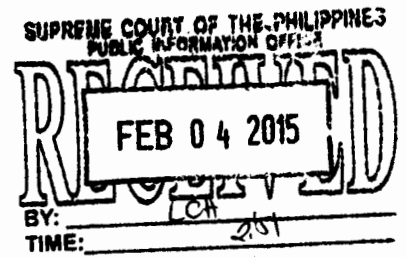




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION
NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 3, 2014** which reads as follows:*

“G.R. No. 198199 (*People of the Philippines v. Hon. Sandiganbayan, Francisco S. Senot, and Florante M. Cruz*).— This Petition for Certiorari under Rule 65 of the Rules of Court alleges grave abuse of discretion against the Sandiganbayan in issuing its Decision¹ dated 7 July 2011. Private respondents Francisco Senot and Florante Cruz, then Chief of the Bureau of Fire Protection (BFP) and Chief of the BFP Finance Service Unit, respectively, were charged before the said court with violation of Section 3(e) of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act.

FACTS OF THE CASE

Danilo Dizon, Renato Molina, and Nelson Feliciano, employees of BFP, testified that respondents prevailed upon them to sign a Certificate of Wear and Tear, a Requisition and Issue Voucher, a Work Order, and other reports certifying to the necessity and availability of funds for the repair of an Isuzu Elf vehicle used by their office. Senot approved Disbursement Voucher No. 101-2001-07-5269, which facilitated the issuance of a Land Bank check dated 30 July 2001 in the amount of ₱67,098.91². This check was subsequently signed and encashed by Senot and Cruz. However, no such repair was undertaken, as none was necessary.

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¹ In Criminal Case No. 28239, penned by Associate Justice Maria Cristina J. Cornejo and concurred in by Associate Justices Gregory S. Ong and Jose R. Hernandez, *rollo*, pp. 31-47.

² Petition; *Id.* at. 8.

According to Feliciano, who was the Chief of the Procurement Office at BFP, the proper procedure for the procurement of services starts with a request to be submitted by the end user to the Logistics Division, which then canvasses three accredited suppliers. Upon approval from Senot, the Assistant Chief Directorial Staff (ACDS) for Comptrollership issues an Advice of Sub-Allotment to be sent back to the Procurement Office. Sometime in August 2001, Feliciano was asked to sign a Work Order for the repair of the Isuzu Elf. He refused, for the reason that the attached documents did not emanate from their office. He was then confronted on separate occasions by Cruz and Senot, who threatened to dismiss him from service or assign him to Mindanao unless he signed the papers.³

Cruz denied the allegations, stating that his participation in the process was limited to the issuance of the check; and that, in fact, not all the supporting documents were necessarily shown to him.⁴ Senot claims that the testimonies were fabricated by complainants, because they resented being transferred to different BFP regions.⁵

THE RULING OF THE SANDIGANBAYAN

The Sandiganbayan found respondents not guilty of violating paragraph 3(e) of Republic Act (R.A.) No. 3019, stating that the document evidencing availability of funds for the repair appeared to be in order and were in fact certified correct by the Comptrollership Division. Thus, it no longer saw fit to discuss whether there was manifest partiality, evident bad faith, or gross inexcusable negligence.⁶

The sole issue raised by petitioner is whether or not the Sandiganbayan committed grave abuse of discretion in acquitting Senot and Cruz of the crime of violation of paragraph 3(e) of R.A. No. 3019 or causing undue injury to the government through manifest partiality, evident bad faith, or gross inexcusable negligence.

OUR RULING

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³ TSN, 10 February 2010, p. 16, as cited in the Sandiganbayan Decision; *rollo*, p. 36.

⁴ TSN, 5 August 2010, p. 36, as cited in the Sandiganbayan Decision; *id.* at 38.

⁵ TSN, 21 September 2010, p. 37, as cited in the Sandiganbayan Decision; *id.* at 42.

⁶ Sandiganbayan Decision, p. 15; *id.* at 45.

At the outset, the Court affirms the Sandiganbayan's Decision of acquittal only because reversing it would violate the constitutional prohibition against double jeopardy.⁷ If the Special Prosecutor's petition were to be granted, this would be a very rare exception to the constitutional and procedural guarantee against double jeopardy. However, has there been such a despotic and whimsical abuse of discretion to warrant such an exception? Recent jurisprudence has only applied this exception once in a mistrial by a "kangaroo court" in *Galman v. Sandiganbayan*.⁸

As recently held in *People v. Webb (Webb)*:⁹

But the government proved in *Galman* that the prosecution was deprived of due process since the judgment of acquittal in that case was "dictated, coerced and scripted." It was a sham trial. Here, however, Vizconde does not allege that the Court held a sham review of the decision of the CA. He has made out no case that the Court held a phony deliberation in this case such that the seven Justices who voted to acquit the accused, the four who dissented, and the four who inhibited themselves did not really go through the process.

Ultimately, what the complainant actually questions is the Court's appreciation of the evidence and assessment of the prosecution witnesses' credibility. He ascribes grave error on the Court's finding that Alfaro was not a credible witness and assails the value assigned by the Court to the evidence of the defense. In other words, private complainant wants the Court to review the evidence anew and render another judgment based on such a re-evaluation. This is not constitutionally allowed as it is merely a repeated attempt to secure Webb, *et al*'s conviction. The judgment acquitting Webb, *et al* is final and can no longer be disturbed.

Similarly, the Court held in *People v. Court of Appeals and Maquiling*¹⁰ that:

(w)hile *certiorari* may be used to correct an abusive acquittal, the petitioner in such extraordinary proceeding must clearly demonstrate that the lower court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice. On the other hand, if the petition, regardless of its nomenclature, merely calls for an ordinary review of the findings of the court *a quo*, the constitutional right against double jeopardy would be violated. Such recourse is tantamount to converting the petition for *certiorari* into an appeal, contrary to the express injunction of the Constitution, the Rules of Court and prevailing jurisprudence on double jeopardy.

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⁷ Art. III, Sec. 21. No 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.

⁸ G.R. No. 72670, 12 September 1976; 144 SCRA 43.

⁹ G.R. No. 176864, 18 January 2011.

¹⁰ G.R. No. 128986, 21 June 1999.

While the constitutional requirement that “no decision shall be rendered by any court without expressing therein clearly and distinctly the facts on which it is based”¹¹ may have been violated in the present case, it still does not trump the constitutional right of the accused not to “be twice put in jeopardy of punishment for the same offense.”¹² As the Court ruled in *Webb*:¹³

There is reason for this provision of the Constitution. In criminal cases, the full power of the State is ranged against the accused. If there is no limit to attempts to prosecute the accused for the same offense after he has been acquitted, the infinite power and capacity of the State for a sustained and repeated litigation would eventually overwhelm the accused in terms of resources, stamina, and the will to fight.


The Sandiganbayan’s alleged failure to properly scrutinize documentary exhibits and the apparent inadequacy of its *ponencia* do not constitute grave abuse of discretion enough to remove the accused from the protection against double jeopardy and to grant the relief prayed for. Furthermore, unlike in *Galman*, the Special Prosecutor does not only call for the nullification of the proceedings but a reversal of the verdict, i.e. that the accused be found guilty beyond reasonable doubt of the crime charged. The prayer is incompatible with the arguments propounded.

Finally, we consistently remind the Sandiganbayan and all lower courts to consciously abide by the constitutional mandate that “no decision shall be rendered by any court without expressing therein clearly and distinctly the facts on which it is based.”

WHEREFORE, herein Petition is **DENIED**, and the Decision of the Sandiganbayan dated 7 July 2011 in Criminal Case No. 28239, which acquitted respondents of the crime of violation of Section 3(e) of Republic Act No. 3019, is hereby **AFFIRMED**.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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¹¹ CONSTITUTION, Art. VIII, Sec. 14.

¹² CONSTITUTION, Art. III, Sec. 21.

¹³ *Supra* note 9.

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