



Republic of the Philippines

**SANDIGANBAYAN**

Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

- versus -

**CRIM. CASE NO. SB-16-CRM-0271**

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

**PRESENT:**

PONFERRADA, J., *Chairperson*

MUSNGI, J\*

PAHIMNA, J.\*\*

**ALAN LA MADRID PURISIMA,**  
**ET AL.,**

Accused.

Promulgated:

**AUG 29 2017** *[Signature]*

X-----X

**RESOLUTION**

PONFERRADA, J.:

This refers to the Motion for Reconsideration of accused Eduardo P. Acierto dated July 12, 2017 (Motion); the Opposition of the prosecution dated July 21, 2017; and the Reply of accused Acierto dated August 7, 2017.

\* *Sitting as Special Member in lieu of Justice Karl B. Miranda per Administrative Order No. 136-2016 dated May 16, 2017.*  
\*\* *Sitting as Special Member in view of the vacancy in the Sixth Division per A.O. No. 205-2017 dated May 31, 2017.*

*[Handwritten signatures and initials]*

The accused moves for the reconsideration of the Resolution of the Court dated June 21, 2017, denying his Motion to Drop the Name of Accused Acierto From Among Those Charged dated April 12, 2017.

The Motion is primarily anchored on the principles of *stare decisis* and *res judicata* or conclusiveness of judgment.

After study, the Court is not inclined to change or reverse its previous action on the matter. The principles of *stare decisis* and *conclusiveness of judgment* are not applicable in this case. *Stare decisis* refers to decisions of the Supreme Court on questions of law. Thus, in *Fermin vs. People*<sup>1</sup>, the Supreme Court held:

“The doctrine of *stare decisis* enjoins adherence to judicial precedents. **It requires courts in a country to follow the rule established in a decision of the Supreme Court thereof.** That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine of *stare decisis* is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.” (Emphasis supplied)

And, *res judicata* or conclusiveness of judgment refers to civil cases and identical causes of actions governed by the Rules on Civil Procedure.<sup>2</sup>

On the other hand, this case is a criminal case, and if at all, what will bar another or a second prosecution is the principle of double jeopardy. Here, however, there is no double jeopardy because movant/accused was neither previously acquitted nor this criminal case against him previously dismissed. The invoked decision of the Court of Appeals is precisely merely a decision of the Court of Appeals, which is a co-equal Court of the Sandiganbayan and

---

<sup>1</sup> 550 SCRA 145

<sup>2</sup> The 1997 Rules on Civil Procedure, Section 47, Rule 39.

Handwritten signature and initials at the bottom right of the page.

involves the dismissal of an administrative case. Thus, it is well to reiterate the pertinent portions of the assailed Resolution, to wit:

xxx xxx xxx

“The Court **agrees** with the prosecution.

The dismissal of the administrative case against movant will/does not necessarily dismiss the criminal case (from the same incident) against him.

As aptly cited by the prosecution, in *Ceferino Paredes, Jr. vs. Sandiganbayan*<sup>3</sup>, the Supreme Court held:

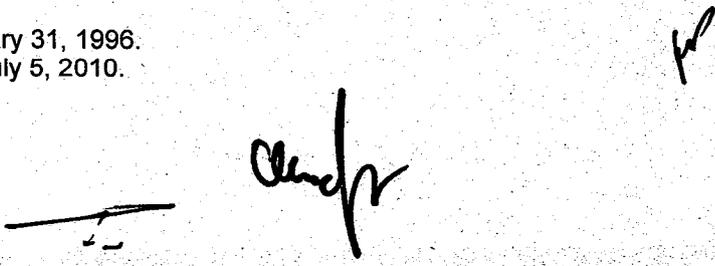
*“It is well settled that a single act may offend against two or more distinct and related provisions of law or that the same act may give rise to criminal as well as administrative liability. As such, they may be prosecuted simultaneously or one after another, so long as they do not place the accused in double jeopardy of being punished for the same offense.”*

In the more recent case of *People of the Philippines vs. Sandiganbayan*<sup>4</sup>, et al., the Supreme Court said:

*“Indeed, the dismissal of an administrative case does not bar the filing of a criminal prosecution for the same or similar acts subject of the administrative complaint. Neither does the disposition in one case inevitably govern the resolution of the other case/s and vice versa. Administrative liability is one thing; criminal liability for the same act is another. The distinct and independent nature of one proceeding from the other can be attributed to the following: first, the difference in the quantum of evidence required and, correlatively, the procedure observed and sanctions imposed; and second, the principle that a single act may offend against two or more distinct and related provisions of law, or that the same act may give rise*

<sup>3</sup> 252 SCRA 643 G.R. No.108351, January 31, 1996.

