



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

CESAR P. ALPAY,

Accused.

SB-10-CRM-0045 to 0083

For: Article 171 of the Revised Penal
Code or Falsification of Public
Documents

Present:

**LAGOS, J., Chairperson, MENDOZA-
ARCEGA and CORPUS-MAÑALAC, JJ.**

Promulgated:

July 13, 2018 Jal

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RESOLUTION

LAGOS, J.:

For resolution is the prosecution's Motion for Partial Reconsideration dated May 8, 2018¹ assailing this Court's April 24, 2018 Decision². The prosecution argues that the Court erred in dismissing SB-10-CRM-0045, 0046, 0047, 0049, 0052, 0053, 0060, 0062, 0064, 0068, 0072, 0073, 0075, 0076, 0077, 0078, 0079, 0080, 0081 and 0082 on the ground that beneficiaries were either not presented as witnesses by the prosecution or the beneficiaries actually testified for the defense.

The prosecution believes that the acquittal of the accused on the grounds cited above should be reconsidered because the actual testimony in court of the other beneficiaries is not indispensable as there are other pieces of evidence that independently establish the guilt of the accused beyond reasonable doubt. Allegedly, the conviction of the accused is in order despite

¹ Records, Vol. IV, pp. 208-218.

² Records, Vol. IV, pp. 162-197.

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favorable testimony of several beneficiaries that they actually received checks.

The prosecution claims that the Court erred in ignoring crucial testimonial evidence when it failed to give due weight to the testimony of Lucena Rojas of the Office of the Agricultural Technologist. The prosecution adds that the testimony of Bernardita De Jesus, the Municipal Treasurer, was also not given due weight by the Court.

The prosecution submits that with the irregularities that occasioned the preparation of the disbursement vouchers and other pertinent documents, the prosecution has successfully established its burden of proof and, hence, the burden has been shifted to the accused insofar as proving that the disbursement vouchers under the Isang Bayan, Isang Produkto, Isang Milyong Peso or One Town One Product Program of former President Gloria Macapagal-Arroyo subject of Criminal Case Numbers SB-10-CRM-0045 to 0083 were not falsified.

DISCUSSION AND RULING

The Constitution provides in Section 21, Article III, that:

Section 21. No person shall be twice put in jeopardy of punishment for the same offense. x x x

In accordance with the abovesaid constitutional provision, as a rule, a judgment of acquittal cannot be reconsidered because it places the accused under double jeopardy. To reconsider a judgment of acquittal places the accused twice in jeopardy of being punished for the crime of which he has already been absolved. In criminal cases, the full power of the State is ranged against the accused. If there is no limit to attempts to prosecute the accused for the same offense after he has been acquitted, the infinite power and capacity of the State for a sustained and repeated litigation would eventually overwhelm the accused in terms of resources, stamina, and the will to fight.³

A motion for reconsideration after an acquittal is possible only on exceptional and narrow grounds as in cases when the court gravely abused its discretion, resulting in loss of jurisdiction, or when a mistrial has occurred. In any of such cases, the State may assail the decision by special civil action of *certiorari* under Rule 65.⁴ The prosecution did not invoke either exception.

³ Antonio Lejano v. People of the Philippines (G.R. No. 176389, January 18, 2011).

⁴ Lejano, *supra*.

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In its motion, the prosecution alleges that this Court ignored crucial evidence, namely, the testimonies of Rojas and De Jesus. However, as the prosecution repeatedly cited in its motion, this Court gave ample consideration to the evidence it presented. In fact, this Court convicted accused Alpay for several counts of falsification partly based on these witnesses' testimonies presented by the prosecution, the exact same evidence the prosecution now claims this Court allegedly ignored. Evidently then, the prosecution's claim is baseless.


Really, the prosecution's argument boils down to the manner in which this Court appreciated and weighed the parties' testimonial and documentary evidence. The prosecution assails the value assigned by the Court to the evidence of the defense. Essentially, the prosecution wants this Court to re-try this case. This is constitutionally abhorrent as it is a circumvention of the accused's right against double jeopardy. Therefore, this Court's ruling of acquittal must stand.


WHEREFORE, premises considered, the prosecution's motion for reconsideration is hereby **DENIED** for lack of merit.

SO ORDERED.


RAFAEL R. LAGOS
Chairperson
Associate Justice

WE CONCUR:


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


**MARYANN E.
CORPUS-MAÑALAC**
Associate Justice