CRIMINAL PROCEDURE

Post-Midterms

RULE 115: Rights of the Accused

1. People of the Philippines v. Surio (2002, *en banc*)
    a. **PROOF BEYOND REASONABLE DOUBT**. In every criminal prosecution, the guilt of the accused must be established by proof beyond reasonable doubt in order to warrant a conviction. Proof beyond reasonable doubt is that degree of proof which produces conviction in an unprejudiced mind. It is not the absolute certainty of guilt but only a moral certainty as to the presence of the elements constituting the offense, as well as the identity of the offender.
2. People of the Philippines v. Navarro (2007)
    a. **EQUIPOISE RULE**. If the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty, and does not suffice to produce a conviction.
3. People of the Philippines v. Nuelan (2001, *en banc*)
    a. **ARRAIGNMENT; PURPOSE**. Arraignment is a formal procedure in a criminal prosecution "to afford an accused due process." An arraignment is the means of implementing the constitutional right of an accused to be informed of the nature and cause of the accusation against him. Actual arraignment is an element of due process. It is imperative that the accused is thus made fully aware of possible loss of freedom, even of his life, depending on the nature of the crime imputed to him. Procedural due process requires that the accused be arraigned so that he may be informed as to why he was indicted and what penal offense he has to face, to be convicted only on a showing that his guilt is shown beyond reasonable doubt with full opportunity to disprove the evidence against him.
4. Bustillo v. People of the Philippines (2021)
    a. **OBJECTIVES OF ARRAINGMENT**. The right to be informed of the nature and cause of the accusation against an accused has the following objectives: (1) to furnish the accused with a description of the charge against him which will enable him to make a defense; (2) to avail himself of conviction or acquittal for protection against further prosecution for the same cause; and (3) to inform the court of the facts

alleged, so that it may decide whether they are sufficient in law to support a conviction, if warranted.

5. Patula v. People of the Philippines (2012)
    a. **PROSECUTION HAS THE BURDEN OF PROOF**. In all criminal prosecutions, the Prosecution bears the burden to establish the guilt of the accused beyond reasonable doubt. In discharging this burden, the Prosecution's duty is to prove each and every element of the crime charged in the information to warrant a finding of guilt for that crime or for any other crime necessarily included therein. The Prosecution must further prove the participation of the accused in the commission of the offense. In doing all these, the Prosecution must rely on the strength of its own evidence, and not anchor its success upon the weakness of the evidence of the accused. The burden of proof placed on the Prosecution arises from the presumption of innocence in favor of the accused that no less than the Constitution has guaranteed. Conversely, as to his innocence, the accused has no burden of proof, that he must then be acquitted and set free should the Prosecution not overcome the presumption of innocence in his favor. In other words, the weakness of the defense put up by the accused is inconsequential in the proceedings for as long as the Prosecution has not discharged its burden of proof in establishing the commission of the crime charged and in identifying the accused as the malefactor responsible for it.
6. People of the Philippines v. Pangilinan (2011)
    a. **RIGHT TO BE INFORMED CANNOT BE WAIVED**. The right to be informed of the nature and cause of the accusation against an accused cannot be waived for reasons of public policy. Hence, it is imperative that the complaint or information filed against the accused be complete to meet its objectives. As such, an indictment must fully state the elements of the specific offense alleged to have been committed.
7. Rosete v. Lim (2006)
    a. **RIGHT AGAINST SELF-INCRIMINATION**. The right against self-incrimination is accorded to every person who gives evidence, whether voluntary or under compulsion of subpoena, in any civil, criminal or administrative proceeding. The right is not to be compelled to be a witness against himself. It secures to a witness, whether he be a party or not, the right to refuse to answer any particular incriminatory

question, *i.e.,* one the answer to which has a tendency to incriminate him for some crime. However, the right can be claimed only when the specific question, incriminatory in character, is actually put to the witness. It cannot be claimed at any other time. It does not give a witness the right to disregard a subpoena, decline to appear before the court at the time appointed, or to refuse to testify altogether. The witness receiving a subpoena must obey it, appear as required, take the stand, be sworn and answer questions. It is only when a particular question is addressed to which may incriminate himself for some offense that he may refuse to answer on the strength of the constitutional guaranty.

b. **ID; ACCUSED CANNOT BE COMPELLED TO TAKE THE WITNESS STAND**. The right of the defendant in a criminal case "to be exempt from being a witness against himself" signifies that he cannot be compelled to testify or produce evidence in the criminal case in which he is the accused, or one of the accused. He cannot be compelled to do so even by subpoena or other process or order of the Court. He cannot be required to be a witness either for the prosecution, or for a co-accused, or even for himself. In other words - unlike an ordinary witness (or a party in a civil action) who may be compelled to testify by subpoena, having only the right to refuse to answer a particular incriminatory question at the time it is put to him - the defendant in a criminal action can refuse to testify altogether. He can refuse to take the witness stand, be sworn, answer any question.