<sup>4</sup> 623 SCRA 160-161 GR No. 164577, July 5, 2010.



*to criminal as well as administrative liability. Although the dismissal of the criminal case cannot be pleaded to abate the administrative proceedings primarily on the ground that the quantum of proof required to sustain administrative charges is significantly lower than that necessary for criminal actions, the same does not hold true if it were the other way around, that is, the dismissal of the administrative case is being invoked to abate the criminal case. The reason is that the evidence presented in the administrative case may not necessarily be the same evidence to be presented in the criminal case. The prosecution is certainly not precluded from adducing additional evidence to discharge the burden of proof required in the criminal cases.”(Emphasis supplied)*

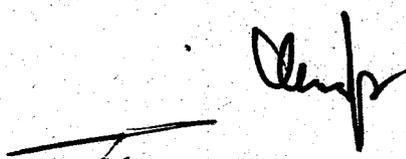
x x x   x x x   x x x

In this connection, as to whether or not the movant acted with manifest partiality, evident bad faith and/or gross inexcusable negligence, the matter is evidentiary in character which should be threshed out in the trial of the case. And indeed the Nicolas case<sup>5</sup> cited by movant is not applicable because there, the accused was already exonerated by the Supreme Court in the administrative case when it decided the criminal case based on evidence already adduced in both administrative and criminal cases against him. Here, this Court has yet to receive the evidence to be presented by the prosecution in this criminal case.

Parenthetically, it appears that the Motion, while captioned differently, is actually a motion to quash the information against movant or insofar as he is concerned, and may therefore be treated as such, for there is nothing in the Revised Rules of Criminal Procedure that expressly provides for the dropping of the name of the accused from the Information. In effect, movant is claiming that with the dismissal of his administrative case, his criminal

---

<sup>5</sup> 544 SCRA 344.





liability, if any, is *ipso facto* extinguished and therefore this criminal case should be dismissed (quashed) insofar as he is concerned or, according to him, his name be dropped from the Information. As afore-discussed, however, established jurisprudence rules or says otherwise.

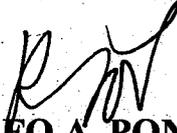
Moreover, it is appropriate to mention that the rulings of the Court of Appeals including its finding that accused-movant acted in good faith are, at best, only persuasive. The Sandiganbayan, being a co-equal of the Court of Appeals, is not bound by the latter's findings/decisions."

x x x x x x x x x x

This Court should hear and receive the evidence of the parties in this criminal case and decide accordingly.

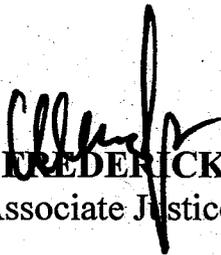
**WHEREFORE**, the Motion is **DENIED**.

**SO ORDERED**.

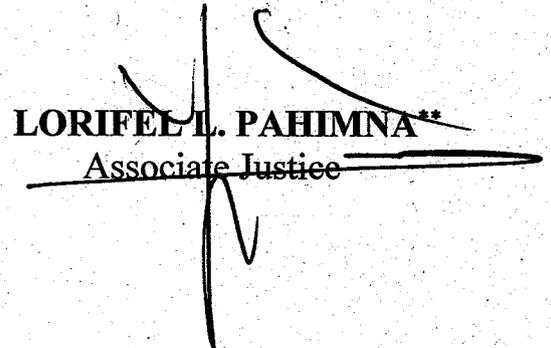


**RODOLFO A. PONFERRADA**  
Associate Justice  
Chairperson

**WE CONCUR:**



**MICHAEL FREDERICK L. MUSNGI\***  
Associate Justice



**LORIFELL L. PAHIMNA\*\***  
Associate Justice

RAP/remy

\* Sitting as Special Member in lieu of Justice Karl B. Miranda per Administrative Order No. 136-2016 dated May 16, 2017.  
\*\*Sitting as Special Member in view of the vacancy in the Sixth Division per A.O. No. 205-2017 dated May 31, 2017.