

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. 26168 to 26171

For: Violation of Section 3(e) of
R.A. No. 3019, as amended

-versus-

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

Antonio P. Belicena, et al.,
Accused.

Promulgated:
August 2, 2017

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RESOLUTION

HERRERA, JR., J:

For resolution of the Court is a ***Motion To Lift Hold Departure Order, To Release Travel Bonds And For The Issuance Of The Corresponding Certificate Of Finality Of The Joint Resolution Dated February 14, 2017 Insofar As Accused Peter Y. Rodriguez And Paul Y. Rodriguez Are Concerned***¹ dated March 16, 2017, filed by accused Peter Y. Rodriguez and Paul Y. Rodriguez (Movants for short), through counsel, to which the prosecution, through the Office of the Special Prosecutor, filed a ***Comment (On Motion to Lift Hold Departure Order, to Release Travel Bonds and for the Issuance of the Corresponding Certificate of Finality of the Joint Resolution)***² dated March 27, 2017. The movants filed a ***Reply To Prosecution's Comment, etc.***³ dated March 31, 2017.

Record shows that in a ***Resolution***⁴ promulgated on February 14, 2017, the Court granted the ***Demurrer To Evidence And/Or Motion To Dismiss, etc.*** dated January 28, 2016 filed by the movants and dismissed Criminal Cases Nos. 26168 to 26171 against them, the dispositive portion thereof reading:

¹ Record, Vol. 8, pp. 4300-4304

² Id, pp. 4322-4324

³ Id, pp. 4314-4317

⁴ Id, pp. 4278-4295

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"WHEREFORE, in light of the foregoing, this Court:

- A. **DENIES** the *Demurrer to Evidence (with Prior Leave of Court)* filed by accused Uldarico P. Andutan, Jr. in Criminal Cases Nos. 26160 to 26171, and the *Consolidated Demurrer to Evidence* of Asuncion M. Magdaet, Emelita Tizon, Purita S. Napeñas and Oculito as the evidence for the prosecution was sufficiently established.
- B. **GRANTS** the *Demurrer to Evidence and/or Motion to Dismiss of Accused Peter Y. Rodriguez and Paul Y. Rodriguez* in Criminal Cases Nos. 26168 to 26171, and hereby dismisses the cases against them; and
- C. **PROVIDES** the prosecution the opportunity to be heard on why the Court should not dismiss Criminal Cases Nos. 26168 to 26171, pursuant to Sec. 23, Rule 119 of the Revised Rules on Criminal Procedure.

SO ORDERED."

It is settled that an order granting a demurrer to evidence is tantamount to acquittal and cannot be appealed because it would place the accused in double jeopardy.⁵ And it being an acquittal, it is final and executory upon promulgation under the "finality of acquittal rule".⁶

In *Bangayan, Jr. v. Go*,⁷ the Supreme Court explained:

"If the court finds that the evidence is not sufficient and grants the demurrer to evidence, such dismissal of the case is one on the merits, which is equivalent to the acquittal of the accused. Well-established is the rule that the Court cannot review an order granting the demurrer to evidence and acquitting the accused on the ground of insufficiency of evidence because to do so will place the accused in double jeopardy."

In *Chiok v. People*,⁸ the High Court declared:

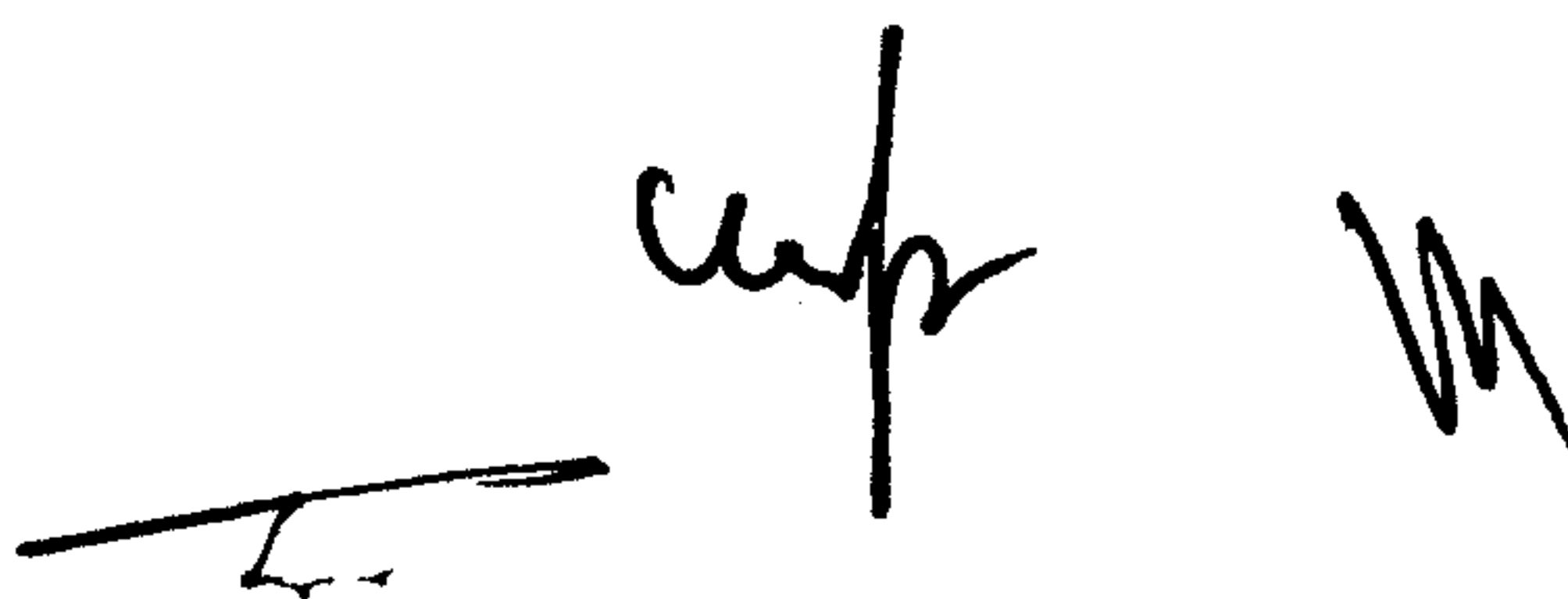
"In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court,

⁵ People v. Go, 732 SCRA 216

⁶ People v. Hon. Tirso Velasco, 340 SCRA 207

⁷ 659 SCRA 590

⁸ G.R. No. 176814, Dec. 7, 2015





is final, unappealable, and immediately executory upon its promulgation. This is referred to as the "finality-of-acquittal" rule."

Under the circumstances, the Court rules that the **Motion, etc.** of the movants is meritorious. However, there is no need to issue a **Certificate of Finality** of the **Joint Resolution** dated February 14, 2017, since it denied the demurrer to evidence of the other accused and said denial is the subject of a motion for reconsideration. Suffice it to declare herein that the dismissal of the cases against the movants have attained finality, conformably with the "finality of dismissal rule" aforestated.

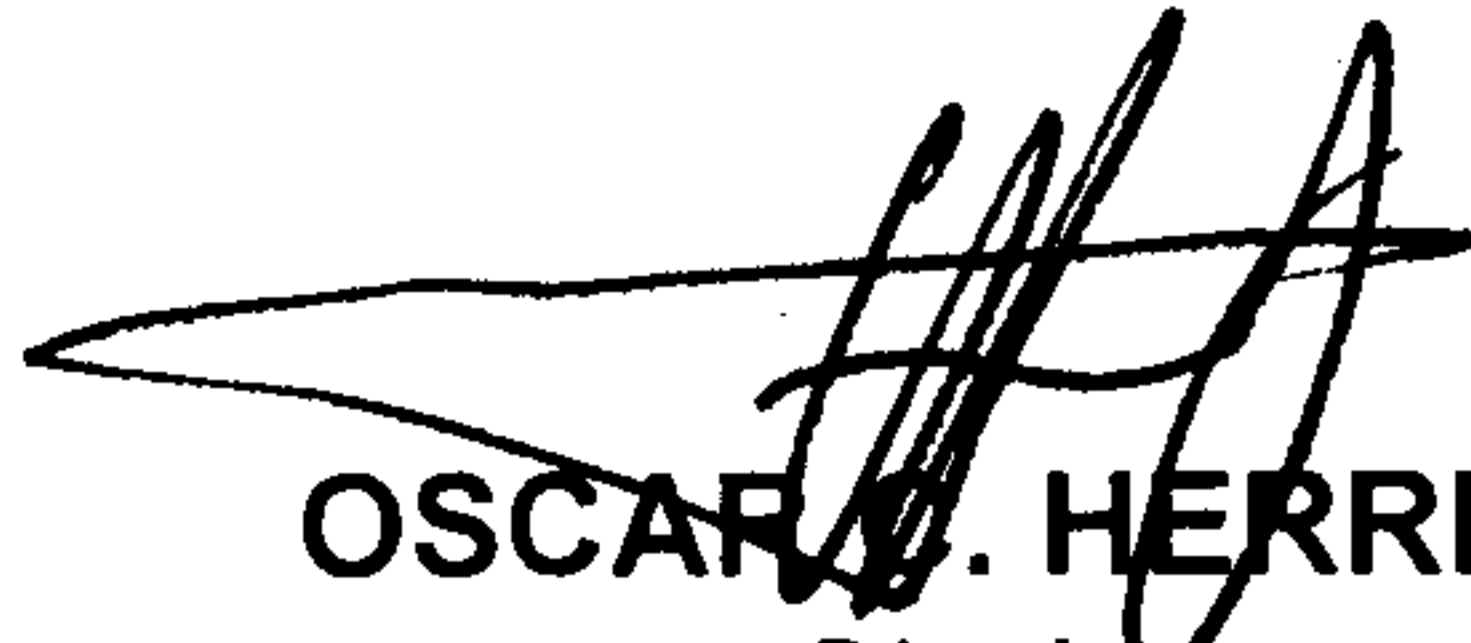
WHEREFORE, premises considered, the Court resolves as follows:

- 1) To hereby lift the Hold-Departure Order issued on August 22, 2000 against Peter Y. Rodriguez and Paul Y. Rodriguez. Consequently, the Bureau of Immigration is directed to remove the name of Peter Y. Rodriguez and Paul Y. Rodriguez from its hold-departure list as regards Criminal Cases Nos. 26168 to 26171;
 - 2) To hereby authorize the withdrawal by Peter Y. Rodriguez and Paul Y. Rodriguez of all cash deposits made by them in Criminal Cases Nos. 26168 to 26171 as bail for their provisional liberty and as travel bonds required for their travels abroad;
- and-
- 3) To declare the dismissal of Criminal Cases Nos. 26168 to 26171 against Peter Y. Rodriguez and Paul Y. Rodriguez an acquittal that is final and executory, conformably with the "finality of acquittal rule".

SO ORDERED.

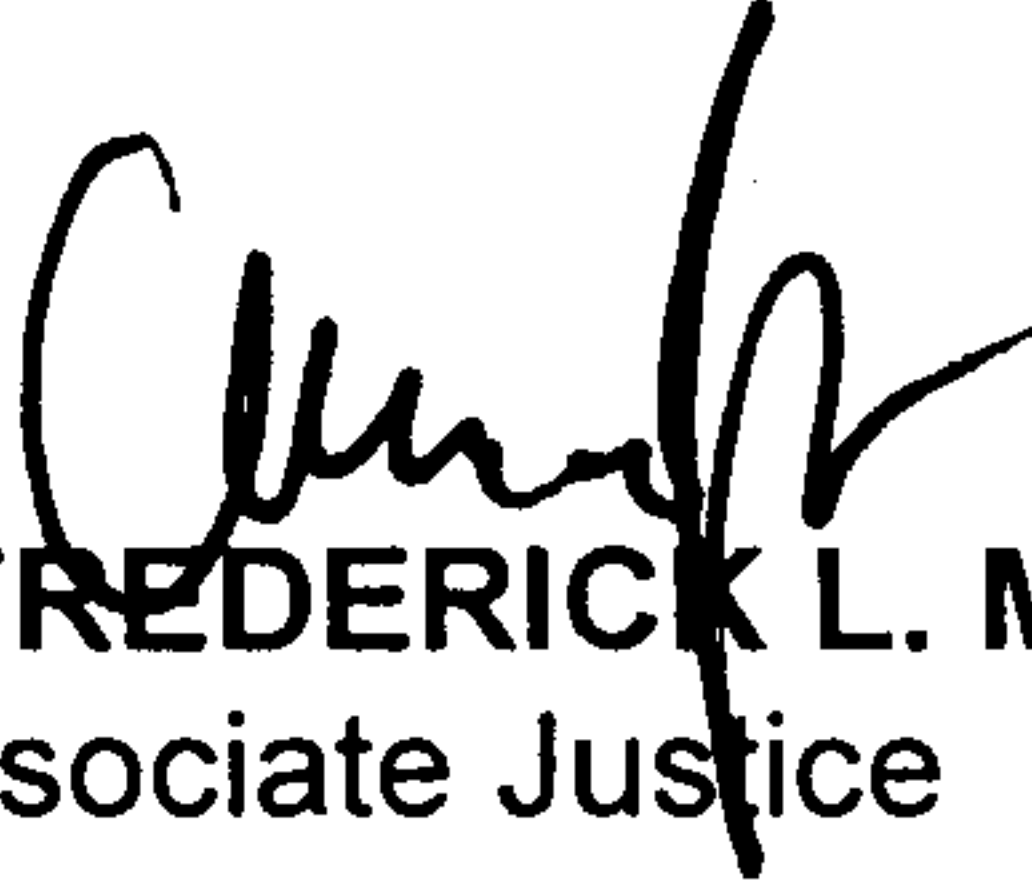
 



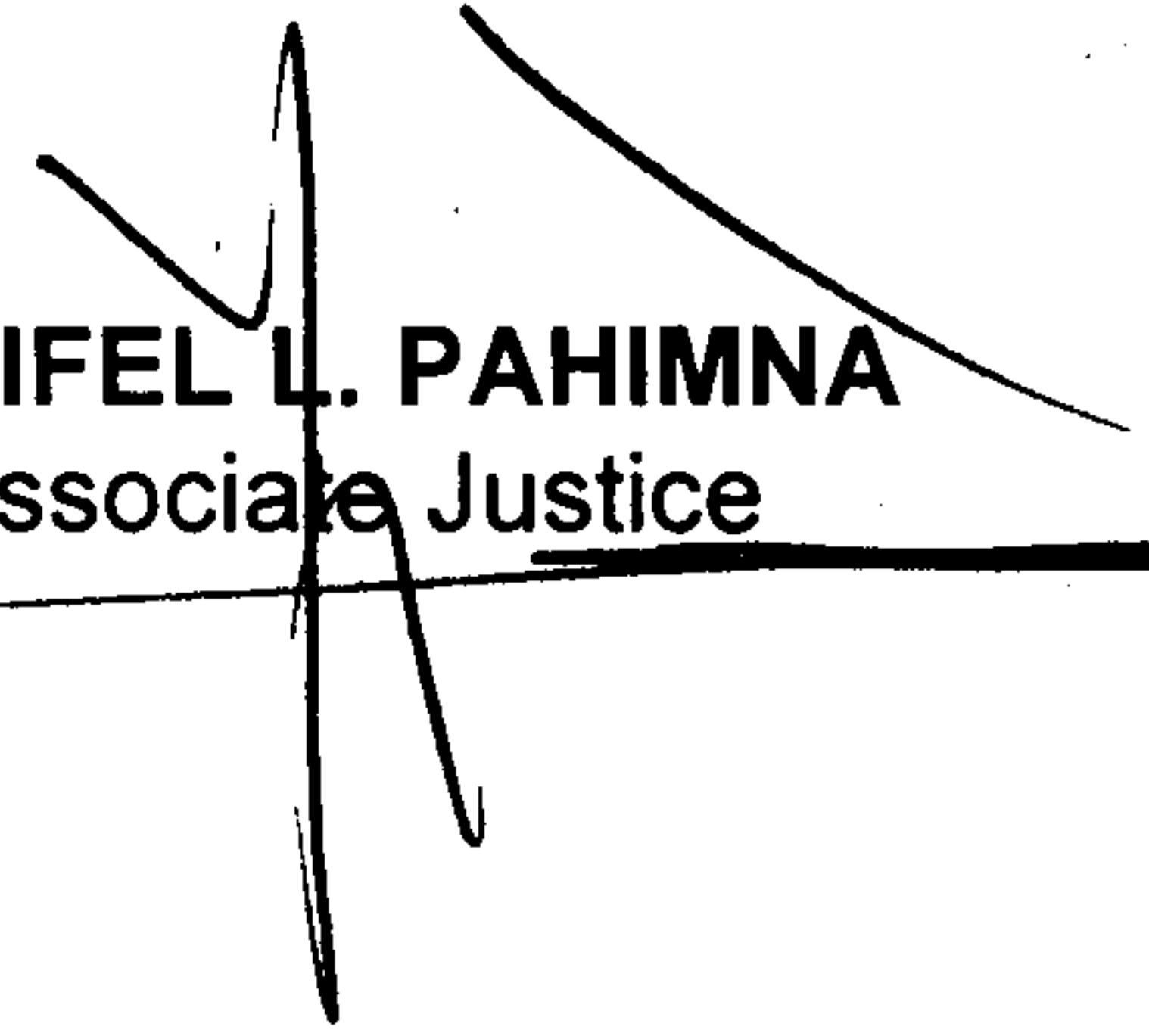


OSCAR W. HERRERA, JR.
Chairperson

We concur:



MICHAEL FREDERICK L. MUSNGI
Associate Justice



LORIFEL L. PAHIMNA
Associate Justice