8. People of the Philippines v. Buscato (1976)
    a. **CONFESSIONS**. The constitutional right of a person against self-incrimination precludes the use of confessions obtained from him through force, violence, threat, intimidation or any other means which vitiate his free will. As explained in *United States v. Navarro*, this provision against self-incrimination was established on grounds of public policy and humanity—of policy, because if the party were required to testify, it would place the witness under the strong-est temptation to commit perjury, and of humanity, because it would prevent the extorting of confess-ions by duress.
    b. **ID; IF VOLUNTARY, GENERALLY ADMISSIBLE**. If a confession be free and voluntary—the deliberate act of the accused with a full comprehension of its significance, there is no impediment to its admission as evidence and it then becomes evidence of a high

order; since it is supported by the presumption—a very strong one—that no person of normal mind will deliberate and knowingly confess himself to be the perpetrator of a crime, especially if it be a serious crime, unless prompted by truth and conscience.

c. **ID; IF INVOLUNTARY, NOT ADMISSIBLE**. But if the accused shows that the confession was involuntary, as that term is used with reference to confessions, the confession cannot be considered as evidence of the guilt of the accused. His conviction must depend upon other evidence. Involuntary confessions are rejected by all courts—by some on the ground that a confession so obtained is unreliable; and by some on the grounds of humanitarian principles which abhor all forms of torture or unfairness toward the accused in criminal proceedings. If the accused satisfactorily shows that it was made involuntarily, the confession stands discredited in the eyes of the law and is as a thing which never existed.

9. People of the Philippines v. Ortiz-Miyake (1997)
    a. **RIGHT TO CONFRONTATION; PURPOSES**. The accused in a criminal case is guaranteed the right of confrontation. Such right has two purposes: first, to secure the opportunity of cross-examination; and, second, to allow the judge to observe the deportment and appearance of the witness while testifying.
    b. **ID; EXCEPTION**. This right, however, is not absolute as it is recognized that it is sometimes impossible to recall or produce a witness who has already testified in a previous proceeding, in which event his previous testimony is made admissible as a distinct piece of evidence, by way of exception to the hearsay rule. The previous testimony is made admissible because it makes the administration of justice orderly and expeditious. The exception contemplated by law covers only the utilization of testimonies of absent witnesses made in previous proceedings, and does not include utilization of previous decisions or judgments.
10. Chiok v. People of the Philippines (2015)
    a. **REQUISITES FOR DOUBLE JEOPARDY**. For double jeopardy to attach, the following elements must concur: (1) a valid information sufficient in form and substance to sustain a conviction of the crime charged; (2) a court of competent jurisdiction; (3) the accused has been arraigned and had pleaded; and (4) the accused was convicted or acquitted or the case was dismissed without his express consent.

b. **FINALITY OF ACQUITTAL RULE**. In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the "finality-of-acquittal" rule.
c. **ID; EXCEPTIONS**. There were cases, however, where we recognized certain exceptions to the rule against double jeopardy and its resultant doctrine of finality- of-acquittal. In *Galman v. Sandiganbayan*, we remanded a judgment of acquittal to a trial court due to a finding of mistrial. In declaring the trial before the Sandiganbayan of the murder of former Senator Benigno Simeon "Ninoy" Aquino, Jr., which resulted in the acquittal of all the accused, as a sham, we found that "the prosecution and the sovereign people were denied due process of law with a partial court and biased Tanodbayan under the constant and pervasive monitoring and pressure exerted by the authoritarian president to assure the carrying out of his instructions." We considered the acquittal as void, and held that no double jeopardy attached. In *People v. Uy*, we held that by way of exception, a judgment of acquittal in a criminal case may be assailed in a petition for certiorari under Rule 65 of the Rules of Court upon clear showing by the petitioner that the lower court, in acquitting the accused, committed not merely reversible errors of judgment but grave abuse of discretion amounting to lack or excess of jurisdiction or a denial of due process, thus rendering the assailed judgment void.

