



Republic of the Philippines

Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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PSI DINO WALLY COGASI, SPO2 G.R. No. 249002
JERRY SILAWON, SPO1
REYNALDO BADUA, AND PO2
GEOFFREY BANTULE,
Petitioners,

Present:

LEONEN, J.,
Chairperson,
CARANDANG,
ZALAMEDA,
ROSARIO,
LOPEZ, J., JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
SONNY RUFINO, JULIET ARCITA,
JAY ARCITA, AND CARLOS TICAWA,
Respondents.

Promulgated:

August 4, 2021

Miss DPC Bant

X-----X

DECISION

CARANDANG, J.:

Before this Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, assailing the Decision² dated February 28, 2019 and Resolution³ dated August 13, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 157140 which annulled and set aside the judgment of acquittal

¹ Rollo, pp. 9-22

² Penned by Associate Justice Ma. Luisa C. Quijano-Padilla, with the concurrence of Associate Justices Elihu A. Ybañez and Henri Jean Paul B. Inting (now a Member of this Court); id at pp. 150-162.

³ Penned by Associate Justice Ma. Luisa C. Quijano-Padilla, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Elihu A. Ybañez; id. at 179-181.

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the car and waved to the informant and SPO1 Badua. The informant told Sonny that SPO1 Badua wanted to buy shabu. SPO1 Badua handed to Sonny the marked money while Sonny gave to SPO1 Badua one piece of small heat-sealed transparent sachet. Upon consummation of the sale, SPO1 Badua held the shoulder of Sonny and identified himself as a police officer. However, the driver of the car sped away before SPO1 Badua can arrest Sonny. P/SInsp. Cogasi's team chased Sonny's car. However, the car suddenly stopped in a residential house along the road. P/SInsp. Cogasi's team alighted from their car. Sonny also alighted from the blue tamaraw FX. Suddenly, four other people carrying pieces of wood attacked them. Despite informing Sonny's companions and their neighbors that petitioners are police officers, the group of Sonny attacked them and violently resisted arrest. Since they are outnumbered and to prevent further untoward incident, petitioners retreated. Petitioners instead decided to file the necessary charges against Sonny and his group. Petitioners filed cases for violation of Republic Act (R.A.) No. 9165 otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*" and direct assault against private respondents.¹⁰

On July 31, 2012, private respondents were arrested by virtue of warrants of arrest issued against them in relation to the charges for violation of R.A. No. 9165 and direct assault. According to petitioners, private respondents retaliated by filing criminal and administrative cases against them, including this case for grave threats.¹¹

Ruling of the Municipal Circuit Trial Court

On April 30, 2014, the 5th Municipal Circuit Trial Court (MCTC) of Tuba-Sablan, Benguet convicted petitioners for the crime of grave threats and imposed upon them the penalty of two months imprisonment and ordered them to pay a fine of ₱500.00 each.¹²

According to the MCTC, all the elements of the crime of grave threats are present in this case. The MCTC is more convinced of the version of the facts by the prosecution than the defense proffered by petitioners that a buy-bust operation was effected against Sonny. The MCTC held that the act of petitioners in firing their pistols in the air and uttering, "*apay kayat yo agayos ti dara ditoy?*" is a threat to inflict a wrong against another. This wrong constitutes the crime of murder, which in turn are the elements of grave threats.¹³

Aggrieved, petitioners moved for reconsideration. However, the MCTC denied their motion. Hence, petitioners filed an appeal to the Regional Trial Court (RTC) of La Trinidad, Benguet, Branch 62.

¹⁰ Id. at 44.

¹¹ Id. at 43-44.

¹² Id. at 45.

¹³ Id. at 45-48.

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Ruling of the Regional Trial Court

On August 11, 2017, the RTC rendered its Decision¹⁴ dismissing the appeal for lack of merit. The RTC concurred with the factual findings of the MCTC. The RTC held that petitioners' act of firing their guns in the air and shouting, "*apay kayat yun nga agayos ti dara ditoy*" constitutes grave threats.¹⁵

Petitioners filed a motion for reconsideration. On March 12, 2018, the RTC issued an Order¹⁶ setting aside its earlier decision. The RTC reversed the conviction of private respondents and acquitted them of the charge of grave threats.¹⁷

The RTC reviewed the records of the case anew and found that one of the witnesses for the prosecution, Ramon Bulakit (Ramon), private respondents' neighbor, who has no stake in the case, testified that petitioners did not point their firearms to private respondents and uttered, "*Apay kayat yun nga agayos ti dara ditoy?*"¹⁸ During the examination of the said impartial witness in the trial court, he was asked several times whether he saw petitioners point their firearms to private respondents and utter the threatening words. However, the witness was firm that nothing like that happened. When the trial court itself clarified from the witness, he confirmed that there was no such thing that happened. He merely reiterated that after firing their pistols in the air, petitioners left.¹⁹

The RTC noted that the testimony of Ramon contradicted the theory of the prosecution. According to the RTC, the fact that petitioners did not point their guns to private respondents and threatened them, is fatal to the cause of the prosecution because this negates the finding of grave threats.²⁰

While the RTC conceded that petitioners may have fired their guns in the air as warning shots, the same does not constitute grave threats. The warning shots are part of petitioners' exercise of their duty when private respondents prevented the arrest of Sonny and blocked petitioners from effecting the same. According to the RTC, the warning shots are reasonably necessary for petitioners to perform their duty of arresting Sonny notwithstanding the resistance from private respondents, their relatives, and neighbors.²¹

Private respondents moved for reconsideration. However, the RTC denied the same in an Order²² dated July 4, 2018.

¹⁴ Penned by Judge Danio P. Camacho; id. at 49-55.

¹⁵ Id. at 53-55.

¹⁶ Id. at 78-91.

¹⁷ Id. at 91.

¹⁸ Id. at 82.

¹⁹ Id. at 82-84.

²⁰ Id. at 84.

²¹ Id. at 90.

²² Id. at 100-103.

Aggrieved, private respondents filed a petition for *certiorari* to the CA ascribing grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the RTC in acquitting petitioners.

Ruling of the Court of Appeals

On February 28, 2019, the CA rendered its Decision²³ dated February 28, 2019 reversing and setting aside the judgment of acquittal issued by the RTC for having been made with grave abuse of discretion.²⁴

According to the CA, the RTC's reliance on the testimony of Ramon, a neighbor of private respondents, in acquitting petitioners was a mistake. The CA held that Ramon was merely a neighbor who only saw the incident from afar. Hence, Ramon would not have heard one of the petitioners uttering threatening words against private respondents.²⁵ The CA likewise observed that the MCTC found the version of the prosecution to be more credible. This should have prompted the RTC to be more careful in examining the testimony of a neighbor as compared to the totality of the testimonies of the other witnesses.²⁶

Because of the reversal of their acquittal, petitioners moved for reconsideration. However, the CA denied the motion in a Resolution²⁷ dated August 13, 2019.

Petitioners then filed this Petition for Review on *Certiorari*²⁸ arguing that the acquittal of petitioners already attained finality because private respondents filed the motion for reconsideration without the conformity of the public prosecutor.²⁹ Petitioners likewise claim that the RTC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in acquitting them.³⁰ Hence, the reversal of petitioners' acquittal violates their right against double jeopardy.³¹

In their Comment,³² private respondents countered that their private prosecutor had authority to prosecute the case until the end of the trial even in the absence of a public prosecutor.³³ Further, the Office of the Solicitor General filed a manifestation adopting their private prosecutor's petition for *certiorari* to the CA, questioning petitioners' acquittal.³⁴ Private respondents

²³ Supra note 3.

²⁴ *Rollo*, pp. 161.

²⁵ *Id.* at 156-157.

²⁶ *Id.* at 158.

²⁷ *Id.* at 179-181.

²⁸ *Id.* at 9-22.

²⁹ *Id.* at 15.

³⁰ *Id.* at 17.

³¹ *Id.* at 21.

³² *Id.* at 193-206.

³³ *Id.* at 194.

³⁴ *Id.* at 195.

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insist that the RTC committed grave abuse of discretion when it disregarded the testimonies of prosecution witnesses except that of Ramon.³⁵

In their Reply,³⁶ petitioners reiterate their arguments in the petition.

