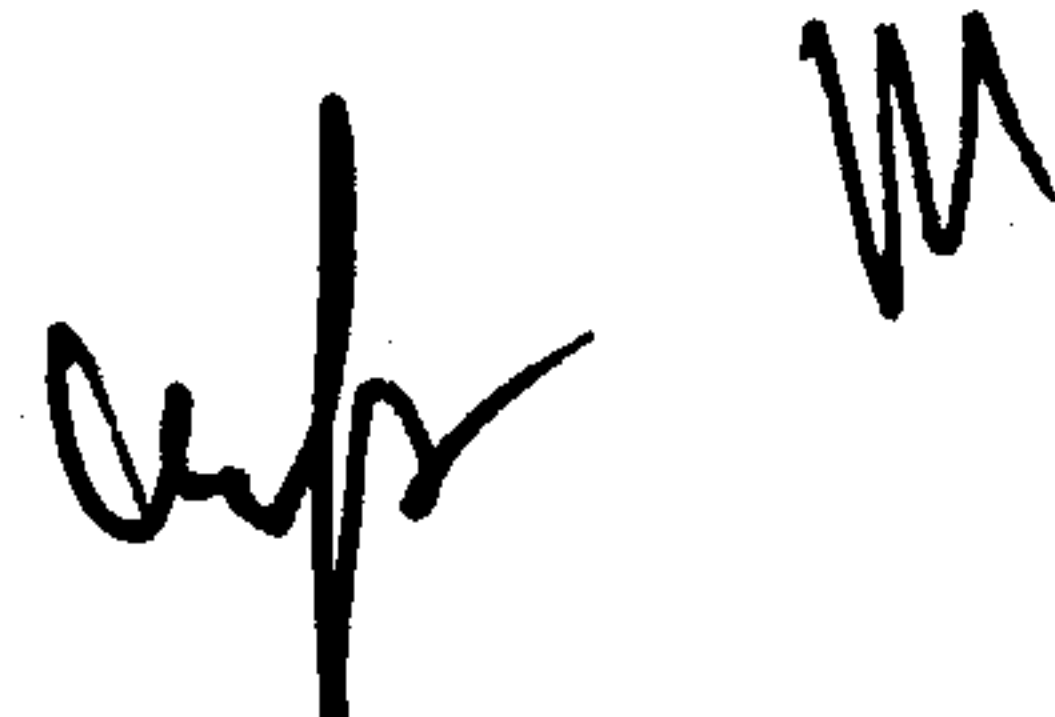
"In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its

⁹ *People v. Hon. Tirso Velasco*, 340 SCRA 206

¹⁰ 108 SCRA 121

¹¹ 491 SCRA 181

¹² G.R. No. 176814, December 7, 2015



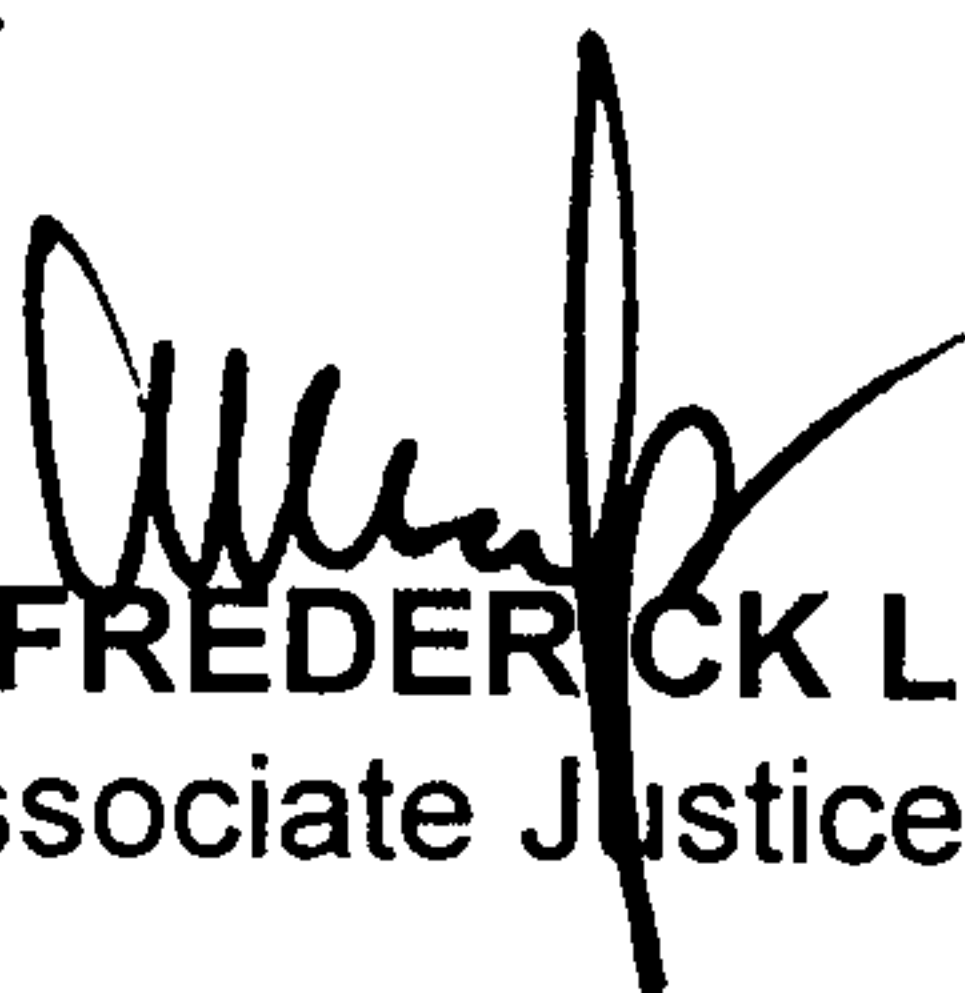
promulgation. This is referred to as the "finality-of-acquittal" rule."