11. People of the Philippines v. Montemayor (1969, *en banc*)
    a. **FINALITY OF ACQUITTAL RULE**. There is an attempt here by the State to appeal from a judgment of acquittal, the prosecuting fiscal evidently nurturing the deeply rooted belief that the decision sought to be reviewed constituted a flagrant act of maladministration of justice. That may well be so; such instances, though rare, have been known to happen before and may occur again. After all the fallibility of human judgment is one of the facts of life. As so aptly noted, there is no guarantee of justice in the long run except the personality of the judge. Nonetheless, this appeal by the State is doomed to fail. It cannot be given due course. That is the teaching of our decisions, impressive both as to number and as to certitude, on that particular point.

RULE 112: Preliminary investigation

1. People of the Philippines v. Anonas (2007)
    a. **COMPLIANCE WITH PERIODS OF PRELIMINARY INVESTIGATION IS MANDATORY**. Substantial adherence to the requirements of the law governing the conduct of preliminary investigation, including substantial compliance with the time limitation prescribed by the law for the resolution of the case by the prosecutor, is part of the procedural due process constitutionally guaranteed by the fundamental law. Not only under the broad umbrella of due process clause, but under the constitutional guaranty of "speedy disposition" of cases as embodied in Section 16 of the Bill of Rights (both in the 1973 and 1987 Constitutions), the inordinate delay is violative of the petitioner's constitutional rights. A delay of close to three years cannot be deemed reasonable or justifiable in the light of the circumstances obtaining in the case at bar.
2. Ocampo v. Abando (2014, *en banc*)
    a. **PART OF DUE PROCESS**. A preliminary investigation is not a casual affair. It is conducted to protect the innocent from the embarrassment, expense and anxiety of a public trial. While the right to have a preliminary investigation before trial is statutory rather than constitutional, it is a substantive right and a component of due process in the administration of criminal justice. In the context of a preliminary investigation, the right to due process of law entails the opportunity to be heard. It serves to accord an opportunity for the presentation of the respondent's side with regard to the accusation. Afterwards, the investigating officer shall decide whether the allegations and defenses lead to a reasonable belief that a crime has been committed, and that it was the respondent who committed it. Otherwise, the investigating officer is bound to dismiss the complaint. The essence of due process is reasonable opportunity to be heard and submit evidence in support of one's defense. What is proscribed is lack of opportunity to be heard. Thus, one who has been afforded a chance to present one's own side of the story cannot claim denial of due process.
    b. **ID; IN THE CASE AT BAR**. In this case, the Resolution stated that efforts were undertaken to serve subpoenas on the named respondents at their last known addresses. This is sufficient for due process. It was only because a majority of them could no longer be found at their last known addresses that they were not served copies of the complaint and the attached documents or evidence.

3. Ampatuan Sr. v. Sec'y of Justice (2023)
    a. **PURPOSE**. A preliminary investigation takes on an adversarial quality, and an entirely different procedure comes into play. This must be so because the purpose of a preliminary investigation or a previous inquiry of some kind, before an accused person is placed on trial, is to secure the innocent against hasty, malicious and oppressive prosecution, and to protect him from an open and public accusation of a crime, from the trouble, expenses and anxiety of public trial. It is also intended to protect the state from having to conduct useless and expensive trials. While the right is statutory rather than constitutional in its fundament, it is a component part of due process in criminal justice. The right to have a preliminary investigation conducted before being bound over to trial for a criminal offense and hence formally at risk of incarceration or some other penalty, is not a mere formal or technical right; it is a substantive right. To deny the accused's claim to a preliminary investigation would be to deprive him of the full measure of his right to due process.
    b. **VIOLATION OF DUE PROCESS**. Note that in preliminary investigation, if the complaint is unverified or based only on official reports (which is the situation obtaining in the case at bar), the complainant is required to submit affidavits to substantiate the complaint. The investigating officer, thereafter, shall issue an order, to which copies of the complaint-affidavit are attached, requiring the respondent to submit his counter-affidavits. In the preliminary investigation, what the respondent is required to file is a counter-affidavit, not a comment. It is only when the respondent fails to file a counter-affidavit may the investigating officer consider the respondent's comment as the answer to the complaint. Against the foregoing backdrop, there was a palpable non-observance by the Office of the Ombudsman of the fundamental requirements of preliminary investigation. The accused were not given the opportunity to submit their counter-affidavits or other evidence that would substantiate their defense, which was clearly a violation of their right to have the opportunity to be heard.
4. De Chavez v. Office of the Ombudsman (2007)
    a. **WHAT IS DONE DURING PRELIMINARY INVESTIGATION**. A preliminary investigation is merely inquisitorial, and it is often the only means of discovering the persons

who may be reasonably charged with a crime, to enable the prosecutor to prepare his complaint or information. It is not a trial of the case on the merits and has no objective except that of determining whether a crime has been committed and whether there is probable cause to believe that the respondent is guilty thereof. In the conduct of preliminary investigation, the prosecutor does not decide whether there is evidence beyond reasonable doubt of the guilt of respondent. A prosecutor merely determines the existence of probable cause, and to file the corresponding information if he finds it to be so.

5. People of the Philippines v. Liwanag (2001)
    a. **RIGHT TO PRELIMINARY INVESTIGATION MAY BE WAIVED**. The failure to accord appellants their right to preliminary investigation did not impair the validity of the information nor affect the jurisdiction of the trial court. While the right to preliminary investigation is a substantive right and not a mere formal or technical right of the accused, nevertheless, the right to preliminary investigation is deemed waived when the accused fails to invoke it before or at the time of entering a plea at arraignment. It appearing that appellants only raised the issue of lack of preliminary investigation during appeal, their right to a preliminary investigation was deemed waived when they entered their respective pleas of not guilty.
6. People of the Philippines v. Andrade (2014)
    a. **TWO KINDS OF DETERMINATION OF PROBABLE CAUSE**. There are two kinds of determination of probable cause: executive and judicial.
    b. **EXECUTIVE DETERMINATION**. The executive determination of probable cause is one made during preliminary investigation. It is a function that properly pertains to the public prosecutor who is given a broad discretion to determine whether probable cause exists and to charge those whom he believes to have committed the crime as defined by law and thus should be held for trial. Otherwise stated, such official has the quasi-judicial authority to determine whether or not a criminal case must be filed in court. Whether or not that function has been correctly discharged by the public prosecutor, *i.e.,* whether or not he has made a correct ascertainment of the existence of probable cause in a case, is a matter that the trial court itself does not and may not be compelled to pass upon.

c. **JUDICIAL DETERMINATION**. The judicial determination of probable cause, on the other hand, is one made by the judge to ascertain whether a warrant of arrest should be issued against the accused. The judge must satisfy himself that based on the evidence submitted, there is necessity for placing the accused under custody in order not to frustrate the ends of justice. If the judge finds no probable cause, the judge cannot be forced to issue the arrest warrant.
d. **DIFFERENCES**. The difference is clear: The executive determination of probable cause concerns itself with whether there is enough evidence to support an Information being filed. The judicial determination of probable cause, on the other hand, determines whether a warrant of arrest should be issued. Judges and Prosecutors alike should distinguish the preliminary inquiry which determines probable cause for the issuance of a warrant of arrest from the preliminary investigation proper which ascertains whether the offender should be held for trial or released. Even if the two inquiries are conducted in the course of one and the same proceeding, there should be no confusion about the objectives. The determination of probable cause for the warrant of arrest is made by the Judge. The preliminary investigation proper–whether or not there is reasonable ground to believe that the accused is guilty of the offense charged and, therefore, whether or not he should be subjected to the expense, rigors and embarrassment of trial–is the function of the Prosecutor.
e. **EXTENT OF JUDICIAL DETERMINATION**. The RTC judge's determination of probable cause should have been only limited prior to the issuance of a warrant of arrest and not after the arraignment. Once the information has been filed, the judge shall then personally evaluate the resolution of the prosecutor and its supporting evidence to determine whether there is probable cause to issue a warrant of arrest. At this stage, a judicial determination of probable cause exists.

7. Estrada v. Office of the Ombudsman (2015, *en banc*)
    a. **RESPONDENT NOT ENTITLED TO RECEIVE CO-RESPONDENTS' AFFIDAVITS**. Thus, whether under Rule 112 of the Revised Rules of Criminal Procedure or under Rule II of the Ombudsman's Rules of Procedure, there is no requirement whatsoever that the affidavits executed by the co-respondents should be furnished to a respondent.

b. **NO RIGHT TO CROSS-EXAMINE**. It is a fundamental principle that the accused in a preliminary investigation has no right to cross-examine the witnesses which the complainant may present. Section 3, Rule 112 of the Rules of Court expressly provides that the respondent shall only have the right to submit a counter-affidavit, to examine all other evidence submitted by the complainant and, where the fiscal sets a hearing to propound clarificatory questions to the parties or their witnesses, to be afforded an opportunity to be present but without the right to examine or cross-examine. Thus, even if petitioner was not given the opportunity to cross-examine Galarion and Hanopol atthe time they were presented to testify during the separate trial of the case against Galarion and Roxas, he cannot assert any legal right to cross-examine them at the preliminary investigation precisely because such right was never available to him. The admissibility or inadmissibility of said testimonies should be ventilated before the trial court during the trial proper and not in the preliminary investigation.

8. Leviste v. Alameda (2010)
    a. **WAIVER OF PRELIMINARY INVESTIGATION VIS-À-VIS ARRAIGNMENT**. The principle that the accused is precluded after arraignment from questioning the illegal arrest or the lack of or irregular preliminary investigation applies only if he voluntarily enters his plea and participates during trial, without previously invoking his objections thereto. There must be clear and convincing proof that petitioner had an actual intention to relinquish his right to question the existence of probable cause. When the only proof of intention rests on what a party does, his act should be so manifestly consistent with, and indicative of, an intent to voluntarily and unequivocally relinquish the particular right that no other explanation of his conduct is possible.
    b. **INQUEST, DEFINED**. Inquest is defined as an informal and summary investigation conducted by a public prosecutor in criminal cases involving persons arrested and detained without the benefit of a warrant of arrest issued by the court for the purpose of determining whether said persons should remain under custody and correspondingly be charged in court.
    c. **REMEDIES BEFORE AN INFORMATION IS FILED WITH THE COURT**. The private complainant may proceed in coordinating with the arresting officer and the inquest officer during the latter's conduct of inquest. Meanwhile, the arrested person has the option to

avail of a 15-day preliminary investigation, provided he duly signs a waiver of any objection against delay in his delivery to the proper judicial authorities under Article 125 of the Revised Penal Code. For obvious reasons, this remedy is not available to the private complainant since he cannot waive what he does not have. The benefit of the provisions of Article 125, which requires the filing of a complaint or information with the proper judicial authorities within the applicable period, belongs to the arrested person. The accelerated process of inquest, owing to its summary nature and the attendant risk of running against Article 125, ends with either the prompt filing of an information in court or the immediate release of the arrested person.

d. **REMEDIES ONCE AN INFORMATION IS FILED WITH THE COURT**. The rules yet provide the accused with another opportunity to ask for a preliminary investigation within five days from the time he learns of its filing. The Rules of Court and the New Rules on Inquest are silent, however, on whether the private complainant could invoke, as respondent heirs of the victim did in the present case, a similar right to ask for a reinvestigation. The Court holds that the private complainant can move for reinvestigation.

9. Okabe v. Gutierrez (2004)
    a. **PERSONAL DETERMINATION OF JUDGE REQUIRED**. The judge must make a personal determination of the existence or non-existence of probable cause for the arrest of the accused. The duty to make such determination is personal and exclusive to the issuing judge. He cannot abdicate his duty and rely on the certification of the investigating prosecutor that he had conducted a preliminary investigation in accordance with law and the Rules of Court, as amended, and found probable cause for the filing of the Information.
    b. **ID; WHAT A JUDGE MUST RELY ON**. In determining the existence or non-existence of probable cause for the arrest of the accused, the RTC judge may rely on the findings and conclusions in the resolution of the investigating prosecutor finding probable cause for the filing of the Information. However, in determining the existence or non-existence of probable cause for the arrest of the accused, the judge should not rely solely on the said report. The judge should consider not only the report of the investigating prosecutor but also the affidavit/affidavits and the documentary evidence of the parties, the counter-affidavit of the accused and his witnesses, as well

as the transcript of stenographic notes taken during the preliminary investigation, if any, submitted to the court by the investigating prosecutor upon the filing of the Information.

c. **ID; FURTHER ACTIONS BY THE JUDGE**. If the judge is able to determine the existence or non-existence of probable cause on the basis of the records submitted by the investigating prosecutor, there would no longer be a need to order the elevation of the rest of the records of the case. However, if the judge finds the records and/or evidence submitted by the investigating prosecutor to be insufficient, he may order the dismissal of the case or direct the investigating prosecutor either to submit more evidence or to submit the entire records of the preliminary investigation, to enable him to discharge his duty. The judge may even call the complainant and his witness to themselves answer the court's probing questions to determine the existence of probable cause.