Issue

The issue in this case is whether the CA violated petitioners' constitutional right against double jeopardy when it reversed the RTC's judgment of acquittal for grave threats.

Ruling of the Court

The petition is meritorious.

A judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation.³⁷ This iron clad rule has only one exception: **grave abuse of discretion** that is **strictly limited** whenever there is a **violation of the prosecution's right to due process** such as when it is **denied the opportunity to present evidence** or where the **trial is sham** or when there is a **mistrial**, rendering the judgment of acquittal void.³⁸

An example of an exception to the finality-of-acquittal rule is the case of *Galman v. Sandiganbayan*³⁹ where the Supreme Court remanded the case to the trial court because the previous trial conducted was a mockery. The unique facts surrounding the *Galman* case constitute the very narrow exception to the application of the right against double jeopardy. Hence, in order for the CA to take cognizance of the *certiorari* petition, private respondents and the prosecution must have clearly demonstrated that the RTC blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.⁴⁰

Here, in setting aside petitioners' acquittal, the CA reviewed the evidence presented by the parties before the MCTC. The CA held that the RTC mistakenly ruled that there were inconsistencies in the testimony of one of the prosecution witnesses which belie the theory of the prosecution that petitioners pointed their guns at private respondents and uttered threatening words. The CA based its reversal of the acquittal of petitioners on the RTC's alleged misappreciation of evidence. It is a settled rule that misappreciation of the evidence is a mere error of judgment that does not qualify as an exception to the finality-of-acquittal doctrine. An error of judgment is not correctible by a writ of *certiorari*.⁴¹

³⁵ Id.

³⁶ Id. at 222-228.

³⁷ *Chiok v. People*, 774 Phil. 230, 248 (2015).

³⁸ *People v. Arcega*, G.R. No. 237489, August 27, 2020.

³⁹ 228 Phil. 42 (1986).

⁴⁰ *People v. Court of Appeals*, 691 Phil. 783, 788 (2012).

⁴¹ Id. at 787.



In this case, the petition for *certiorari* of private respondents before the CA is bereft of any allegation, much less, evidence that the prosecution's right to due process was violated or that the proceedings before the MCTC and RTC were a mockery such that petitioners' acquittal was a foregone conclusion.⁴² It is immaterial whether the RTC was correct in its assessment of the evidence leading to the acquittal of petitioners. The fact remains that petitioners' right against double jeopardy already attached when the RTC acquitted them. Hence, no amount of error of judgment will constitute an error of jurisdiction that would have allowed the CA to review the same through a petition for *certiorari*.

WHEREFORE, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated February 28, 2019 and the Resolution dated August 13, 2019 of the Court of Appeals in CA-G.R. SP No. 157140, finding Dino Wally Cogasi, Jerry Silawon, Reynaldo Badua, Geoffrey Bantule, and Ramon Christopher Bueno guilty beyond reasonable doubt of the crime of grave threats are hereby declared **NULL** and **VOID** for violation of their constitutional right against double jeopardy.

SO ORDERED.


ROSMARI D. CARANDANG
Associate Justice

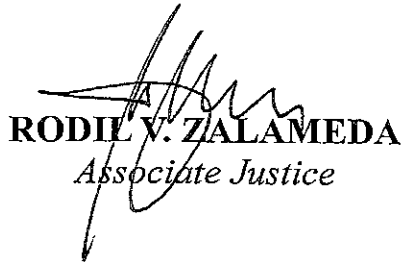
⁴²

Id. at 788.

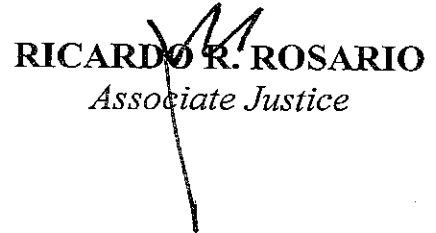
WE CONCUR:



MARVIC MARIO VICTOR F. LEONEN
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

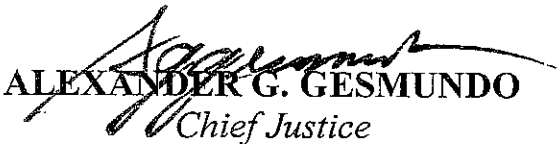
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice