



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

SPECIAL FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

CRIM. CASE No. SB-16-  
CRM-0531 to 0536

*-versus-*

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

JUANITO A. RUBIO,  
RAOUL C. VILLARETE and  
ANGELINE A. ROJAS,  
*Accused.*

*Present:*

Lagos, J., Chairperson,  
Mendoza-Arcega, J., and  
Pahimna, J.\*

Promulgated: .

June 19, 2018 *jal*

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RESOLUTION

**MENDOZA-ARCEGA, J.:**

For resolution is the Motion for Reconsideration<sup>1</sup> (Re: Decision dated March 14, 2018) filed by the prosecution on March 23, 2018.

Assailing the Decision<sup>2</sup> promulgated by this Court on March 14, 2018, the prosecution asseverated that the press releases paid by the Lung Center of the Philippines (“LCP”) are not in furtherance of its mission and mandate. It was argued that the disputed newspaper articles made at the instance of the media consultant and the accused LCP officials show their manifest partiality

\* Sitting as special member per Administrative Order No. 345-2017 dated October 5, 2017.

<sup>1</sup> Records, Volume 4, pp. 65-70.

<sup>2</sup> Ibid., pp. 9-59.

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and gross inexcusable negligence in allowing the payment and publication topics which are not necessary in the performance of the agency's mission. The prosecution postulated that in view of the acts of accused Raoul Villarete ("Villarete") in repeatedly allowing and/or facilitating the payments for the media consultant, his liability cannot be denied only on the basis that he only signed as a witness to the Consultancy Contract. As the Deputy Director, he had the authority in the processing and payment of such financial matters.

By way of opposition,<sup>3</sup> accused Villarete contended that the motion filed by the prosecution violates his constitutional right against double jeopardy. Moreover, the prosecution's argument that there was misappreciation of evidence in the instant cases calls for an error of judgment which cannot overturn the judgment of acquittal. It is his submission that the disputed press releases were within the mandate of the LCP. Consequently, the motion filed by the prosecution must be denied.

### THE COURT'S RULING

After weighing the parties' contrasting arguments and after a close scrutiny of the records, the Court finds the instant motion unmeritorious.

In its motion for reconsideration, the prosecution unrelentingly maintained that the elements for violation of Section 3 (e) of R.A. No. 3019 were duly established. The questioned press releases are not in furtherance of the LCP's mandate and the media expenses are unnecessary. In the main, the prosecution seeks the reversal of the Decision<sup>4</sup> dated March 14, 2018 acquitting accused Villarete.

The posture of the prosecution has no leg to stand on.

Foremost, ingrained in this jurisdiction is the doctrine that no person shall be twice put in jeopardy of punishment for the same offense.<sup>5</sup> One of the constitutional rights of the accused is the right against double jeopardy; it is not just a statutory but a constitutionally guaranteed right of the accused. In *Atty. Dimayacyac v. Hon. Court of Appeals, et al.*,<sup>6</sup> the Supreme Court laid down the elements of double jeopardy, *viz:*

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<sup>3</sup> *Ibid.*, pp. 79-83.

<sup>4</sup> *Supra* note 2.

<sup>5</sup> Section 21, Article III of the 1987 Constitution.

<sup>6</sup> G.R. No. 136264, May 28, 2004.



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In *People vs. Tac-An*,<sup>7</sup> we enumerated the elements that must exist for double jeopardy to be invoked, to wit:

Thus, apparently, to raise the defense of double jeopardy, three requisites must be present: (1) a first jeopardy must have attached prior to the second; (2) the first jeopardy must have been validly terminated; and (3) the second jeopardy must be for the same offense as that in the first.

Legal jeopardy attaches only (a) upon a valid indictment, (b) before a competent court, (c) after arraignment, (d) a valid plea having been entered; and (e) the case was dismissed or otherwise terminated without the express consent of the accused (*People vs. Ylagan*, 58 Phil. 851).

