

## THIRD DIVISION

[ G.R. No. 140633, February 04, 2002 ]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. THE  
SANDIGANBAYAN (FOURTH DIVISION) AND GERONIMO Z.  
VELASCO, RESPONDENTS.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

Assailed in the instant petition for certiorari<sup>[1]</sup> is the Resolution dated October 11, 1999 of public respondent Sandiganbayan (Fourth Division) in Criminal Case No. 13006 (*People of the Philippines v. Geronimo Z. Velasco*) granting the Demurrer to Evidence filed by the accused and dismissing the said criminal case for insufficiency of evidence.

The Information filed by the Presidential Commission on Good Government (PCGG) against Geronimo Velasco, then Minister of Energy, for violation of Section 3(e) of Republic Act No. 3019 (*The Anti-Graft and Corrupt Practices Act*), as amended, reads:

“That on or about and during the period from 1977 to 1986, in Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the Minister of Energy and Chairman of the Board and President of the Philippine National Oil Company (PNOC), a government owned and controlled corporation, did then and there deliberately and unlawfully, in evident bad faith and shameless abuse of his administrative official function and power as such Minister of Energy and PNOC President and Chairman of the Board, spend funds and utilize equipment and personnel of PNOC and its subsidiaries at a total cost to PNOC of P3,032,993.00 in the construction and maintenance of his own Telin Beach Resort located at Bagac, Bataan, Philippines, managed by Telin Development Corporation and owned by Gervel, Inc., a corporation wholly owned by said accused, thereby giving himself unwarranted benefits and causing undue injury to PNOC, to the damage and prejudice of the government in the aforesaid amount of P3,032,993.00, Philippine Currency.

CONTRARY TO LAW.”<sup>[2]</sup>

Upon arraignment, Velasco pleaded not guilty.

After the prosecution rested its case, the accused filed, with leave of court, a Demurrer to Evidence<sup>[3]</sup> on the ground of insufficiency of evidence. However, it was denied by the Sandiganbayan.

Velasco filed a Motion for Reconsideration which was granted by the Sandiganbayan in its Resolution dated October 11, 1999. Consequently, the case was dismissed for insufficiency of evidence.

Hence the present petition.

Petitioner contends that respondent Sandiganbayan committed grave abuse of discretion, amounting to lack or excess of jurisdiction, when it granted respondent Velasco's motion for reconsideration and dismissed Criminal Case No. 13006. According to petitioner, respondent Velasco cannot invoke the rule on double jeopardy since the assailed Resolution is null and void for failure of the Sandiganbayan to state therein a summary of the facts proved by the prosecution's evidence, in violation of Section 14 (1), Article VIII of the 1987 Constitution,<sup>[4]</sup> and Section 7 of P. D. No. 1606,<sup>[5]</sup> as amended, and Section 2, Rule 120 of the Rules on Criminal Procedure.<sup>[6]</sup>

The petition has no merit.

Under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, the trial court may dismiss the action on the ground of insufficiency of evidence upon a demurrer to evidence filed by the accused with or without leave of court. Thus, in resolving the accused's demurrer to evidence, the court is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or support a verdict of guilt.<sup>[7]</sup> The grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of a grave abuse of discretion.<sup>[8]</sup> Significantly, 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.<sup>[9]</sup> This constitutes an exception to the rule that the dismissal of a criminal case made with the express consent of the accused or upon his own motion bars a plea of double jeopardy.<sup>[10]</sup>

In *People v. Velasco*,<sup>[11]</sup> this Court had the opportunity to stress the finality-of-acquittal rule, thus:

"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."

Such is the magnitude of the accused's right against double jeopardy that even an appeal based on an alleged misappreciation of evidence by the trial court will not lie. [12] The only instance when double jeopardy will not attach is when the trial court acted with grave abuse of discretion amounting to lack or excess of jurisdiction due to a violation of due process, i.e., that the prosecution was denied the opportunity to present its case, as in *Gorion v. Regional Trial Court of Cebu, Br. 17*, [13] *People v. Bocar*, [14] *Portugal v. Reantaso*, [15] *People v. Albano*, [16] *Saldana v. Court of Appeals*, [17] *People v. Court of Appeals*, [18] or that the trial was a sham, as in *Galman v. Sandiganbayan*. [19] However, while certiorari may be resorted to cure an abusive acquittal, the petitioner in such extraordinary proceeding must clearly demonstrate that the trial court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice. [20]

Here, respondent Velasco filed his demurrer to evidence after the prosecution adduced its evidence and rested its case. Obviously, petitioner was not deprived of its right to due process. Thus, respondent Velasco's plea of double jeopardy must be upheld.

Section 14 (1), Article VIII of the 1987 Constitution provides that "(n)o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based." One of the purposes of the constitutional requirement is to assure the parties that the judge arrived at his decision through the processes of legal and factual reasoning. Thus, it is a shield against the impetuosity of the judge, preventing him from deciding by *ipse dixit*. [21] Vouchsafed neither the sword nor the purse by the Constitution but nonetheless vested with the sovereign prerogative of passing judgment on the life, liberty or property of his fellowmen, the judge must ultimately depend on the power of reason for sustained public confidence in the justness of his decision. [22]

A careful review of the assailed Resolution shows that respondent Sandiganbayan painstakingly and exhaustively passed upon, considered and evaluated the evidence, both documentary and testimonial, adduced by the prosecution. It likewise cited factual and legal bases for its conclusions, thus:

"The Information charges the accused with having by himself committed the offense, without any allegations that he has conspired with others in doing so. Moreover, that the accused committed the offense "in evident bad faith" is the sole mode or means of commission alleged. Perforce, it was incumbent upon the prosecution to adduce evidence that the accused directly and personally committed the crime charged through "evident bad faith."