

## SECOND DIVISION

G.R. No. 271427 – PEOPLE OF THE PHILIPPINES, Petitioner, v. MA. LOURDES CANOY y DELOS REYES, Respondents.

Promulgated:

MAY 19 2025

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## CONCURRING OPINION

LEONEN, J.:

I concur with the *ponencia*.

Article III, Section 21 of the 1987 Philippine Constitution provides that “[n]o person shall be twice put in jeopardy of punishment for the same offense.”<sup>1</sup>

This Court has held in several cases that “once a demurrer to evidence has been granted in a criminal case, the grant amounts to an acquittal, and any further prosecution for the same offense would violate Article III, Section 21 of the Constitution.”<sup>2</sup>

In *Rebuta v. People*,<sup>3</sup> this Court stressed that the general rule is that “the prosecution cannot appeal or bring as an error the proceedings from a judgment rendered in favor of the defendant in a criminal case due to the final and executory nature of a judgment of acquittal and the constitutional prohibition against double jeopardy.”<sup>4</sup>

However, this general rule is subject to exceptions. As I pointed out in my separate opinion in *People v. Sandiganbayan*,<sup>5</sup> the exception lies when the “lower court, in acquitting the accused, committed not merely reversible errors of judgment but also grave abuse of discretion amounting to lack or excess of jurisdiction or a denial of due process, thus rendering the assailed judgment void.”<sup>6</sup>

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<sup>1</sup> CONST., art. III, sec. 21.

<sup>2</sup> *People v. Sandiganbayan (Fourth Division)*, 900 Phil. 251 (2021) [Per J. Leonen, Third Division].

<sup>3</sup> 944 Phil. 634 (2023) [Per J. Inting, Third Division].

<sup>4</sup> *Id.* at 649–650.

<sup>5</sup> J. Leonen’s Separate Opinion in *People v. Sandiganbayan*, 863 Phil. 563 (2019) [Per J. Peralta, Third Division] citing *People v. Uy*, 508 Phil. 637 (2005) [Per J. Carpio Morales, Third Division].

<sup>6</sup> *Id.* at 568.

The jurisprudentially recognized circumstances, then, that fall under the exception, as pointed out by this Court in *Cogasi v. People*<sup>7</sup> are when the prosecution is “denied the opportunity to present evidence or where the trial is sham or when there is a mistrial[.]”<sup>8</sup>

As further illustrated in *Cogasi*,

[a]n example of an exception to the finality-of-acquittal rule is the case of *Galman v. Sandiganbayan* 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 [Court of Appeals] to take cognizance of the certiorari petition, private respondents and the prosecution must have clearly demonstrated that the [Regional Trial Court] blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.<sup>9</sup> (Emphasis supplied, citations omitted)

In this case, the *ponencia* correctly ruled that the prosecution failed to establish that any of the above-mentioned circumstances exist.

As the *ponencia* pointed out, the State “did not argue that the [trial court] deprived the prosecution of due process because it could not do so. It appears from the [Court of Appeal]’s discussion that the trial court conducted a full-blown trial, with both prosecution and defense presenting their respective evidence.”<sup>10</sup>

As the *ponencia* also stresses, and to which I agree with, 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.”<sup>11</sup> Where the exceptions to the rule on double jeopardy are non-existent, the Court must respect the general rule and the “accused’s constitutional ‘right to repose as a direct consequence of the finality of [their] acquittal.’”<sup>12</sup>

To echo my dissenting opinion in *Manalo v. People*,<sup>13</sup> the “proscription against double jeopardy is one of the fundamental rights enshrined in our

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<sup>7</sup> 909 Phil. 660 (2021) [Per J. Carandang, Third Division].

<sup>8</sup> *Id.* at 668.

<sup>9</sup> *Id.*

<sup>10</sup> *Ponencia*, p. 8.

<sup>11</sup> *Id.* at 9.

<sup>12</sup> *Id.* citing *People v. Velasco*, 394 Phil. 517 (2000) [Per J. Bellosillo, *En Banc*].

<sup>13</sup> J. Leonen’s dissenting opinion in *Manalo v. People*, G.R. No. 265585, April 15, 2024 [Per J. Lopez, Second Division].

Constitution which shields the accused not from the danger of a second punishment but from being prosecuted for the same offense.”<sup>14</sup> Indeed, as this Court in *Cogasi* stated, it is “immaterial whether the [Regional Trial Court] 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 [Regional Trial Court] acquitted them.”<sup>15</sup>

**ACCORDINGLY**, I vote to **DENY** the Petition.



MARVIC M.V.F. LEONEN  
Senior Associate Justice

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<sup>14</sup> *Id.*

<sup>15</sup> 909 Phil. 660, 669 (2021) [Per J. Carandang, Third Division].