

Republic of the Philippines  
SANDIGANBAYAN  
Quezon City

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SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

Crim. Case Nos. SB-16-CRM-1068-1075

For: Falsification of Public Documents  
(Article 171 (4), Revised Penal Code)

-versus-

*Present:*

Herrera, Jr., J., Chairperson  
Musngi, J. &  
Pahimna, J.

AUGUSTO BACULIO y HOJAS,  
*Accused.*

*Promulgated:*  
September 25, 2017  
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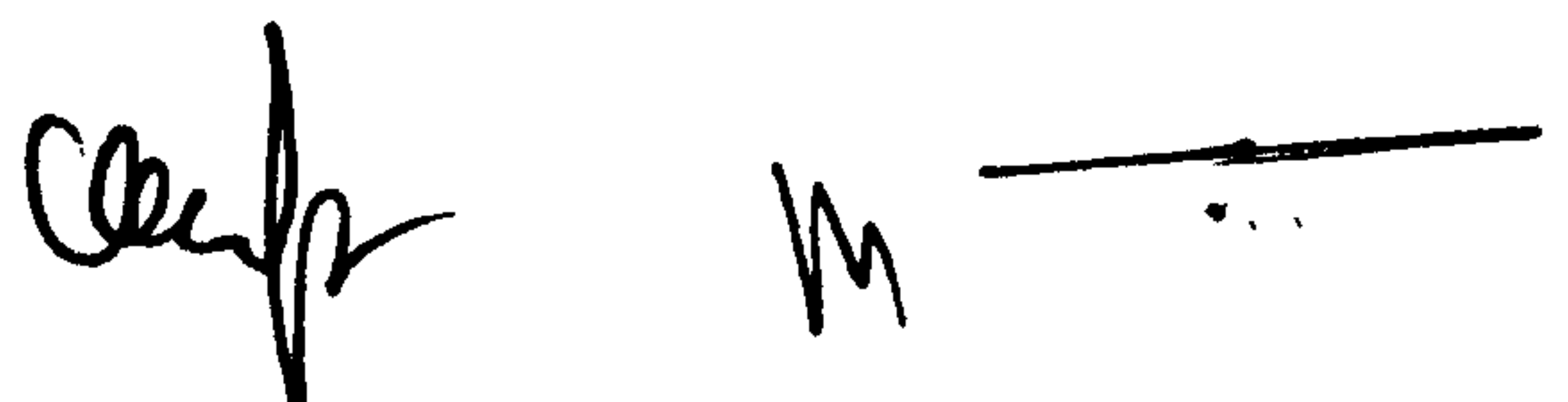
RESOLUTION

**PAHIMNA, J:**

This resolves the ***Motion for Reconsideration of the Honorable Court's Resolution dated 7 July 2017*** filed by the plaintiff through the Office of the Special Prosecutor (OSP), together with the ***Comment/Opposition*** filed by the accused through counsel on September 11, 2017.

The OSP, among others, argues that this Court merely made a mathematical computation of the supposed delay in the conduct of the preliminary investigation. The Court allegedly failed to consider their reasons for the supposed delay. It also contends that the accused failed to assert his right during the pendency of the case with the Office of the Ombudsman, from 2010 to 2016. The accused's belated assertion on January 25, 2016, only through a Motion for Reconsideration, was allegedly just an afterthought. Lastly, it posits that the prejudice purportedly suffered by the accused was not categorically substantiated.

On the other hand, the accused countered that the OSP's motion is merely a rehash of its arguments. Hence, the same is a pro-forma pleading that deserves no consideration from this Court. It maintains that the four (4) factors laid down in the case of *Corpuz v. Sandiganbayan* were correctly applied in this case. In addition, he claimed gross inapplicability of the jurisprudences relied upon by the prosecution.



**RESOLUTION**

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**The motion lacks merit.**

As correctly pointed out by the accused, an assiduous review of the records of the case reveals that the issues raised by the OSP have already been discussed and squarely passed upon by this Court in our assailed Resolution. We find no new circumstance or compelling reason that warrants the modification or reversal of our Resolution.

Moreover, it is important to underscore that the dismissal of this case on the ground of violation of accused's Constitutional right to speedy disposition of case guaranteed under Section 16, Article III of the Constitution is akin to a dismissal based on 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, equally applicable to the case at bar is the elementary rule that a dismissal based on violation of the right to speedy trial is tantamount to an acquittal, which, in turn, bars an appeal or a reconsideration as it would amount to a violation of the principle of double jeopardy.<sup>1</sup>

Verily, "[i]n order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal ... is final, unappealable and immediately executory upon its promulgation. This is referred to as the "finality-of-acquittal rule."<sup>2</sup>

**WHEREFORE**, for lack of merit, the instant *Motion for Reconsideration of the Honorable Court's Resolution dated 7 July 2017*, is hereby **DENIED**.

**SO ORDERED.**

  
**LORIFEL L. PAHIMNA**  
Associate Justice

**WE CONCUR:**

  
**OSCAR A. HERRERA, JR.**  
Chairperson

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

<sup>1</sup> *Bonsubre, Jr. v. Yerro, et al.*, G.R. No. 20592, February 11, 2015.

<sup>2</sup> *Chiok v. People*, G.R. No. 179814, December 7, 2015.