A plain reading of the instant motion evinces that it seeks to reverse the judgment of acquittal rendered in the assailed decision. Consequently, a judgment of acquittal cannot be reconsidered because it places the accused under double jeopardy.<sup>8</sup> 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.<sup>9</sup> Furthermore, We agree with the ratiocination of the accused that the elements of double jeopardy are present in these cases, to wit:<sup>10</sup>

*“First Jeopardy.* In this case, the Informations are valid and existing, that they (sic) were filed and tried before this Honorable Court which has jurisdiction of the offense charged, that the accused was arraigned wherein he validly plead “not guilty” and finally the accused was acquitted by the Honorable Court.

*First Jeopardy was Validly Terminated.* The jeopardy was validly terminated when the Honorable Court rendered its judgment on the merits of the case based on the evidence presented by the parties promulgated on 14 March 2018 acquitting the accused.

*Second Jeopardy Is For The Same Offense As In The First Jeopardy.* The motion for reconsideration asks this Honorable Court to review the parties’ evidence for the very same offense for which the accused was acquitted last 14 March 2018. The motion seeks to re-open the case where the movant prays for this Honorable Court to abandon its acquittal decision and to rendered (sic) a guilty decision against the acquitted accused.”

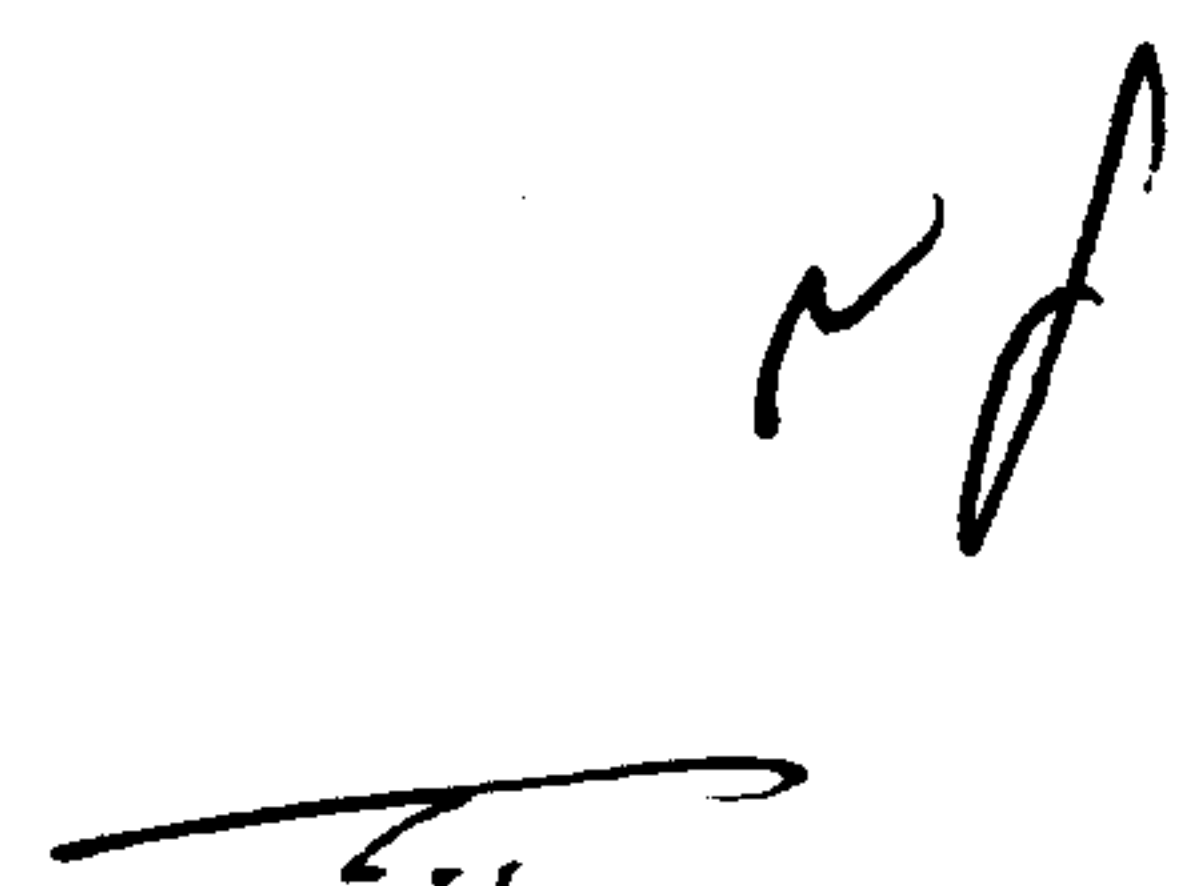
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<sup>7</sup> *Ibid.*, citing 398 SCRA 373, 380 (2003), citing *Saldana vs. Court of Appeals, et al.*, 190 SCRA 396 (1990).

<sup>8</sup> *Lejano v. People*, G.R. No. 176389, January 18, 2011.

<sup>9</sup> *Villareal v. Aliga*, G.R. No. 166995, January 13, 2014.

<sup>10</sup> *Supra* note 1, pp. 79-80.



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Verily, the decision acquitting Villarete cannot be reconsidered since it will put him twice in jeopardy. In our jurisdiction, We adhere to the finality-of-acquittal doctrine, that is, a judgment of acquittal is final and unappealable.<sup>11</sup> Besides, the Court need not belabor on the other matters raised as the same have already been extensively discussed in the assailed decision. The arguments of the prosecution, which are mere replication of its earlier submission, were squarely resolved in Our Decision<sup>12</sup> dated March 14, 2018.

In closing, it is significant to underscore the following:<sup>13</sup>

The rationale for the rule is elucidated in the oft-cited case of People v. Hon. Velasco:<sup>14</sup>

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It is axiomatic that on the basis of humanity, fairness and justice, an acquitted defendant is entitled to the right of repose as a direct consequence of the finality of his acquittal. The philosophy underlying this rule establishing the absolute nature of acquittals is "part of the paramount importance criminal justice system attaches to the protection of the innocent against wrongful conviction." **The interest in the finality-of-acquittal rule, confined exclusively to verdicts of not guilty, is easy to understand: it is a need for "repose," a desire to know the exact extent of one's liability. With this right of repose, the criminal justice system has built in a protection to insure that the innocent, even those whose innocence rests upon a jury's leniency, will not be found guilty in a subsequent proceeding.**

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People v. Court of Appeals (Fifteenth Div.)<sup>15</sup> also stated:

**x x x The finality-of-acquittal doctrine has several avowed purposes. Primarily, it prevents the State from using its criminal processes as an instrument of harassment to wear out the accused by a multitude of cases with accumulated trials. It also serves the additional purpose of precluding the State, following an acquittal, from successively retrying the defendant in the hope of securing a conviction. And finally, it prevents the State, following conviction, from retrying the defendant**

<sup>11</sup> People v. Hon. Asis, G.R. No. 173089, August 25, 2010.

<sup>12</sup> Supra note 2.

<sup>13</sup> Supra note 9.

<sup>14</sup> 394 Phil. 517, 554 (2000).

<sup>15</sup> 545 Phil. 278 (2007).

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**again in the hope of securing a greater penalty.** In *People v. Velasco*, we stressed that an acquitted defendant is entitled to the right of repose as a direct consequence of the finality of his acquittal x x x.<sup>16</sup> (Emphasis supplied.)

Undoubtedly, the Motion for Reconsideration filed by the prosecution should be denied outright as it violates the Constitution and settled jurisprudence.

**WHEREFORE**, the foregoing premises considered, the *Motion for Reconsideration (Re: Decision dated March 14, 2018)* filed by the prosecution on March 23, 2018 is **DENIED** for utter lack of merit.

Accordingly, the Decision dated March 14, 2018 hereby stands.

**SO ORDERED.**

  
**MARIA THERESA V. MENDOZA-ARCEGA**  
*Associate Justice*

**WE CONCUR:**

  
**RAFAEL R. LAGOS**  
*Associate Justice*  
*Chairperson*

  
**LORIFEL L. PAHIMNA**  
*Associate Justice*

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<sup>16</sup> Ibid.