

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-06-CRM -0392
For: Violation of Sec. 3(e) of R.A. 3019,
as amended

-versus-

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

Hadji Amer R. Sampiano, et al.
Accused.

Promulgated:
September 25, 2017
A

X-----X

RESOLUTION

HERRERA, JR., J.:

This pertains to the following:

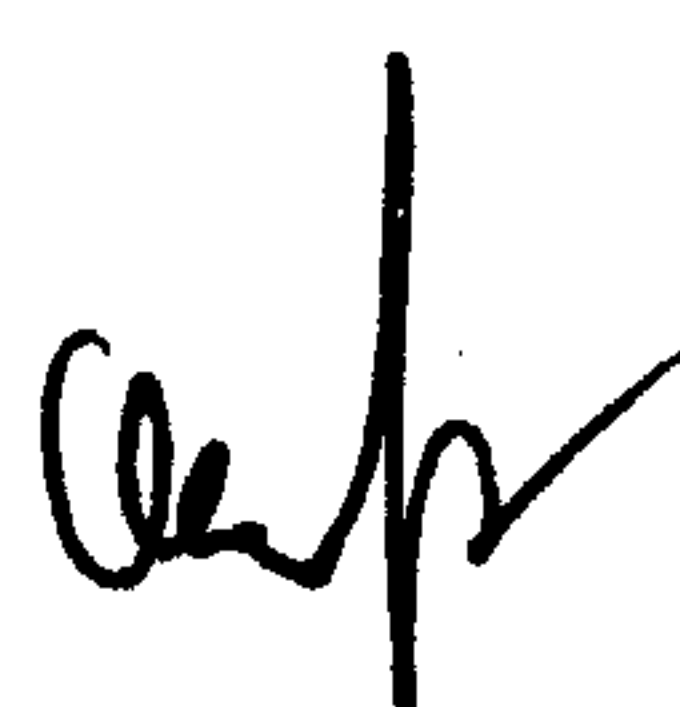
a) **Manifestation With Urgent Ex-Parte Motion (Of Order promulgated on 8 September 2017)**¹ dated September 11, 2017, filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman;

-and-

b) **Motion For Reconsideration (Of the Decision dated 3 August 2017)**² dated August 31, 2017, also filed by the plaintiff, through the Office of the Special Prosecutor.

The plaintiff set on September 8, 2017 the hearing of its **Motion For Reconsideration (Of the Decision dated 3 August 2017)**. When called for hearing on September 8, 2017, the Court denied the **Motion For Reconsideration, etc.** because it was filed out of time. The decision sought to

¹ Record, Vol. 4, pp. 1840-1846
² Id, pp. 1828-1839



be reconsidered was promulgated on August 3, 2017, while the **Motion For Reconsideration, etc.** was filed on August 31, 2017, or beyond the fifteen (15)-day period within which to file a motion for reconsideration.

In the instant **Manifestation With Urgent Ex-Parte Motion (Of Order promulgated on 8 September 2017)**, the plaintiff claims that the prosecutor handling the case received a copy of the **Decision** dated August 3, 2017 only on August 16, 2017 and contends that the fifteen (15) day period within which to file a motion for reconsideration should be counted from said date of receipt.

The contention is incorrect.



In criminal cases, the period to appeal is fifteen (15) days from promulgation of the judgment or from notice of the final order appealed from.

Section 6, Rule 122 of the Rules of Criminal Procedure, thus provides, insofar as pertinent:

“Section 6. *When appeal to be taken* – An appeal must be taken within fifteen (15) days from promulgation of the judgment or from notice of the final order appealed from. xxx.”

Here, what is involved is a judgment – the **Decision** promulgated on August 3, 2017 – not a final order where the period to appeal is fifteen (15) days from notice. In this connection, **Section 7, Rule 120 of the Rules** provides that a judgment of conviction becomes final upon the expiration of the period to appeal. On the other hand, **Section 7 of Rule 121** explicitly states that a motion for reconsideration of a judgment of conviction may be filed before it becomes final; hence, before the lapse of the fifteen (15) day period counted from promulgation.

In any event, the **Decision** promulgated on August 3, 2017 is one of acquittal. It is final and executory upon promulgation.



In *People v. Sandiganbayan*,³ 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*.⁴

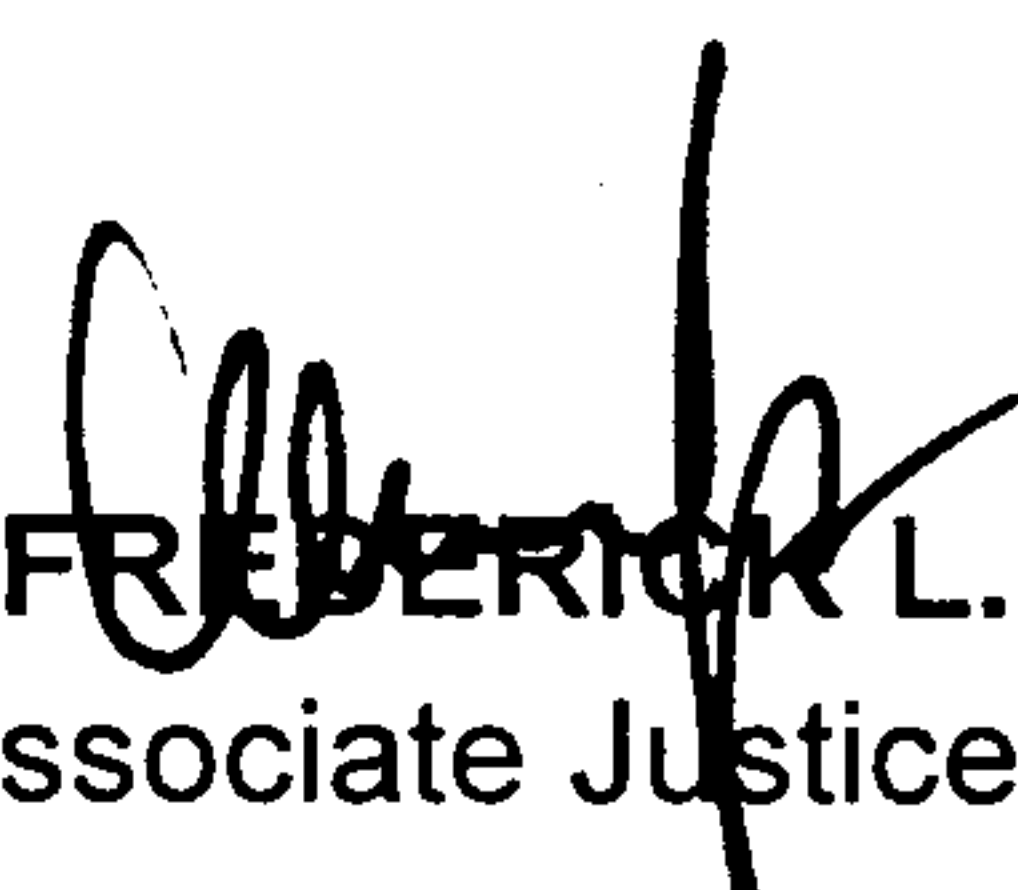
“In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the “finality-of-acquittal”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

WHEREFORE, premises considered, the Court reiterates the denial of the *Motion For Reconsideration (Of the Decision dated 3 August 2017)* dated August 31, 2017 filed by the plaintiff.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. BAHIMNA
Associate Justice

³ 491 SCRA 181

⁴ G.R. No. 176814, Dec. 7, 2015