

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Case No. SB-16-CRM-0054 to  
SB-16-CRM-0056

For: Violation of Sec. 3(e) of Republic  
Act No. 3019, as amended

-versus-

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

Eduardo C. Zialcita, et al.,  
Accused.

Promulgated:  
June 13, 2017  
*A*

X-----X

**RESOLUTION**

**HERRERA, JR., J.:**

Submitted for resolution of the Court is a ***Motion For Reconsideration (Resolution promulgated on 03 March 2017)***<sup>1</sup> dated March 28, 2017, filed by the plaintiff People of the Philippines, through the Office of the Special Prosecutor, Office of the Ombudsman, seeking reconsideration of the Court's ***Resolution***<sup>2</sup> promulgated on March 3, 2017, dismissing the cases against accused Eduardo C. Zialcita, Dennis B. Araullo and Raymundo E. Braganza on the ground of inordinate delay that violated their constitutional right to speedy disposition of cases.

Accused Zialcita, through counsel, filed a ***Comment/Opposition To Plaintiff's Motion For Reconsideration***<sup>3</sup> dated April 12, 2017, praying that the ***Motion For Reconsideration*** be denied.

<sup>1</sup> Record, Vol. 1, pp. 470-486

<sup>2</sup> Id, pp. 439-442

<sup>3</sup> Id, pp. 487-492

*Conf* *M*  
*[Signature]*

Accused Zialcita, Araullo and Braganza, among others, are jointly 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-16-CRM-0054,<sup>4</sup> and with **Malversation of Public Funds**, defined and penalized under **Article 217 of the Revised Penal Code**, in Criminal Case No. SB-16-CRM-0055.<sup>5</sup> Accused Zialcita, with other co-accused, stands charged with **Falsification of Public Documents**, defined and penalized under **Article 171, paragraph 4 of the Revised Penal Code**, in Criminal Case No. SB-16-CRM-0056.<sup>6</sup>

In praying for reconsideration of the **Resolution** of March 3, 2017, the plaintiff contends that: 1) the Court failed to consider the inconsistent positions and actions made by accused Zialcita before the filing of his motion to dismiss for alleged inordinate delay in the preliminary investigation; 2) the Court erred in finding that there was unreasonable delay in the resolution of the three (3) cases; and 3) the **Resolution** failed to show the objective standard of reasonableness in finding that there was delay in the disposition of the cases during the preliminary investigation stage that caused prejudice to the accused.

The Court finds that the plaintiff's **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**. Thus, in the case of **Coscolluela v. Sandiganbayan**,<sup>7</sup> the Supreme Court declared:

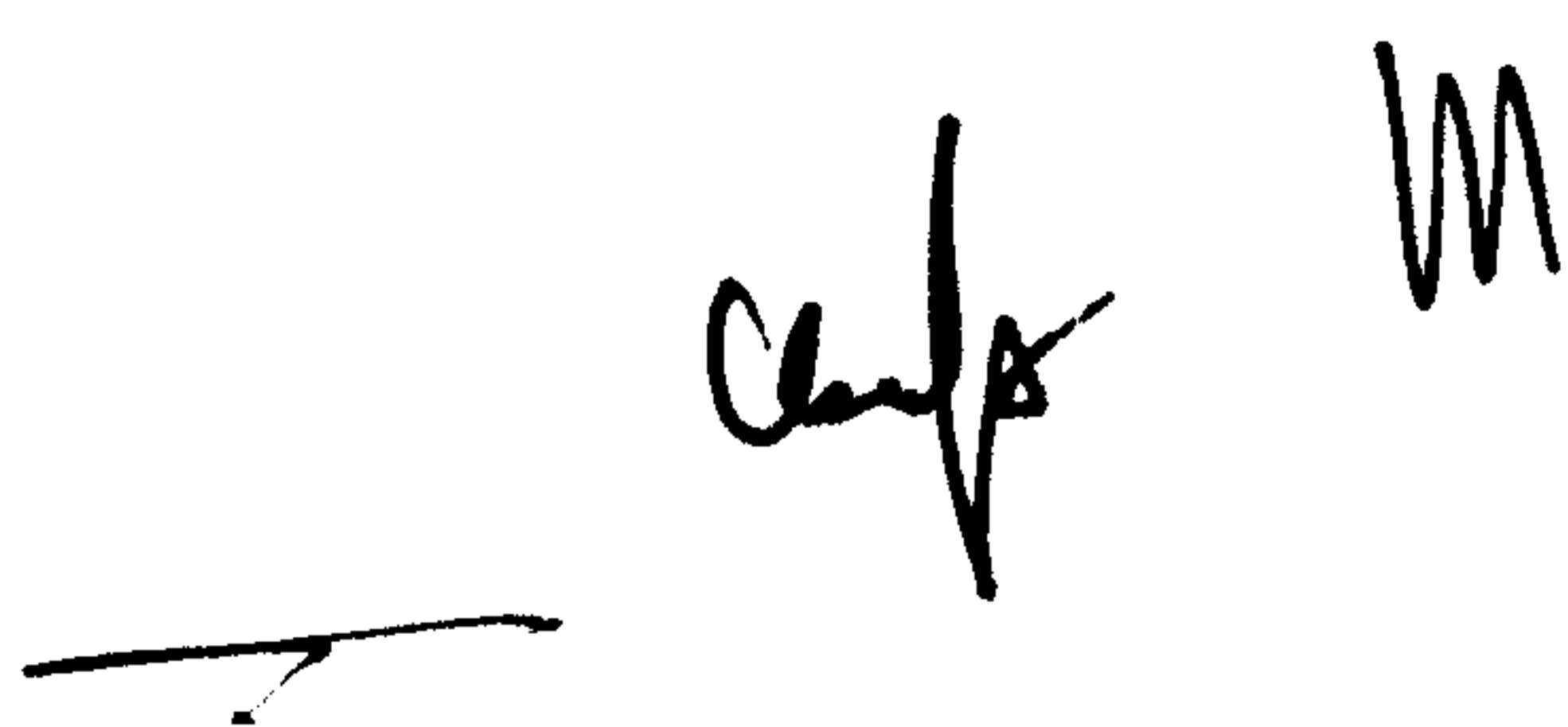
“Lest it be misunderstood, the right to speedy disposition of cases is not merely hinged towards the objective of