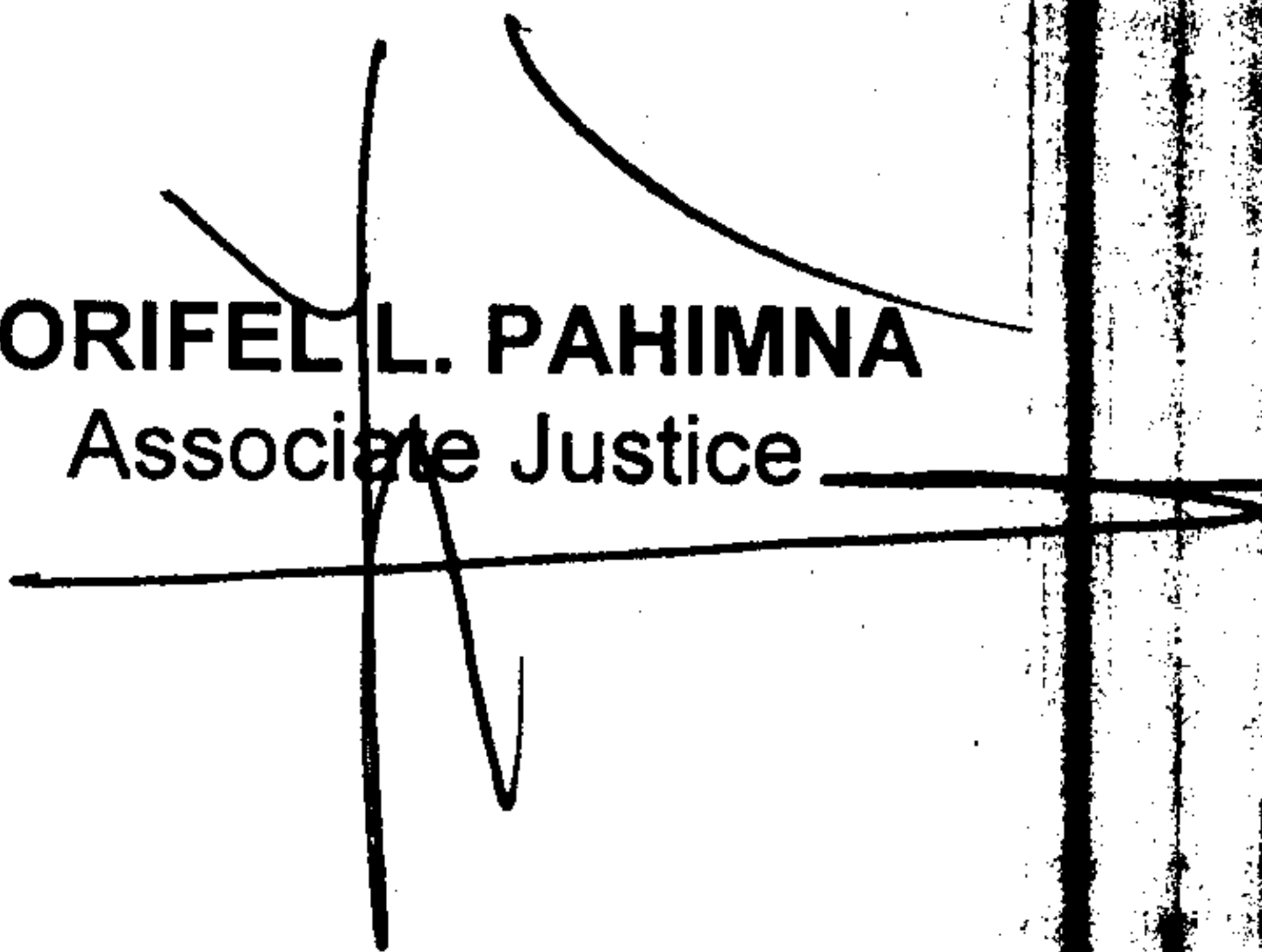
WHEREFORE, premises considered, the **Motion For Reconsideration Of The Honorable Court's Resolution Dated 8 March 2017**, filed by the plaintiff, is hereby denied.

SO ORDERED.


OSCAR L. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice