



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 271427
PHILIPPINES,

Petitioner,

Present:

- VERSUS -

MA. LOURDES CANOY *y*
DELOS REYES,

Respondent.

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., * and
KHO, JR., JJ.

Promulgated:

MAY 19 2025

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DECISION

KHO, JR., J.:

This resolves the Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by the People of the Philippines, through the Office of the Solicitor General. The petition assails the Decision² dated May 12, 2023 and the Resolution³ dated November 30, 2023 of the Court of Appeals (CA) in CA-G.R. SP No. 10672-MIN, which denied the People's Petition for *Certiorari* under Rule 65 of the Rules of Court against the Decision⁴ dated August 6, 2021 of Branch [REDACTED], Regional Trial Court of [REDACTED], [REDACTED]

¹ On official business.

² *Rollo*, pp. 11-82.

³ *Id.* at 83-102. Penned by Associate Justice Lily V. Biton, with the concurrence of Associate Justices Ana Marie T. Mas and John Z. Lee, of the Twenty-Third Division of the Court of Appeals, Cagayan de Oro City.

⁴ *Id.* at 103-105.

⁴ Not attached to the *rollo*. See *id.* at 91-92.

[REDACTED] (RTC). According to the People, the RTC committed grave abuse of discretion in acquitting respondent Ma. Lourdes Canoy y Delos Reyes (Canoy) of (1) qualified trafficking punishable under Republic Act No. 9208,⁵ Sections 4(a)⁶ and 4(k)(2),⁷ in relation to Section 6(a) and (c), as amended;⁸ and (2) obscene publications and indecent shows and child abuse punishable under Republic Act No. 7610,⁹ Sections 9¹⁰ and 10(a),¹¹ respectively, in relation to Republic Act No. 10175.¹²

The Facts

Canoy was entrapped in an operation during which a police officer posed as a foreigner named “Brendon Daniels” (Daniels) seeking to view pornographic shows featuring children. Through online exchanges between Canoy and Daniels, Canoy offered three children, one of which is the son of her live-in partner by another woman. In her conversations with the police from August 6, 2018 to August 23, 2018, she detailed the sexual acts that the

⁵ Republic Act No. 9208 (2003), 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.

⁶ SEC. 4. *Acts of Trafficking in Persons.* — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;

⁷ (k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of buying and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

(2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;

⁸ Republic Act No. 10364 (2013), 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.”

⁹ Republic Act No. 7610 (1992), An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and For Other Purposes.

¹⁰ SECTION 9. *Obscene Publications and Indecent Shows.* — Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of *prision mayor* in its medium period.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of *prision mayor* in its medium period.

¹¹ SECTION 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child’s Development.* —

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child’s development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prision mayor* in its minimum period.

¹² Republic Act No. 10175 (2012), An Act Defining Cybercrime, Providing For The Prevention, Investigation, Suppression And The Imposition Of Penalties Therefor And For Other Purposes.

children would do in the live shows and how much she is charging for these shows. She also solicited amounts from the disguised police officer, ostensibly for the children's food and school expenses. Further, she sent photographs of the children who she allegedly intended to present in these explicit shows. She was apprehended on August 23, 2018.¹³

Consequently, Canoy was charged in three Informations¹⁴ for the crimes of: (1) child pornography under Republic Act No. 9775,¹⁵ Section 4(c),¹⁶ in relation to Republic Act No. 10175, Section 4(c)(2);¹⁷ (2) qualified trafficking; and (3) obscene publications and indecent shows and child abuse. The accusatory portions of these Informations read:

Criminal Case No. 18-21981
(Child Pornography)

That on or about August 23, 2018 or prior thereto, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously, through and with the use of the internet or information and communications technology, use, offer and/or provide [AAA],¹⁸ 12 years old, [BBB], 3 years old, and [CCC], 8 years old, to perform in the creation or production of any child pornography, that is by offering or providing them to engage in explicit sexual activities, as well as possessing, publishing, transmitting, selling, or promoting child pornography of other children with the use of information and communications technology, via the internet.

¹³ *Rollo*, pp. 85–90.

¹⁴ *Id.* at 20–22.

¹⁵ Republic Act No. 9775 (2009), An Act Defining The Crime Of Child Pornography, Prescribing Penalties Therefor And For Other Purposes.

¹⁶ SECTION 4. *Unlawful or Prohibited Acts.* — It shall be unlawful for any person:

(c) To publish, offer, transmit, sell, distribute, broadcast, advertise, promote, export or import any form of child pornography;

¹⁷ SECTION 4. *Cybercrime Offenses.* — The following acts constitute the offense of cybercrime punishable under this Act:

(c) Content-related Offenses:

(2) Child Pornography. — The unlawful or prohibited acts defined and punishable by Republic Act No. 9775 or the Anti-Child Pornography Act of 2009, committed through a computer system: *Provided*, That the penalty to be imposed shall be (1) one degree higher than that provided for in Republic Act No. 9775.

¹⁸ The identity of the victim, as well as those of her immediate family or household members, and/or the accused, or any information which could establish or compromise the victim's identity shall be withheld pursuant to RA 7610, entitled "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation And Discrimination, and for Other Purposes," approved on June 17, 1992; RA 9262, entitled "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014) [Per J. Perlas-Bernabe, Second Division], citing *People v. Lomaque*, 710 Phil. 338, 342 (2013) [Per J. Del Castillo, Second Division]. See also Amended Administrative Circular No. 83-2015, entitled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," dated September 5, 2017.

Contrary to and in violation of Sections 4 (a), (b), (c), of R.A. 9775 in relation to RA 10175.¹⁹

Criminal Case No. 18-21980
(Obscene Shows and Indecent Publications and Child Abuse)

That on or about August 23, 2018 or prior thereto, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully, and feloniously, commit acts of child abuse against [AAA], 12 years old, [BBB], 3 years old, and [CCC], 8 years old, by using, offering and providing them for the production of pornography or pornographic performance with the use of information and communications technology via the internet, which acts are prejudicial to the growth or development of these children.

Contrary to and in violation of Sections 9 and 10 (a) of R.A. 7610 in relation to RA 10175.²⁰

Criminal Case No. 18-22005
(Qualified Trafficking)

That on or about August 23, 2018 or prior thereto, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully, and feloniously, by means of deception, other forms of decision, or taking advantage of the vulnerability of [AAA], 12 years old, [BBB], 3 years old, and [CCC], 8 years old, offer or provide the said children for the purpose of sexual exploitation or for the production of pornography or pornographic performance in exchange of money or other consideration, that is by offering or providing them to engage in explicit sexual activities, with the use of information and communications technology, via the internet.

Contrary to and violation of Section 4 (a) and Section 4 (k) (2) in relation to Section 6 of R.A. 9208 as amended by R.A. 10364 in relation to RA 10175.²¹

The RTC Ruling

In a Decision²² dated August 6, 2021, the RTC convicted Canoy of child pornography, and sentenced her to *reclusion perpetua* with a fine of PHP 1,000,000.00. However, the RTC *acquitted her of qualified trafficking, obscene publications and indecent shows and child abuse*.²³ The RTC held that the prosecution failed to prove her guilt for these offenses beyond reasonable doubt. On the charge of child abuse, the RTC held that this offense is “necessarily included” in the offense of obscene publications and indecent

¹⁹ *Rollo*, pp. 20–21.

²⁰ *Id.* at 21.

²¹ *Id.* at 22.

²² Not attached to the *rollo*. See *rollo*, pp. 91–92 for the dispositive portion of the RTC Decision as quoted by the CA.

²³ *Rollo*, pp. 91–92.

shows; thus, the charge is “superfluous.”²⁴ Nevertheless, there is also reasonable doubt that she was guilty of the latter offense. On the charge of qualified trafficking, the RTC held that the prosecution failed to prove that Canoy trafficked the children and that the evidence only established that she sent their photographs to the police operative.²⁵

Before the CA, the State assailed the acquittals through a Rule 65 petition for *certiorari*.²⁶ There, the State argued that the RTC gravely erred in acquitting Canoy of qualified trafficking. The RTC allegedly grounded the acquittal on the fact that the children were not aware that they were being offered online for explicit shows. Knowledge or consent of the victim, the State asserted, is not an element of trafficking in persons.²⁷ Further, the RTC also allegedly committed grave abuse of discretion in acquitting Canoy of child abuse, under Section 10(a) of Republic Act No. 7610. According to the State, Canoy’s acquittal is based on the erroneous conclusion that the crime of child abuse under Section 10(a) is already covered by the act of offering children for indecent shows in Section 9 of the same law, which makes a Section 10(a) conviction superfluous. Finally, the State asserted that their evidence against Canoy already proved beyond reasonable doubt that she is guilty of all offenses.²⁸

The CA Ruling

In a Decision²⁹ dated May 12, 2023, the CA denied the petition. Preliminarily, the CA said that the State failed to show that the RTC, in issuing its judgment of acquittal, acted in a capricious, whimsical, arbitrary or despotic manner. The State’s argument on the misapprehension of the evidence by the RTC shows only an error in judgment, and not jurisdiction. As such, the CA held that it may not modify, revisit, nor reverse the RTC’s decision lest it violate Canoy’s right against double jeopardy.³⁰

The State moved for reconsideration, which the CA denied in a Resolution³¹ dated November 30, 2023. Hence, this Rule 45 Petition.

After filing the petition, the State manifested that Canoy appealed her conviction for child pornography.³²

²⁴ *Id.* at 42.

²⁵ *Id.* at 40–41.

²⁶ Not attached to the *rollo*.

²⁷ *Rollo*, pp. 40–41.

²⁸ *Id.* at 75.

²⁹ *Id.* at 83–102.

³⁰ *Id.* at 93–101.

³¹ *Id.* at 103–105.

³² *Id.* at 107–110.

The Issue Before the Court

For the Court's resolution is whether the CA erred in denying the petition for *certiorari* against a judgment of acquittal.

In arguing for the reversal of the CA Decision, the petition asserts that Canoy is not placed in double jeopardy because the RTC Decision is tainted with grave abuse of discretion, which is grounded on the RTC's gross misapprehension of the evidence presented, on the strength of which Canoy should have been convicted of all the offenses charged. The RTC also allegedly misapplied the laws governing the offenses charged.³³

On the offense of qualified trafficking, the petition argues that the RTC gravely abused its discretion when it ruled that no trafficking took place as it was not proven that Canoy intended to offer the children to Daniels. To the RTC, the lack of knowledge on the part of the victims that they were being offered to perform in explicit shows bolsters the fact that no trafficking took place and that Canoy was only guilty of sending their explicit photographs online.³⁴

On the offenses of obscene publications and indecent shows *and* child abuse under Sections 9 and 10(a) of Republic Act No. 7610, the RTC allegedly gravely abused its discretion when it held that the offense in Section 10(a) (Child Abuse) is "already included" in Section 9 (Obscene Publications and Indecent Shows), rendering the charge of child abuse "superfluous." The petition argues that Section 10(a) provides an offense that is separate and distinct from the offense in Section 9.³⁵

The Court's Ruling

The petition is without merit.

The Court notes that, as the State manifested, Canoy appealed her conviction for child pornography before the CA.³⁶ Thus, the Court will not, as it cannot resolve the arguments in this petition addressing her conviction, such as the propriety of the RTC's order of the payment of a fine to one of the victims and Canoy's civil liability for the offense.³⁷

The instant controversy revolves around the RTC's acquittal of Canoy of qualified trafficking, obscene publications and indecent shows, and child

³³ *Id.* at 33–40.

³⁴ *Id.* at 40–41.

³⁵ *Id.* at 44–46.

³⁶ *Id.* at 93–101.

³⁷ *Id.* at 65–73.

abuse. Generally, reexamining these acquittals would violate her constitutionally guaranteed right against double jeopardy.³⁸ To uphold this safeguard, the Court has consistently held that a verdict of acquittal is immediately final and that a review of the merits of an acquittal places the accused in double jeopardy.³⁹ This is known as the *finality-of-acquittal rule*.

The petition asserts that there are two “recognized” exceptions to the proscription on double jeopardy: (1) grave abuse of discretion and (2) denial of a party’s due process rights.⁴⁰ The present case is allegedly exempted from the finality-of-acquittal rule on the ground of grave abuse of discretion, which comes in the form of the RTC’s alleged misapprehension of the evidence on record, and its purported misunderstanding and misapplication of the law.

The Court disagrees.

In *Raya v. People*,⁴¹ the Court explained that the finality-of-acquittal rule does not apply when the State, acting through the prosecution, was denied a fair opportunity to be heard. Citing *Republic v. Ang Cho Kio*,⁴² the Court stressed that “[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.”⁴³

In *Sanvicente v. People*,⁴⁴ the Court held that double jeopardy will *not* attach when the trial court acted with grave abuse of discretion. It was quick to add, however, that in cases involving double jeopardy, there is grave abuse of discretion when *the prosecution was denied the opportunity to present its case, or the trial was a sham*. In fact, the Court stressed that an appeal from an acquittal based on *alleged misappreciation of the evidence* will not lie.⁴⁵

In *People v. Sandiganbayan*,⁴⁶ the Court dismissed a petition assailing a judgment of acquittal, stating that the petitioner failed to establish that the “dismissal order was tainted with grave abuse of discretion such as the denial of the prosecution’s right to due process or the conduct of a sham trial.” The Court also held that “even if the Sandiganbayan proceeded from an erroneous

³⁸ CONST., art. II, sec. 21.

³⁹ *Rebuta v. People*, G.R. No. 246306, July 26, 2023 [Per J. Inting, Third Division], *citing Cawan v. People*, G.R. No. 206334 (Notice), November 17, 2021, *citing People v. Serrano, Sr.*, 374 Phil. 302 (1999) [Per J. Pardo, First Division].

⁴⁰ *Rollo*, p. 34.

⁴¹ 902 Phil. 141 (2021) [Per J. Caguioa, First Division].

⁴² 95 Phil. 475 (1954) [Per J. Pablo, *En Banc*].

⁴³ Emphasis in the original.

⁴⁴ 441 Phil. 139 (2002) [Per J. Ynares-Santiago, First Division].

⁴⁵ *Id.* at 147.

⁴⁶ 661 Phil. 350 (2011) [Per J. Del Castillo, First Division].

interpretation of the law and its implementing rules, the error committed was an error of judgment and not of jurisdiction.”⁴⁷

From the foregoing, it is clear that, as the Court held in *Raya*, a judgment of acquittal may only be reversed within the “limited area” where the prosecution’s due process rights are violated. Stated otherwise, contrary to the petition’s assertion, *grave abuse of discretion* and *denial of due process rights* are not separate exceptions to the finality-of-acquittal rule; rather, the denial of the State’s due process rights is the *specific form of grave abuse of discretion* that would justify the review of an acquittal.

The petition also argues that the CA violated the State’s right to due process when it did not rule on the other issues raised regarding the RTC’s errors in the application of law and appreciation of evidence.⁴⁸ The CA allegedly violated its “constitutional duty to give the People due process on why its petition was denied. For, absent any distinct or specific explanation for the denial of its petition and how the [CA] reviewed the main issues brought before it, the People is left blind on the reasons for its denial.”⁴⁹

The error in this argument is two-fold. *First*, the State appears to impress upon the Court that apart from grave abuse of discretion, there is also denial of due process in this case, which should exempt it from the finality-of-acquittal rule. However, case law is clear that, to properly constitute an exception to the rule, *it is the trial court handing down a judgment of acquittal that violates the prosecution’s due process rights*, such that the trial of the accused was a sham, or the prosecution was denied the opportunity to controvert or check the veracity of the evidence presented.

In *Galman v. Sandiganbayan*,⁵⁰ the Court reversed several acquittals in connection with the assassination of Senator Benigno Aquino, Jr. on the ground that the proceedings before the trial court were 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.” In *People v. Uy*,⁵¹ the Court reversed the trial court’s granting of demurrers to evidence because the trial court deprived the prosecution of due process when it did not allow the latter an opportunity to verify the alleged retraction of one of the accused.

Notably in this case, the State did not argue that the RTC deprived the prosecution of due process because it could not do so. It appears from the

⁴⁷ *Id.* at 358–359.

⁴⁸ *Rollo*, pp. 74–75.

⁴⁹ *Id.*

⁵⁰ 228 Phil. 42 (1986) [Per CJ. Teehankee, *En Banc*].

⁵¹ 508 Phil. 637, 650–651 (2005) [Per J. Carpio Morales, Third Division].

CA's discussion that the trial court conducted a full-blown trial, with both prosecution and defense presenting their respective evidence.⁵² The exception of denial of process, simply put, is not present here.

Second, the CA did not violate the State's due process rights when it no longer resolved the issues raised in the petition for *certiorari* concerning the errors in the RTC's decision. The CA correctly stayed its hand from conducting a review of the judgment precisely because the finality-of-acquittal rule prevents it from doing so. Contrary to the State's assertion, the CA lucidly explained why reviewing, let alone reversing, the acquittal in this case violates Canoy's constitutional right against double jeopardy. In doing so, the CA provided legal bases rooted in constitutional and jurisprudential principles.

The Court knows too well the gravity of the offenses charged in this case. However, the seriousness of these charges, and whether the Court believes that the accused is guilty of these crimes do not prevent the applicability of the rule respecting the finality of judgments of acquittal.⁵³ Where the exceptions for its application are not present, the Court must respect the rule and the accused's constitutional "right to repose as a direct consequence of the finality of [their] acquittal."⁵⁴ In *People v. Velasco*,⁵⁵ as cited in the recent case of *Rebuta v. People*,⁵⁶ the Court held:

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. [. . .]*" 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

⁵² *Rollo*, pp. 85–91.

⁵³ *Raya v. People*, 902 Phil. 141, 159 (2021) [Per J. Caguioa, First Division].

⁵⁴ *People v. Velasco*, 394 Phil. 517 (2000) [Per J. Bellosillo, *En Banc*].

⁵⁵ 394 Phil. 517 (2000) [Per J. Bellosillo, *En Banc*].

⁵⁶ 944 Phil. 634 (2023) [Per J. Inting, Third Division].

innocence rests upon a jury's leniency, will not be found guilty in a subsequent proceeding.⁵⁷ (Emphasis supplied)

ACCORDINGLY, the Petition is **DENIED**. The Decision dated May 12, 2023 and the Resolution dated November 30, 2023 of the Court of Appeals in CA-G.R. SP No. 10672-MIN, affirming the acquittal of accused Ma. Lourdes Canoy y Delos Reyes of qualified trafficking punishable under Republic Act No. 9208, Sections 4(a) and 4(k)(2), in relation to Section 6, as amended; and obscene publications and indecent shows and child abuse punishable under Republic Act No. 7610, Sections 9 and 10(a), respectively, in relation to Republic Act No. 10175 are **AFFIRMED**.

SO ORDERED.



ANTONIO T. KHO, JR.

Associate Justice

WE CONCUR:



su separata opinio



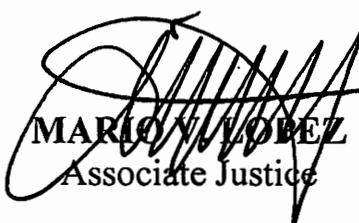
MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER

Associate Justice



JHOSEP Y. LOPEZ

Associate Justice

On official business

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 M.V.F. LEONEN

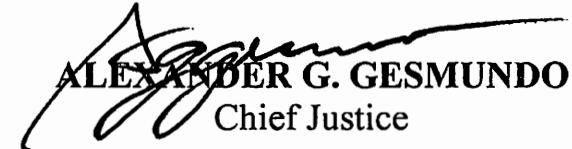
Senior Associate Justice

Chairperson, Second Division

⁵⁷ 394 Phil. 517, 555-556 (2000) [Per J. Bellosillo, *En Banc*].

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 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