



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARWIN B. RAYA and SHIELA
C. BORROMELO,

Petitioners,

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 237798

Present:

GESMUNDO, *C.J.*, Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, *JJ.*

Promulgated:

MAY 05 2021

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DECISION

CAGUIOA, *J.*:

Before the Court is a Petition for Review on *Certiorari*¹ filed by the petitioners Marwin B. Raya (Raya) and Shiela C. Borrromeo (Borrromeo) assailing the Decision² dated October 19, 2017 and Resolution³ dated February 22, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 143270, which reversed the Resolution⁴ dated October 5, 2015 of Branch 263, Regional Trial Court of Marikina City (RTC) in Criminal Case No. 2014-15716-MK, granting the demurrer to evidence filed by Raya and Borrromeo.

¹ *Rollo*, pp. 12-31.

² *Id.* at 38-53. Penned by Associate Justice Victoria Isabel A. Paredes, with then Associate Justice Jose C. Reyes, Jr. (retired Member of this Court) and Associate Justice Jane Aurora C. Lantion concurring.

³ *Id.* at 66-56.

⁴ *Id.* at 116-123. Penned by Presiding Judge Armando C. Velasco.

The Facts

The present case stemmed from an Amended Information filed against Raya and Borromeo charging them with Qualified Trafficking in Persons, defined and penalized under Section 4(e), in relation to Sections 3(a), 3(c), and 6(c) of Republic Act (R.A.) No. 9208,⁵ as amended by R.A. No. 10364.⁶ The accusatory portion of the Amended Information reads:

That dates prior to and on March 26, 2014, along Marcos Highway, Marikina City and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually aiding one another, did then and there, willfully, unlawfully, feloniously, recruit, obtain, hire, provide, offer and transport complainants **AAA**,⁷ **BBB**⁸ and **CCC**,⁹ by taking advantage of their vulnerability by reason of their poverty, so that said **AAA, BBB and CCC, can be engaged by another** in sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

That the crime was attended by the qualifying circumstance of having been committed in large scale since it was carried out against (*sic*) three complainants **AAA, BBB and CCC**, to their damage and prejudice.

CONTRARY TO LAW.¹⁰ (Emphasis and underscoring in the original)

During the arraignment, Raya and Borromeo pleaded not guilty. Pre-trial and trial thereafter ensued.

The prosecution presented as witnesses the following: CCC, one of three women who were trafficked; and members of the apprehending team, namely SPO2 Henry B. Bertillo (SPO2 Bertillo), PO3 Rufino B. Lace (PO3 Lace), P/Sr. Supt. John Gani Guyguyon (PSSupt. Guyguyon) and SPO3 Henry Castroverde (SPO3 Castroverde).¹¹ The version of the prosecution, as summarized by the CA, is as follows:

⁵ "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES" or Anti-Trafficking in Persons Act of 2003, approved May 26, 2003.

⁶ "AN ACT EXPANDING REPUBLIC ACT NO. 9208, ENTITLED 'AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES'" or Expanded Anti-Trafficking in Persons Act of 2012, approved February 6, 2013.

⁷ The real names of the victims, their personal circumstances and other information which tend to establish or compromise their identities, as well as those of their immediate families, or household members, shall not be disclosed to protect their privacy, and fictitious initials shall, instead, be used, in accordance with *People v. Cabalquinto*, 533 Phil. 703 (2006), and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁸ Id.

⁹ Id.

¹⁰ *Rollo*, pp. 39-40.

¹¹ Id. at 40.

CCC testified that she was 27 years old at the time of the incident; that she has two minor children; and that she left her youngest child in Misamis Oriental with her parents. She is the breadwinner of their family, supporting her parents, children, and more than ten (10) siblings of the half-blood. She supports them "*sa pamamagitan po ng pagbebenta ng laman.*" CCC was introduced to the flesh trade by her friend Rose who introduced her to the respondents, whom she identified as "Kate" (referring to Borromeo) and "Marwin," who was also known as "Kevin" (referring to Raya). She testified that Kate and Kevin pandered or pimped her four (4) times a week and she has one to three customers per night; a customer usually paying ₱1,200.00, from which she receives ₱800.00, while ₱400.00 goes to the pimp as commission. They usually procure CCC's customers from Jollibee, Marcos Highway, Marikina City.

On March 26, 2014, at around 9:00 P.M., she was at the side of the parking lot of McDonald's, Marcos Highway, Marikina City, waiting for a friend whom she intended to borrow some money from because her daughter was sick. She was with her friends AAA, BBB, DDD¹² and EEE,¹³ and a pimp named Ellaine. Soon thereafter, respondents arrived and told them that they needed five (5) women. CCC told them that she cannot have sex as she has her monthly period. The respondents insisted and CCC eventually agreed. Thereafter, Kate left with AAA and BBB, and they went to the second floor of Jollibee, Marcos Highway, Marikina City. Kevin also left with the pimp, Ellaine, as well as DDD and EEE. Kate then went back to McDonald's and told CCC to go to Jollibee and to call DDD and EEE. CCC then went to Ellaine, DDD and EEE, and told them that Kate instructed them to go to Jollibee; DDD and EEE replied that they needed to talk to Ellaine; CCC overheard Ellaine telling the two girls that she will get a commission of ₱100.00 from the ₱800.00 they will receive. CCC walked towards Jollibee, which was near McDonald's, and met Kevin who was outside Jollibee. Kate went down from Jollibee with AAA, BBB and the male client who was wearing a black t-shirt and a cap. Kate pointed to CCC and asked the client, "*Eto siya, okay na ba ito sa 'yo?*", to which the male client replied, "*Okay na siya.*" Kate told the male client that he needs to settle the balance first before she can give him the two other girls. Suddenly, a mobile patrol passed by, prompting Kevin to run away. CCC also testified that the persons in black uniform who were from Camp Crame and personnel from the Department of Social Work and Development (DSWD) arrived. Kate was arrested while the young girls were boarded into a van and brought to Camp Crame. When they arrived in Camp Crame, CCC saw Kevin, Kate and Ellaine in another van. The police then took her sworn statement.

SPO2 Bertillo testified that on March 26, 2014, he was in their office at the Anti-Transnational Crime Unit, Criminal Investigation Detection Unit (ATCU-CIDG), Camp Crame, Quezon City, when Police Chief Inspector Jay Dimaandal (P/CI Dimaandal) informed him that he will be part of an entrapment and rescue operation for confirmed human trafficking later that night at Marcos Highway, Marikina City. The operation was conceived after a surveillance was conducted by a team headed by SPO3 Castroverde, which revealed that young girls were being offered for sex in the area of Jollibee Marikina. SPO2 Bertillo learned that there will be a composite team of members of Philippine National Police (PNP), DSWD

¹² Supra note 7.

¹³ Id.

and the International Justice Mission (IJM). It was agreed that the team will meet for a briefing at the ATCU-CIDG office at 7:00 P.M. P/Sr. Supt. Guyguyon presided over the briefing and informed them that they will use six (6) vans. When the briefing ended at around 9:30 P.M., SPO2 Bertillo, P/CI Dimaandal and PO3 Lace boarded a van, arriving at Marcos Highway, Marikina City, at around 10:00 P.M. SPO2 Bertillo testified that he conversed with the confidential informant (CI) and asked him the whereabouts of the respondents and one Arlie Peñafior (Peñafior). The CI replied that Borrromeo and two young ladies were inside Jollibee Marikina while Raya was just around. SPO2 Bertillo instructed the CI to walk ahead and they went to Jollibee. Inside, the CI signaled to SPO2 Bertillo that Borrromeo and the young ladies were at the second floor. SPO2 Bertillo went up and he and the CI sat directly in front of Borrromeo and the girls. They were seated beside the glass window so they can be seen from the outside. SPO2 Bertillo identified the two girls with Borrromeo as AAA and BBB. Borrromeo told SPO2 Bertillo that AAA and BBB will be providing sexual services for a fee. When SPO2 Bertillo only smiled and nodded, Borrromeo told him that she has other girls. SPO2 Bertillo then asked to see the other girls and asked how much the charge was for each girl. When Borrromeo replied ₱1,200.00 per girl, SPO2 Bertillo countered that he will get five (5) girls for ₱1,000.00 each. Borrromeo then said that she will contact the other girls to go to Jollibee so she stood up to use her cellphone. SPO2 Bertillo instructed the CI to buy food for the girls. After bringing the food, the CI went outside to smoke. Borrromeo returned and told SPO2 Bertillo that one of the girls was already downstairs while the other girls were on their way. SPO2 Bertillo gave Borrromeo two ₱1,000.00 bills by way of down payment, telling her that he will give the rest after he sees the other girls. Borrromeo put the money in her pocket and asked everyone to go downstairs. At the ground floor, a lady approached Borrromeo, whom SPO2 Bertillo identified as CCC. Borrromeo asked him if CCC was okay and he replied that he approved of CCC. While they were at the entrance of Jollibee, a police mobile patrol passed by, [thus] spooking the girls. When SPO2 Bertillo saw that the girls were fidgety, he removed his cap, which was the pre-arranged signal. He announced that he is a policeman and placed Borrromeo under arrest, after which, he apprised her of her constitutional rights in Tagalog. He saw PO3 Lace arrest Raya, while the DSWD and IJM personnel secured AAA, BBB and CCC. He turned Borrromeo over to PO3 Lace who recovered the ₱2,000.00 bust money from her. SPO2 Bertillo and PO3 Lace then turned the respondents and the bust money over to SPO3 Castroverde placed the money in a plastic sachet. SPO2 Bertillo testified that SPO3 Castroverde also arrested Peñafior. The girls boarded another van and the group proceeded to Camp Crame. Respondents and Peñafior were booked, while the victims were assisted by the DSWD and IJM personnel.

In his *Judicial Affidavit*, PO3 Lace stated that on March 24, 2014, at around 8:00 A.M., he was present at the ATCU-CIDG office in Camp Crame when P/Sr. Supt. Guyguyon informed him that their office received information about the human trafficking activities of respondents and Peñafior a.k.a. "Eilaine". P/Sr. Supt. Guyguyon instructed them, PO3 Lace, SPO3 Castroverde, PO2 Bigalbal and he, will conduct a surveillance operation at 10:00 P.M., at Marcos Highway, Marikina City. He and P/Sr. Supt. Guyguyon rode a Toyota sedan driven by PO2 Bigalbal, while SPO3 Castroverde rode a motorbike. They arrived simultaneously at the parking lot of Jollibee, Marcos Highway, Marikina City, where they stayed for three (3) hours. During that time, he observed Raya and Borrromeo talking to several persons. He saw Borrromeo approaching motorists with girls and



later on the girls will go with the said motorists. At around 11:30 P.M., PO3 Lace discreetly followed a man dressed and acting like a woman (a transgender) whom he later identified to be Peñaflor. He saw Peñaflor talk to Borrromeo and then walk towards Sta. Lucia Mall where Peñaflor met around seven (7) girls. After a few minutes of tailing Peñaflor, PO3 Lace sensed that the former was becoming suspicious of him so PO3 Lace went back to their stake-out place. PO3 Lace then saw P/Sr. Supt. Guyguyon approach Peñaflor and the two talked for about 14-20 minutes. Thereafter, P/Sr. Supt. Guyguyon went back to the team and instructed them to pull out and return to the office.

Back at their office, P/Sr. Supt. Guyguyon informed the team that they will conduct an entrapment/rescue operation. On March 26, 2014, at around 7:00 P.M., P/Sr. Supt. Guyguyon conducted a briefing and spoke to members of the PNP ATCU-CIDG, DSWD and IJM. P/Sr. Supt. Guyguyon instructed PO3 Apuya to coordinate with the Eastern Police District, and designated SPO2 Bertillo as the poseur-customer, while PO3 Lace and other PNP members will be the arresting officers; the pre-arranged signal, upon completion of the transaction, was for SPO2 Bertillo to remove his cap.

The team used six (6) vans. When the briefing ended at 9:30 P.M., PO3 Lace, SPO2 Bertillo and P/CI Dimaandal rode in one van going to Marcos Highway, Marikina City, and they arrived at around 10:00 P.M. Upon arrival at the designated place, PO3 Lace saw SPO2 Bertillo alight from the van, talk to the CI and then proceed inside Jollibee. From where he was, PO3 Lace could see through the 2nd floor window of the restaurant. He saw SPO2 Bertillo go up to the 2nd floor of Jollibee and approach Borrromeo who was with two young girls. He saw SPO2 Bertillo give Borrromeo the bust money which she then placed inside her pocket. PO3 Lace saw a girl, whom he later identified to be CCC, talking to Raya. Thereafter, he saw CCC go up to the 2nd floor of Jollibee while Raya remained outside. While CCC was on her way up the stairs, Borrromeo, AAA, BBB and SPO2 Bertillo were then on their way down. A police patrol car passed by and he saw SPO2 Bertillo remove his cap. PO3 Lace hurried to Jollibee, arrested Raya and appraised him of his constitutional rights. PO3 Lace retrieved the ₱2,000.00 bust money from Borrromeo and turned it over to SPO3 Castroverde. PO3 Lace saw the DSWD and IJM personnel secure and board the girls into a van. They all proceeded to Camp Crame where the respondents and Peñaflor were booked, while the girls gave sworn statements.

In his *Judicial Affidavit*, P/Sr. Supt. Guyguyon narrated that on March 23, 2014, at around 3:00 P.M., he was in his office at the PNP ATCU-CIDG in Camp Crame when Atty. Renato Vaflor (Atty. Vaflor), Director of IJM, arrived and asked for assistance in the apprehension of the respondents and Peñaflor who were allegedly engaged in human trafficking activities along Cainta, Rizal and Marcos Highway, Marikina City. Atty. Vaflor told him that Raya, Borrromeo and Peñaflor would offer young women for sex for a fee to motorists and men along the vicinity of D-Square, Cainta, Rizal, and then invite them to nearby food chains, such as Jollibee and McDonald's, in Marcos Highway, Marikina City. Atty. Vaflor told him that the transactions for sex for a fee were conducted in Jollibee or McDonald's Marcos Highway, Marikina City, P/Sr. Supt. Guyguyon told Atty. Vaflor that a prior surveillance operation was needed to verify the information.



On March 24, 2014, P/Sr. Supt. Guyguyon assembled his team composed of P/CI Dimaandal, PO3 Lace, PO2 Reynaldo Bigalbal (PO2 Bigalbal) and SPO3 Castroverde and informed them that they will conduct a prior surveillance operation that night along the areas of Q-Plaza Square, Cainta, Rizal, and the streets near Marcos Highway, Marikina City, namely, Pangustura St., Liamson St. and Felix Avenue. That night, the team set off for Marikina City and they parked at Jollibee Marcos Highway. They staged a stake-out for three hours and positioned themselves in front of Sta. Lucia Mall. He and SPO3 Castroverde stayed under the footbridge near Jollibee. PO3 Lace went to Pangustura Street, while PO2 Bigalbal stayed within the perimeter of Jollibee. Thereafter, he instructed the team to move to Q Plaza Square for 15-20 minutes. Then, they went back to Jollibee where they saw several young girls under the footbridge. He instructed PO2 Bigalbal to board their car and to drive by the footbridge. While PO2 Bigalbal was walking, a police patrol car passed by and the young girls dispersed and walked towards Q Plaza Square. P/Sr. Supt. Guyguyon followed them and pretended to buy something at Mercury Drug Store. He saw a group of six (6) girls as he walk[ed] past them. Thereafter, a man who was dressed and acted like a woman (a transgender) approached him and asked him "*Gusto mo ng ano?*", to which he replied, "*Anong ano?*" The man replied, "Sex". P/Sr. Supt. Guyguyon testified that he pretended to refuse by saying that he was with his wife but, instead, he asked how much was the charge. The transgender replied that the regular rate of the girls for sex was ₱1,500.00 but if he liked minors for sex the rate was ₱2,500.00. P/Sr. Supt. Guyguyon replied that it was expensive and that he will think about it. At around 12 midnight, the surveillance team pulled out of the area. They held an after surveillance meeting in their office wherein PO3 Lace told them that he saw Raya and Borromeo offer young girls for sex to motorists along Marcos Highway. P/Sr. Supt. Guyguyon also informed the team that Peñaflor (the transgender) offered girls for sex to him. P/Sr. Supt. Guyguyon then relayed to Atty. Vaflor what transpired during their surveillance and an entrapment/rescue operation was set.

On March 26, 2014, at around 7:00 P.M., P/Sr. Supt. Guyguyon conducted the initial briefing regarding the entrapment which was attended by members of the PNPO ATCU-CIDG, DSWD and IJM. P/Sr. Supt. Guyguyon briefed them that Raya, Borromeo and Peñaflor were offering young women and minors for sex for a fee along Marcos Highway. He also assigned PO3 Apuya to coordinate with the Eastern Police District and designated SPO2 Bertillo as the poseur-customer. Thereafter, he left the meeting. He was later on informed by P/Supt. Jimmy Daza, his second in command, that Raya, Borromeo and Peñaflor were arrested and that the team was preparing for their inquest.

In his *Judicial Affidavit*, SPO3 Castroverde corroborated the statements of P/Sr. Supt. Guyguyon, PO3 Lace and SPO2 Bertillo about the prior surveillance and entrapment operations. For his part, he stated that PO3 Lace gave him the bust money after PO3 Lace recovered it from Borromeo. Back at their office in Camp Crame, he placed the two bills in separate plastic containers, sealed them and affixed his signature. He also did the same with the bag containing the personal effects, such as a shirt and condoms, which were seized from Raya.¹⁴

¹⁴ Rollo, pp. 40-47.

After the prosecution rested its case, the defense filed a *Motion for Leave to File Attached Demurrer to Evidence* with attached *Demurrer to Evidence* (Demurrer) dated June 5, 2015.¹⁵ The prosecution filed its *Comment/Opposition* thereto dated July 22, 2015.¹⁶

The RTC then issued the Resolution¹⁷ dated October 5, 2015 granting the Demurrer on the ground that, based on its assessment, the testimonies of the prosecution witnesses were plagued with inconsistencies. The RTC explained:

Based on the above testimonies of the seasoned police operatives, allegedly, the idea that a large scale Qualified Trafficking in Persons being perpetuated by “Kevin,” “Kate” and Arlie Penaflor a.k.a. “Ellaine” was forwarded by a certain Atty. Renato Vaflor, Director of the International Justice Mission to PSSUPT JOHN GANO GUYGUYON, Chief of the Philippine National Police Anti-Transnational Crime Unit-Criminal Investigation and Detection Group at Camp Crame, Quezon City. Thenafter, PSSupt. Guyguyon formed a surveillance team composed of himself, PO3 Rufino B. Lace, PO2 Reynaldo Bigalbal and SPO3 Henry V. Castroverde. However, a close scrutiny of said narrations, instantly show discrepancies, inconsistencies and irregularities in the performance of the assigned duties of said policemen.

While on the alleged surveillance done by the police[,] they did not use an informant even though Atty. Vaflor only relayed to them the nefarious activities of the persons he named, but allegedly, after their confirmation about said illegal activities, at the actual police operation, they used a confidential informant although they already verified the identities and the said alleged illegal activities of their subjects, thus, putting the life of an innocent civilian, the informant, in peril which is no longer needed since they already identified them during the surveillance operation.

On the night of the surveillance, PO3 Rufino B. Lace, without the help of an informant, was able to identify immediately accused “Kate” and “Kevin” and yet in the actual operation, they needed the help of their alleged confidential informant to point to them said accused.

During the surveillance, according to PSSupt. Guyguyon and SPO3 Castroverde, PO3 Lace went to Pangustura Street, however, when asked, PO3 Lace could not describe said street and appears not to know that Sumulong Highway and Marcos Highway are two different places, that Sumulong Highway is very far from the alleged place of the surveillance operation and that he failed to state on his statements that he went to Pangustura Street but instead he said, he went at the vicinity of Jollibee, Marcos Highway, Marikina City.

It appears to the court that on the alleged surveillance, the area of operation is the place near Jollibee, Marcos Highway, Marikina City but the coordination was made by them with Cainta Rizal Police Station. They did not make any coordination with the Marikina Police Station. According to

¹⁵ Id. at 47.

¹⁶ Id.

¹⁷ Supra note 4.



the police witnesses, coordination is being done to avoid misencounters, however, said coordination was received by Cainta Rizal Police Station on March 26, 2014 at 11:45 pm, as reflected on the very coordination document presented to the court, or one and a half hours late on the actual police operation at around 10 pm of same date.

PSSupt. Guyguyon confirmed that both accused "Kate" and "Kevin" were not doing any illegal activity much less human trafficking in persons when they conducted the surveillance on March 24, 2014, but how were (*sic*) they reached the conclusion that both of them were engaged in human trafficking is a "64 dollar" question to the mind of the court.

The Joint Affidavit of Arrest executed by Police Officers Lace and Bertillo, and the Affidavit executed by SPO3 Castroverde right after the police operation on March 26, 2014 mentioned that they were instructed to conduct surveillance and never mentioned that their Chief was with them on that task, but in his Judicial Affidavit, as well as in the Judicial Affidavit executed by PSSupt. Guyguyon on March 9, 2015 it would appear that no such instruction was ever made by him to PO2 Lace and SPO3 Castroverde since he (Guyguyon) actively participated in that surveillance. Even SPO2 Bertillo denied participation in the said surveillance, he named the members of the said surveillance team as PO2 Lace, PO3 Bigalbal and SPO3 Castroverde without mentioning PSSupt. Guyguyon.

Poseur customer SPO2 Bertillo testified that after the arrest of "Kate," PO2 Lace recovered the evidence money from her hand, contrary to the declaration of PO2 Lace that he recovered it from "Kate's[]" pocket. It would appear therefore that the said monies are not the same monies allegedly handed by SPO2 Bertillo to "Kate" since there is no showing that before the entrapment, the police either listed the same in their log-book or mentioned at least their serial numbers in any document prepared by them before said operation took place.

Among the three (3) alleged victims, only [CCC] testified in court. However, she never mentioned in her testimony that she was recruited, obtained (acquired), hired, provided, offered and transported including her two (2) other companions, to be engaged by another in sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration by either or both accused "K[e]vin" and "Kate" as alleged in the Criminal Information filed by the Department of Justice.

The witnesses for the prosecution, as narrated in the foregoing premises, showed various discrepancies, inconsistencies and contradiction between their testimonies in court and their affidavits. The presumption of regularity in the performance of the official duties of said policemen was ruined by their own contradicting testimonies and irregularities which erode the credence of their declarations. Taken as a whole, the sum total of the evidence presented by the prosecution against the two (2) accused are not enough to sustain conviction, even if unrebutted.

It is a matter of judicial experience that affidavits or statements taken *ex parte* are generally considered incomplete and inaccurate. However, the flip-flopping testimonies given by the prosecution's witnesses created serious doubts regarding its (*sic*) veracity and credibility. The testimonies of the prosecution's witnesses not only are inaccurate but their testimonies

contradict each other in its (*sic*) material points. Thus, their testimonies concerning the event that transpired on March 26, 2014 [invite] serious doubts.

Sworn statements are usually incomplete and, therefore, contradictions in the sworn statement of a witness and his testimony are frequently brushed aside as inconsequential so long as they refer to minor and reconcilable matters. But this rule does not apply when the discrepancies touch on substantial matters as in the case at bar (*People v. Maongco*, 230 SCRA 562 (1994)).¹⁸

Disagreeing with the RTC, the People, through the Office of the Solicitor General, filed a petition for *certiorari*¹⁹ before the CA, alleging grave abuse of discretion amounting to lack or excess of jurisdiction in the RTC's issuance of the Resolution granting the Demurrer. The People, in essence, argued that the inconsistencies pointed out by the RTC pertained to collateral matters which did not diminish the probative value of the testimonies of the prosecution witnesses.²⁰ It thus sought the reversal of the acquittal of Raya and Borromeo.

Ruling of the CA

In the assailed Decision²¹ dated October 19, 2017, the CA granted the petition for *certiorari* and reversed the acquittal made by the RTC. It held that the RTC placed too much importance on inconsequential inconsistencies — particularly in the conduct of surveillance prior to the actual entrapment operation — which did not have anything to do with the elements of the crime.²² The CA also noted that the RTC granted the demurrer because CCC supposedly did not testify that she was “recruited, obtained, (acquired), hired, provided, offered and transported x x x to be engaged by another in sexual intercourse or lascivious conduct in exchange for money, profit or other consideration by either or both accused [Raya] and [Borromeo].”²³ The CA pointed out, however, that CCC admitted in her testimony that she was a prostitute, and that Raya and Borromeo “pimped her to at least three customers per night, four nights a week, for ₱1,200.00 of which, she is given ₱800.00.”²⁴

The CA thus declared null and void the RTC's Resolution granting the Demurrer, and ordered the case reinstated for continuation of the proceedings.

Raya and Borromeo sought reconsideration of the CA Decision. However, the CA denied the motion for reconsideration through a Resolution²⁵ dated February 22, 2018.

¹⁸ *Rollo*, pp. 121-122.

¹⁹ *Id.* at 57-115.

²⁰ *Id.* at 70.

²¹ *Supra* note 2.

²² *Rollo*, p. 51.

²³ *Id.* at 52.

²⁴ *Id.*

²⁵ *Supra* note 3.

Hence, the instant appeal.

Issue

For resolution of the Court is whether the CA erred in reversing Raya and Borromeo's acquittal.

The Court's Ruling

The appeal is meritorious. The CA erred in granting the People's petition for *certiorari*.

The CA was correct that the RTC erred in granting the Demurrer

At the outset, it is important to point out that the Court agrees with the CA at least to the extent that it held that the RTC should not have granted Raya and Borromeo's Demurrer.

The RTC granted the Demurrer mainly on the basis of the supposed "discrepancies, inconsistencies and irregularities in the performance of the assigned duties of said policemen."²⁶ The RTC hinged its granting of the Demurrer on the following: 1) the fact that the police officers still used a confidential informant on the actual operation despite claiming that they conducted prior surveillance; 2) PO3 Lace, in particular, seemed unaware that Marcos Highway and Sumulong Highway are different; 3) the police officers coordinated with the Cainta, Rizal Police Station even if the entrapment operation was conducted in a fastfood restaurant in Marikina; 4) PSSupt. Guyguyon's supposed testimony that on the prior surveillance conducted, they did not observe Raya and Borromeo doing any illegal activity; 5) it was unclear from the affidavits executed by the police officers whether PSSupt. Guyguyon participated in the surveillance; 6) failure of the police officers to list in their log-book the serial numbers of the marked money used in the entrapment operation; and 7) CCC's supposed failure to testify that she was being prostituted by Raya and Borromeo.

The majority of the grounds relied upon by the RTC, however, pertain to matters which were immaterial to the crime charged. The fact that the police officers still used an informant in the conduct of the entrapment operation despite having conducted prior surveillance is purely a law enforcement matter — a matter of police wisdom — that is, and should have been best left to the discretion of the police operatives. PO3 Lace's perceived lack of knowledge in geography, and PSSupt. Guyguyon's presence or absence in the prior surveillance, are simply *non-sequitur* — facts that are grossly irrelevant on whether Raya and Borromeo committed the crime. Likewise, taking note of the serial numbers of the marked money is not an element of the crime charged.

²⁶ *Rollo*, p. 121.

The other supposed discrepancies, on the other hand, were either baseless or have been sufficiently explained by other evidence. As the People argued — while quoting and citing several pages of the testimonies of the prosecution witnesses — in its Memorandum to the CA:

Further, public respondent judge also makes much of an issue the coordination made by the PNP-CIDG to the Cainta Rizal Police Station when the area of operation is near Jollibee, Marcos Highway in Marikina City.

It was clarified by SPO2 Bertillo that there was a transaction for sex in exchange for money in Jollibee, Marikina. He explained that their team started the operation in Cainta, Rizal where they observed young girls waiting for their customers but then proceeded to Marikina, where the transaction was made, to wit:

x x x x

Further, public respondent judge questions how the prosecution concluded that private respondents were engaged in human trafficking when PSSupt. Guyguyon confirmed that both Raya and Borromeo were not doing any illegal activity when they conducted the surveillance on March 24, 2014.

Obviously, public respondent judge's protestation proceeds from his blatant failure to appreciate the entirety of the prosecution witnesses' testimonies. It is clearly evident from a simple reading of PSSupt. Guyguyon's Judicial Affidavit that they were able to confirm during the surveillance operation that Raya, Borromeo and Peñaflor were engaged in human trafficking activities in Marikina City. This was corroborated by PO3 Lace and SPO3 Castroverde in their respective Judicial Affidavits, to wit:

x x x x

Based on the foregoing, public respondent judge's conclusion is obviously baseless. Evidently, the prosecution was able to establish that private respondents were engaged in human trafficking.²⁷

Lastly, it was untrue that CCC failed to testify that she was being prostituted by Raya and Borromeo. CCC testified as follows:

Q: You said that you support your children; you support your mother, your father as well as your siblings, your half-siblings. How do you support them?

A: "SA PAMAMAGITAN PO NG PAGBEBENTA NG LAMAN."

Q: You said, "PAGBEBENTA NG LAMAN", what do you mean by "PAGBEBENTA NG LAMAN"?

A: I am being pandered, ma'am.

²⁷ Id. at 184-189.

Q: And when you are being pandered, what do you get in exchange, if any?

A: Money, ma'am.

x x x x

Q: And where do you find these customers?

A: Along Marcos Highway, in Marikina City ma'am.

x x x x

Q: Now, who introduced you to this kind of work?

A: My friend Rose, Ma'am. She introduce (*sic*) me to Kate [Borromeo] and Marwin [Raya], ma'am.

x x x x

Q: Now, you mentioned that you are being pandered by Kate [Borromeo] and Kevin [Raya], correct?

A: Yes, ma'am.

x x x x

Q: And how many times a week that Kevin and Kate pandered you?

A: In a week, four times, ma'am.

Q: And what time do they start offering you for sex for a fee?

A: 8:00 in the evening until 4:00 in the morning, the following day, ma'am.

Q: In the average, madam Witness, how many men are you being offered for sex for a fee in one night with the assistance of Kevin and Kate?

A: one to three ma'am.

Q: And you were able to have sex with one to three men, correct?

A: Yes, ma'am.

Q: Now, how do Kevin and Kate offer you to customer?

A: First, they talked to the customer, and then, after they agreed on the budget they point to me and say that she is "okay."

x x x x

Q: Now, Madam Witness, where were you at around 9:00 o'clock in the evening of March 26, 2014, if you can recall?

A: I was at the side of the parking lot of McDonald's ma'am.

Q: Where can you find this McDonald's?

A: At Marcos Highway, Marikina City, ma'am.

x x x x

Q: Now who else were there in the parking lot of McDonald's, if any?
A: Ellaine who is the pimp of [DDD], [EEE] and [AAA] and [BBB].

x x x x

Q: Now, March 26, 2014, 9:00 o'clock in the evening, what happened at that time, if any?

A: March 26, 2014, Kate and Kevin arrived and we approached them and after they approached us they told us that they needed five (5) women.

Q: Now, you said that they called you, who are your companions who were called by Kate and Kevin.

A: Ellaine was there the pimp of [DDD], [EEE], [AAA] and [BBB] and me, ma'am.

Q: Now when you approached Kate and Kevin, what happened next, if any?

A: They told us that they needed five (5) women because they have customers. And then, I told them that I could not engage in sex because I have my monthly period, ma'am.

Q: And what did Kevin and Kate tell you if any?

A: Kate and Kevin told me that it's up to me. [""]you have to look for a way,[""] ma'am.

x x x x

Q: Now, you said that there is a customer looking for five (5) women, correct?

A: Yes ma'am.

Q: So, how much, according to Kate and Kevin will you be paid?

A: They told me that it is ONE THOUSAND TWO HUNDRED PESOS for each woman, and only EIGHT HUNDRED will be our proceeds or will be given to us because the FOUR HUNDRED PESOS will go to them as their commission, ma'am.

x x x x

Q: When you saw Kate, you said a customer and [BBB] and [AAA] go down (*sic*) Jollibee, what happened next, if any?

A: Kate said, they were already downstairs and she said, "ETO SIYA, OKAY NA BA ITO SA'YO?"

Q: You said Kate mentioned, "SIYA, OKAY NA BA SA[']YO?" Who was she talking to?

A: To the customer, ma'am.

Q: Now, you said that, "OKAY NA SIYA." Who was she pointing to, who was she pointing to?

A: To me, ma'am.

- Q: You said that Kate was talking to the customer. What was the reply of the customer, if any?
- A: The customer told Kate that “OKAY NA SIYA” she is alright.
- Q: What do you mean by “OKAY NA SIYA”?
- A: That she can be brought to the motel and have sex with her ma’am.²⁸

Clear from the foregoing is the RTC’s complete lack of basis in granting the Demurrer. Not only did the police officers clearly testify as to the conduct of surveillance and the entrapment operation, it was likewise corroborated by one of the women who were being prostituted that night. It was manifest error therefore on the part of the RTC to focus on particular portions of the prosecution’s evidence — instead of considering the totality of the evidence presented — and using these truncated portions as supposed bases for granting the Demurrer.

Despite this error on the part of the RTC, however, the CA should still not have granted the petition for *certiorari* filed by the People. This is so because “[c]ertiorari will issue only to correct errors of jurisdiction, and not errors or mistakes in the findings and conclusions of the trial court.”²⁹

The CA erred in granting the petition for certiorari; the grant of the Demurrer cannot be reversed without offending Raya and Borromeo’s constitutional right against double jeopardy

Article III, Section 21 of the 1987 Constitution provides that “[n]o person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.” This is what is otherwise known as the right against double jeopardy.

The right against double jeopardy was brought into the Philippine legal system by the Decision of the Supreme Court of the United States (SCOTUS) in *Kepner v. United States*³⁰ (*Kepner*). In the said case, the Supreme Court of the Philippines reversed a ruling of the court of first instance acquitting the accused therein of estafa. When the accused therein appealed to the SCOTUS, the SCOTUS reversed the ruling of the Supreme Court of the Philippines, holding that the principles of law in the United States which were deemed by then President William McKinley as necessary for the maintenance of individual freedom — which includes the right against double jeopardy — were brought to the Philippines by Congress’ act of passing the Philippine Bill of 1902. The SCOTUS explained:

When Congress came to pass the act of July 1, 1902, it enacted, almost in the language of the President’s instructions, the Bill of Rights of our Constitution. **In view of the expressed declaration of the President,**

²⁸ Id. at. 195-198, citing TSN dated September 23, 2014, pp. 14-16, 20-22, 24-25, and 32.

²⁹ *People v. Sandiganbayan*, 524 Phil. 496, 523 (2006).

³⁰ 195 U.S. 100 (1904).

followed by the action of Congress, both adopting, with little alteration, the provisions of the Bill of Rights, there would seem to be no room for argument that, in this form, **it was intended to carry to the Philippine Islands those principles of our Government which the President declared to be established as rules of law for the maintenance of individual freedom,** at the same time expressing regret that the inhabitants of the islands had not theretofore enjoyed their benefit.³¹ (Emphasis and underscoring supplied)

Kepner was the standing doctrine when the 1935 Constitution was being drafted. In the deliberations, efforts were exerted to reject *Kepner* and to change the wording of the constitutional provision such that the right against double jeopardy would be applicable only once the accused has been acquitted or convicted “by final judgment.”³² These efforts, however, were rejected.³³

Since then, the understanding of what the right against double jeopardy entails has remained the same even with the subsequent changes in the Constitution. Jurisprudence has provided that for the said right to attach, the following requisites must be present: (1) a valid indictment, (2) a court of competent jurisdiction, (3) the arraignment of the accused, (4) a valid plea entered by him, and (5) the acquittal or conviction of the accused, or the dismissal or termination of the case against him without his express consent.³⁴

To give life to the right against double jeopardy, the Court has, in numerous occasions, adhered to the finality-of-acquittal doctrine, which provides that “a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation.”³⁵ As the Court, in *People v. Court of Appeals and Francisco*,³⁶ explained:

As earlier mentioned[,] the circumstances of the case at bar call for a judicial inquiry on the permissibility of appeal after a verdict of acquittal in view of the constitutional guarantee against double jeopardy.

In our jurisdiction, the finality-of-acquittal doctrine as a safeguard against double jeopardy faithfully adheres to the principle first enunciated in *Kepner v. United States*. **In this case, verdicts of acquittal are to be regarded as absolutely final and irreviewable.** The cases of *United States v. Yam Tung Way*, *People v. Bringas*, *Gandicela v. Lutero*, *People v. Cabarles*, *People v. Bao*, to name a few, are illustrative cases. **The fundamental philosophy behind the constitutional proscription against double jeopardy is to afford the defendant, who has been acquitted, final repose and safeguard him from government oppression through**

³¹ *Id.* at 124.

³² The proposed wording was “No person shall be twice put in jeopardy of punishment for an offense upon which the final judgment has been rendered.”

³³ JOAQUIN G. BERNAS, S.J., *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* (2009 Edition), p. 589.

³⁴ *Condrada v. People*, 446 Phil. 635, 641 (2003).

³⁵ *Chiok v. People*, 774 Phil. 230, 248 (2015).

³⁶ 468 Phil. 1 (2004).

the abuse of criminal processes. As succinctly observed in *Green v. United States*[,] “(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that **the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense,** thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty.”³⁷ (Emphasis and underscoring supplied)

In *People v. Velasco*³⁸ (*Velasco*) the Court explained the rationale behind the finality-of-acquittal doctrine as follows:

x x x The fundamental philosophy highlighting the finality of an acquittal by the trial court cuts deep into “the humanity of the laws and in a **jealous watchfulness over the rights of the citizen, when brought in unequal contest with the State**” x x x Thus *Green* expressed the concern that “(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is **that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty.**”

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.³⁹ (Emphasis and underscoring supplied)

Thus, the finality-of-acquittal rule has the same *animus* as the right against double jeopardy. The existence of the doctrine finds its roots in guarding and freeing the individual, at some point, from the overwhelming powers of the State.

The finality-of-acquittal doctrine, of course, is not without exception. The finality-of-acquittal doctrine does not apply when the prosecution — the sovereign people, as represented by the State — was denied a fair opportunity to be heard. Simply put, the doctrine does not apply when the prosecution was denied its day in court — or simply, denied due process. As the Court explained in the case of *People v. Hernando*:⁴⁰

³⁷ Id. at 12-13.

³⁸ G.R. No. 127444, September 13, 2000, 340 SCRA 207.

³⁹ Id. at 240-241.

⁴⁰ 195 Phil. 21 (1981).

Notwithstanding, the error committed can no longer be rectified under the cardinal rule on double jeopardy. The judgment of acquittal in favor of an accused necessarily ends the case in which he is prosecuted and the same cannot be appealed nor reopened because of the doctrine that nobody may be put twice in jeopardy for the same offense. Respondents have been formally acquitted by respondent Court, albeit erroneously. That judgment of acquittal is a final verdict. Errors or irregularities, which do not render the proceedings a nullity, will not defeat a plea of *antrefois acquit*. **The proceedings in the Court below were not an absolute nullity as to render the judgment of acquittal null and void. The prosecution was not without the opportunity to present its evidence or even to rebut the testimony of Leonico Talingdan, the witness on new trial. It cannot be justifiably claimed, therefore, that the prosecution was deprived of its day in Court and denied due process of law, which would have rendered the judgment of acquittal a nullity and beyond the pale of a claim of double jeopardy.** What was committed by respondent Judge was a reversible error but which did not render the proceedings an absolute nullity.⁴¹ (Emphasis and underscoring supplied)

The foremost example of this denial of due process was the case of *Galman v. Sandiganbayan (Galman)*⁴² where, despite the acquittal of the several accused in the assassination of former Senator Benigno “Ninoy” Aquino, Jr., the Court declared that double jeopardy could not be invoked because the whole trial was a sham. The Court found that the trial “was but a mock trial where the authoritarian president ordered respondents Sandiganbayan and Tanodbayan to rig the trial and closely monitored the entire proceedings to assure the predetermined final outcome of acquittal and total absolution as innocent of all the respondents-accused.”⁴³

Due to the influence that the Executive exerted over the independence of the court trying the case, the Court ruled that the decision acquitting the accused issued in that case was issued in violation of the prosecution’s due process. For instance, the Court found that in the trial in the Sandiganbayan, there were, among others, (1) suppression of evidence, (2) harassment of witnesses, (3) deviation from the regular raffle procedure in the assignment of the case, (4) close monitoring and supervision of the Executive and its officials over the case, and (5) there were even secret meetings held between and among the President, the Presiding Justice of the Sandiganbayan, and the Tanodbayan. From the foregoing, the Court saw the trial to be a sham.

From these observations, the Court ruled in *Galman* that the right against double jeopardy, absolute as it ordinarily is, may be invoked only when there was a valid judgment terminating the first jeopardy. The Court explained that no right attaches from a void judgment, and hence the right against double jeopardy may not be invoked when the decision that “terminated” the first jeopardy was invalid and issued without jurisdiction.⁴⁴

⁴¹ Id. at 32.

⁴² 228 Phil. 42 (1986).

⁴³ Id. at 83.

⁴⁴ Id. at 90.

Another example where a judgment of acquittal was validly reversed by the Court was the case of *People v. Uy*⁴⁵ (*Uy*). In *Uy*, the two accused were acquitted by the trial court because one of them retracted his extrajudicial confession which was the main basis of the charge.⁴⁶ After one of the accused retracted the extrajudicial confession for having been made involuntarily, they filed separate demurrers to evidence.⁴⁷ The trial court subsequently granted the demurrers, concluding that the extrajudicial confession was not made voluntarily, and that, in any event, it was a fruit of the poisonous tree.⁴⁸ The People then questioned the grant of the demurrers and the resulting acquittals by a petition for *certiorari* before the Court.⁴⁹

The Court granted the petition for *certiorari* and reversed the acquittals.⁵⁰ It was clear from the decision, however, that the reason why the petition was granted was because the prosecution was effectively denied due process.⁵¹ The Court explained:

The trial court blindly accepted the claim of the defense that the confession was not made voluntarily on the basis of an affidavit executed by Panangin on July 1, 2002 or more than 5 months after his sworn statement-confession was given and after the prosecution rested its case, which affidavit Panangin was not even called to identify and affirm at the witness stand, hence, hearsay.

The decision of the trial court undoubtedly deprived the prosecution of due process as it was not given the opportunity to check the veracity of Panangin's alleged retraction.

It bears emphasis that the State, just like the accused, is entitled to due process.⁵²

The unique facts surrounding *Galman* — and other similar situations like *Uy* where the denial of due process on the part of the prosecution was so gross and palpable — is the limited area where an acquittal may be revisited through a petition for *certiorari*. As reiterated by the Court in the case of *Velasco*, “the doctrine that ‘double jeopardy may not be invoked after trial’ may apply only when the Court finds that the ‘criminal trial was a sham’ because the prosecution representing the sovereign people in the criminal case was denied due process.”⁵³

Verily, this means that not every error in the trial or evaluation of the evidence by the court in question that led to the acquittal of the accused would be reviewable by *certiorari*. Borrowing the words of the Court in *Republic v.*

⁴⁵ G.R. No. 158157, September 30, 2005, 471 SCRA 668.

⁴⁶ Id. at 677-678.

⁴⁷ Id.

⁴⁸ Id. at 678.

⁴⁹ Id. at 679.

⁵⁰ Id. at 681.

⁵¹ Id.

⁵² Id. at 681-682.

⁵³ *People v. Velasco*, supra note 38, at 239.

Ang Cho Kio,⁵⁴ “[n]o error, **however flagrant**, committed by the court against the state, can be reserved by it for decision by the [S]upreme [C]ourt when the defendant has once been placed in jeopardy and discharged, even though the discharge was the result of the error committed.”⁵⁵

Applying the foregoing in the present case, there is no doubt that the right against double jeopardy and the finality-of-acquittal doctrine may be invoked. Raya and Borromeo were indicted on the basis of a valid criminal information filed before an RTC which had jurisdiction over the offense. Both of them were also arraigned, and pleaded not guilty to the charge. They were also effectively acquitted after the RTC granted their Demurrer. In *Sanvicente v. People*,⁵⁶ the Court has categorically held that “once the court grants the demurrer, such order amounts to an acquittal and **any further prosecution of the accused would violate the constitutional proscription on double jeopardy.**”⁵⁷

The finality-of-acquittal rule thus applies, and it applies regardless of whether the Court, or any appellate court, believes that the particular accused should have been convicted. The Court, in *People v. Sandiganbayan*,⁵⁸ elucidated:

When a defendant has been acquitted of an offense, the clause guarantees that the State shall not be permitted to make repeated attempts to convict him, thereby subjecting him to embarrassment, expense, and ordeal, and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.

Thus, it is one of the elemental principles of criminal law that the government cannot secure a new trial by means of an appeal even though an acquittal may appear to be erroneous. That judgment of acquittal, however erroneous, bars further prosecution on any aspect of the count, and consequently, bars appellate review of the trial court's error. Unless grave abuse of discretion amounting to lack of jurisdiction is shown, the errors committed by the trial court in the exercise of its jurisdiction, or even the legal soundness of such decision, errors of judgment, mistakes in its findings and conclusions, are not proper subjects of appeal under Rule 45 of the Rules of Court.

An acquittal represents the factfinder's conclusion that, under the controlling legal principles, the evidence does not establish that defendant can be convicted of the offense charged in the indictment. An acquittal is a resolution, correct or not, some or all of the factual elements of the crime charged. For a ruling to be considered a functional acquittal, it must speak of the factual innocence of the accused. However, the judgment does not necessarily establish the criminal defendant's lack of criminal culpability. **The acquittal may result from erroneous evidentiary rulings or**

⁵⁴ 95 Phil. 475 (1954).

⁵⁵ Id. at 480. Emphasis and underscoring supplied.

⁵⁶ G.R. No. 132081, November 26, 2002, 392 SCRA 610.

⁵⁷ Id. at 615-616. Emphasis supplied.

⁵⁸ Supra note 29.

erroneous interpretations governing legal principles introduced by the defense, yet the Double Jeopardy Clause bars an appeal.

One other reason why further prosecution is barred to appeal an acquittal is that the government has already been afforded one complete opportunity to prove a case of the criminal defendant's culpability and, when it has failed for any reason to persuade the court not to enter a final judgment favorable to the accused, the constitutional policies underlying the ban against multiple trials become compelling. It matters not whether the final judgment constitutes a formal "acquittal." **What is critical is whether the accused obtained, after jeopardy attached, a favorable termination of the charges against him. If he did, no matter how erroneous the ruling, the policies embodied in the Double Jeopardy Clause require the conclusion that further proceedings devoted to the resolution of factual issues on the elements of the offense charged are barred.**

The public interest in the finality of criminal judgments is so strong that an acquitted defendant may not be retried even though the acquittal was based upon an egregiously erroneous foundation. **If the innocence of the accused has been confirmed by a final judgment, the Constitution conclusively presumes that a second trial would be unfair.** Because jeopardy attaches before the judgment becomes final, the constitutional protection also embraces the defendant's valued right to have his trial completed by a particular tribunal. Consequently, as a general rule, the prosecutor is entitled to one, and only one, opportunity to require an accused to stand trial. The reason is not that the first trial established the defendant's factual innocence, but rather that the second trial would present all the untoward consequences that the clause was designed to prevent. The government would be allowed to seek to persuade a second trier of the fact of the defendant's guilt, to strengthen any weaknesses in its first presentation, and to subject the defendant to the expense and anxiety of a second trial.⁵⁹ (Emphasis and underscoring supplied)

Therefore, even if, as shown above, the RTC clearly erred in acquitting Raya and Borrromeo by granting their Demurrer, the CA could not, and should not have, granted the petition for *certiorari* for this was in violation of their right against double jeopardy.

The grave abuses of discretion alleged by the People in its petition for *certiorari* constituted, in reality, mere errors of judgment or misapprehension of evidence which do not justify the issuance of the writ of *certiorari*. Ultimately, the CA erred in granting the petition for *certiorari* and reinstating the proceedings against Raya and Borrromeo.

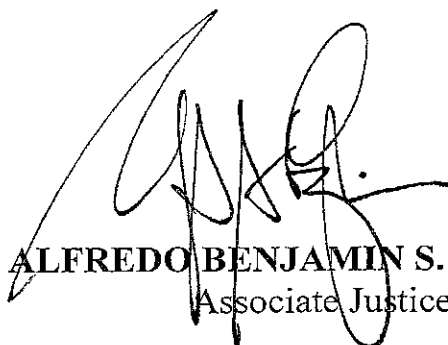
While the Court regrets that the wheels of justice were abruptly stopped by the grant of the Demurrer, the Court is constrained to uphold, as it affirmatively does, the primacy of the Constitutional rights of the two accused in this case.

⁵⁹ *Id.* at 520-522.



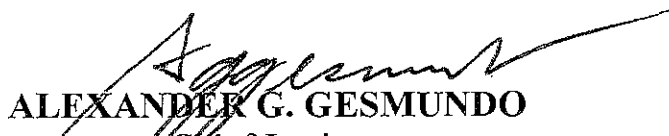
WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated October 19, 2017 and Resolution dated February 22, 2018 of the Court of Appeals in CA-G.R. SP No. 143270 are **REVERSED** and **SET ASIDE**, Accordingly, the Resolution dated October 5, 2015 of Regional Trial Court of Marikina City, Branch 263 in Criminal Case No. 2014-15716-MK, granting the demurrer of petitioners Marwin B. Raya and Shiela C. Borromeo and acquitting them of the crime charged is hereby **REINSTATED**. Let an entry of final judgment be issued immediately.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

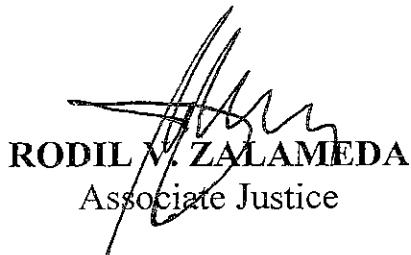
WE CONCUR:




ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



ROSLARI D. CARANDANG
Associate Justice



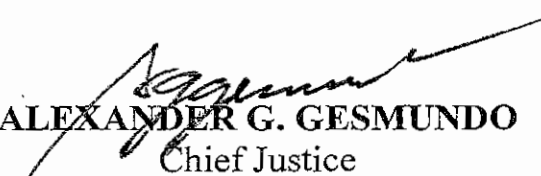
RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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