<sup>4</sup> Id, pp. 1-3

<sup>5</sup> Record of Criminal Case No. SB-16-CRM-0055, pp. 1-3

<sup>6</sup> Record of Criminal Case No. SB-16-CRM-0056, pp. 1-3

<sup>7</sup> 701 SCRA 188



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 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:”

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.*,<sup>8</sup> 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.”

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.”<sup>9</sup>

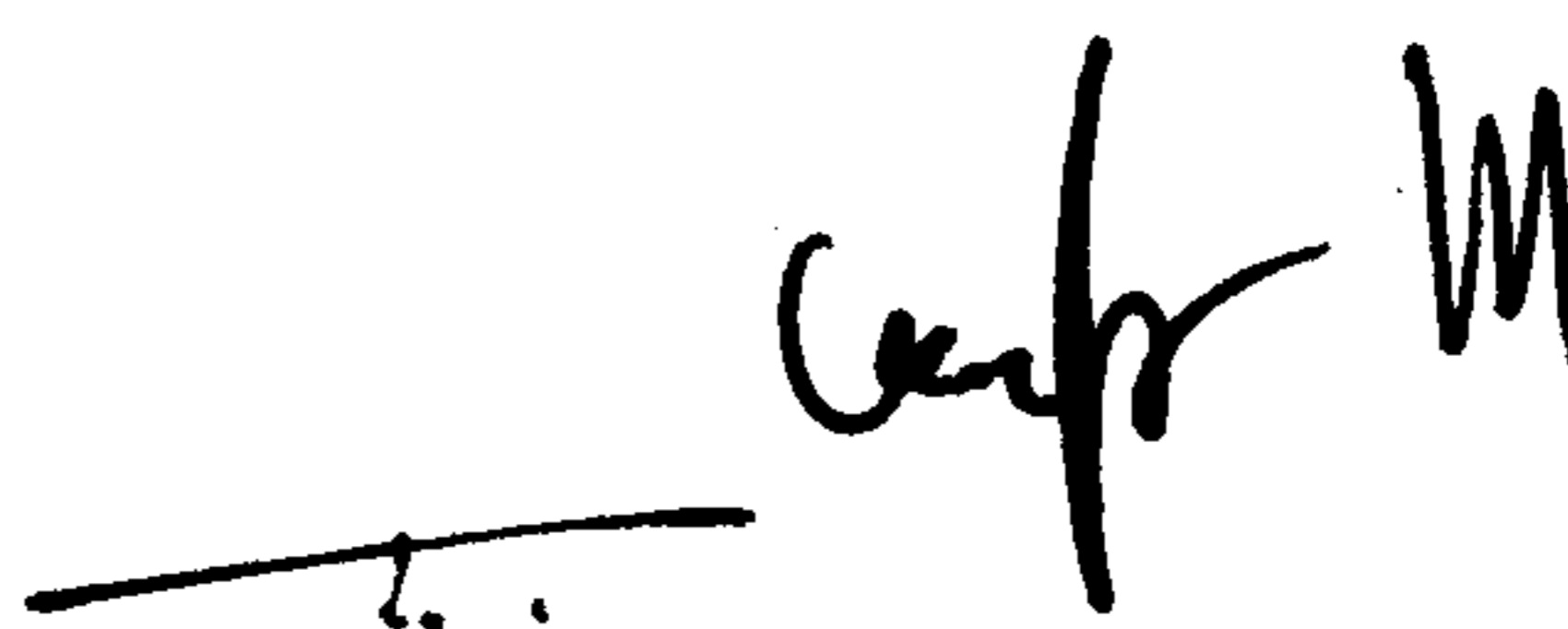
In *People v. Hernando*,<sup>10</sup> the Supreme Court explained:

“Notwithstanding, the error committed can no longer be rectified under the cardinal rule on double jeopardy. The

<sup>8</sup> G.R. No. 205952, Feb. 11, 2015

<sup>9</sup> *People v. Tirso Velasco*, 340 SCRA 207

<sup>10</sup> 108 SCRA 121



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 *antrefois acquit*.”

The aforementioned doctrinal pronouncement was reiterated in the fairly recent case of *Chiok v. People*:<sup>11</sup>

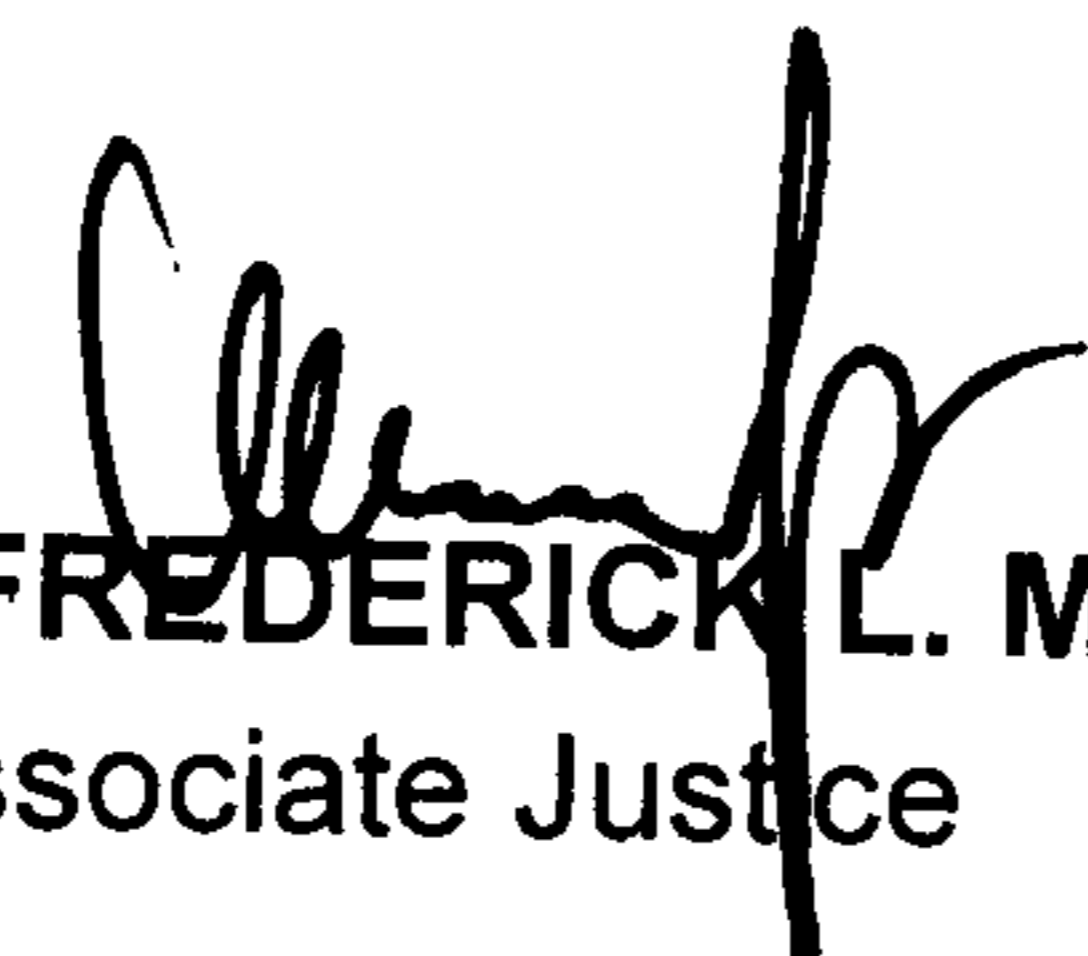
“In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the “finality-of-acquittal”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

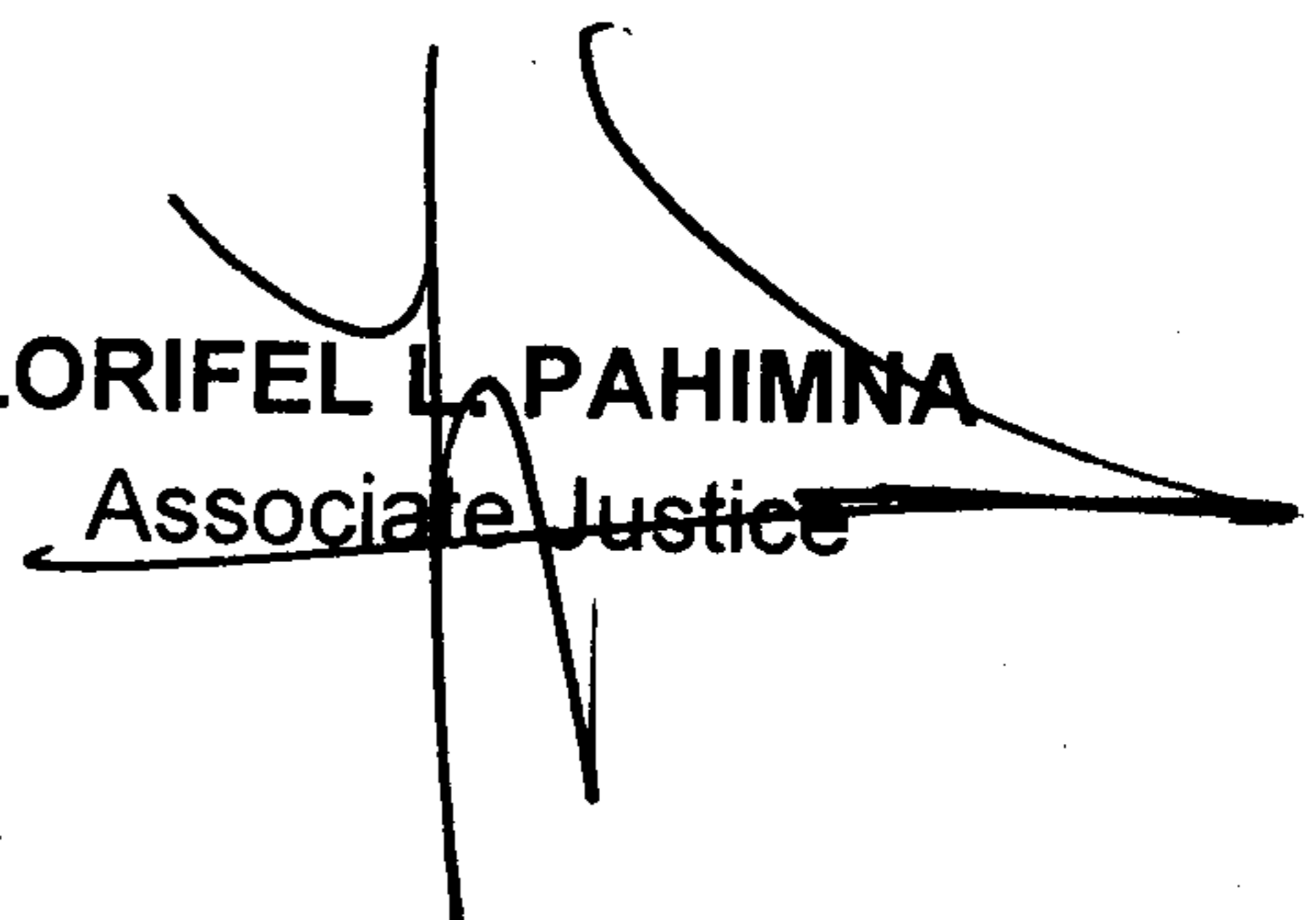
WHEREFORE, the *Motion For Reconsideration (Resolution promulgated on 03 March 2017)* dated March 28, 2017, filed by the plaintiff People of the Philippines, is hereby denied.

SO ORDERED.

  
OSCAR O. HERRERA, JR.  
Chairperson

*We concur:*

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice

  
LORIFEL L. PAHIMNA  
Associate Justice

<sup>11</sup> G.R. No. 179814, Dec. 7, 2015