



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-17-CRM-1593 and 1594**  
Plaintiff, For: Violation of Sec. 3(e)  
of R.A. No. 3019, as amended

**SB-17-CRM-1595 and 1596**  
For: Malversation of Public Funds

*Present*

- versus -

RODOLFO W. ANTONINO,  
ET AL.,

**FERNANDEZ, SJ, J.,**  
Chairperson  
**JACINTO,\* J. and**  
**TRESPESES,\*\* J.**

Accused.

*Promulgated:*

**SEP 06 2018**

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the prosecution's *Motion for Partial Reconsideration (of the Honorable Court's Resolution dated 05 July 2018)*.<sup>1</sup>

The prosecution prays that this Court reconsider its ruling in the Resolution dated July 5, 2018<sup>2</sup> insofar as the dismissal of the cases against accused Rhodora B. Mendoza is concerned. It argues:

1. There was no inordinate delay in the proceedings before the Office of the Ombudsman.

\* In view of the inhibition of J. Miranda (Per Administrative Order No. 307-A-2017 dated August 31, 2017).

\*\* J. Trespeses participated in the assailed Resolution (Per Administrative Order No. 071-2018 dated February 1, 2018; *Revised Internal Rules of the Sandiganbayan*, Rule IX, Sec. 2[a])

<sup>1</sup> Dated July 9, 2018; Record, Vol. 3, pp. 444-454

<sup>2</sup> Record, Vol. 3, pp. 424-433

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2. The fact-finding investigation should not be included in the computation of the length of delay for the purpose of determining if the accused' right to speedy disposition of cases was violated.
3. Accused Mendoza's failure assert her right to speedy disposition of cases amounts to a waiver of such right.

In her *Comment/Opposition (to Prosecution's Motion for Reconsideration of the Resolution Dated July 05, 2018)*,<sup>3</sup> accused Mendoza counters:

1. She was similarly situated as accused Arthur Yap.
2. She was not assisted by counsel when she requested for an extension of time to file her counter-affidavit. Because she was unemployed and had no income, she had to prepare and draft her counter-affidavit, which she was unable to submit.
3. She was assisted by counsel only after the Public Attorney's Office was appointed, in a *de officio* capacity, as her counsel.
4. The dismissal of the cases against her is tantamount to an acquittal. The prosecution's Motion for Reconsideration will place her in double jeopardy.

### THE COURT'S RULING

The Court resolves to deny the prosecution's Motion.

The dismissal of a criminal case on the ground of violation of the right to speedy disposition of cases results in the acquittal of the accused.<sup>4</sup> A judgment of acquittal is final, unappealable, and immediately executory upon its promulgation.<sup>5</sup>

In *Lejano v. People*,<sup>6</sup> it was held that subject to certain exceptions, a judgment of acquittal cannot be reconsidered because it will place the accused in double jeopardy. *viz.:*

<sup>3</sup> Dated August 3, 2018; Record, Vol. 4, pp. 379-382

<sup>4</sup> Please see *Coscolluela v. Sandiganbayan*, G.R. Nos. 191411 and 191871, July 15, 2013

<sup>5</sup> *Villareal v. Aliga*, G.R. No. 166995, January 13, 2014

<sup>6</sup> G.R. Nos. 176389 and 176864, January 18, 2011

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But, as a rule, a judgment of acquittal cannot be reconsidered because it places the accused under double jeopardy. x x x

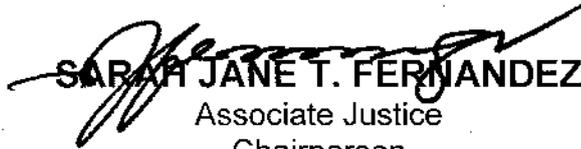
x x x

Of course, on occasions, a motion for reconsideration after an acquittal is possible. But the grounds are exceptional and narrow as when the court that absolved the accused 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.

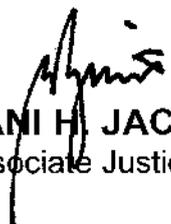
The dismissal of the cases against accused Mendoza is tantamount to an acquittal. Thus, the Court's Resolution dated July 5, 2018, insofar as the dismissal of the cases against accused Mendoza is concerned, may only be assailed by a special civil action for certiorari under Rule 65 of the Rules of Court.

**WHEREFORE**, the prosecution's *Motion for Partial Reconsideration* is hereby DENIED.

SO ORDERED.

  
SARAH JANE T. FERNANDEZ  
Associate Justice  
Chairperson

**We Concur:**

  
BAYANI H. JACINTO  
Associate Justice

  
ZALBY V. TRESPESES  
Associate Justice