10. People of the Philippines v. Grey (2010)
    a. **WHAT PERSONAL DETERMINATION OF PROBABLE CAUSE REQUIRES THE JUDGE**. What the law requires as personal determination on the part of a judge is that he should not rely solely on the report of the investigating prosecutor. This means that the judge should consider not only the report of the investigating prosecutor but also the affidavit and the documentary evidence of the parties, the counter-affidavit of the accused and his witnesses, as well as the transcript of stenographic notes taken during the preliminary investigation, if any, submitted to the court by the investigating prosecutor upon the filing of the Information.
    b. **PERSONAL EXAMINATION OF COMPLAINANT GENERALLY NOT REQUIRED; EXCEPTION**. The Court has also ruled that the personal examination of the complainant and his witnesses is not mandatory and indispensable in the determination of probable cause for the issuance of a warrant of arrest. The necessity arises only when there is an utter failure of the evidence to show the existence of probable cause. Otherwise, the judge may rely on the report of the investigating prosecutor, provided that he likewise evaluates the documentary evidence in support thereof.

RULE 114: Bail

1. People of the Philippines v. Escobar (2017)

a. **DEFINITION**. Bail is the security given for the temporary release of a person who has been arrested and detained but "whose guilt has not yet been proven" in court beyond reasonable doubt. The right to bail is cognate to the fundamental right to be presumed innocent. Bail may be a matter of right or judicial discretion. The accused has the right to bail if the offense charged is "not punishable by death, *reclusion perpetua* or life imprisonment" before conviction by the Regional Trial Court. However, if the accused is charged with an offense the penalty of which is death, *reclusion perpetua*, or life imprisonment—regardless of the stage of the criminal prosecution—and when evidence of one's guilt is not strong, then the accused's prayer for bail is subject to the discretion of the trial court.
b. **SECOND PETITION FOR BAIL**. An accused may file a second petition for bail, particularly if there are sudden developments or a new matter or fact which warrants a different view. A second bail petition is not barred by *res judicata* as this doctrine is not recognized in criminal proceedings.

2. Sabio v. Sandiganbayan (2021, *minute resolution*)
   a. **GRANTED DUE TO OLD AGE**. Here, petitioner, all eighty-five (85) years of age is in his twilight and illness laden years. The People itself has not refuted his serious medical condition. There is no indication that he is a flight risk for he is no longer even ambulatory. Nor does he pose a danger of being a repeat offender since he had long ceased to be in government service. His continuous incarceration will not do any good to his already failing health, let alone, to society in general.
3. People of the Philippines v. Canillo-Prospero (2018, *minute resolution*)
   a. **PROSECUTION HAS BURDEN OF PROVING CIRCUMSTANCES AGAINST GRANTING BAIL**. After conviction by the trial court of an offense not punishable by either (1) death, (2) *reclusion perpetua*, or (3) life imprisonment, admission to bail is subject to the discretion of the court. Further, in cases where the penalty imposed is imprisonment exceeding six (6) years, as in the instant case, bail shall be denied only upon a showing by the prosecution, with notice to the accused, that any of the foregoing circumstances is present. The plain import of the provision is that the prosecution carries the burden of proving through evidence any

circumstance that tends to prejudice the accused's appearance before the court.

4. Leviste v. Court of Appeals (2010)
    a. **TWO SCENARIOS**. In the first situation, bail is a matter of sound judicial discretion. This means that, if none of the circumstances mentioned in the third paragraph of Section 5, Rule 114 is present, the appellate court has the discretion to grant or deny bail. An application for bail pending appeal may be denied even if the bail-negating circumstances in the third paragraph of Section 5, Rule 114 are absent. In other words, the appellate court's denial of bail pending appeal where none of the said circumstances exists does not, by and of itself, constitute abuse of discretion. On the other hand, in the second situation, the appellate court exercises a more stringent discretion, that is, to carefully ascertain whether any of the enumerated circumstances in fact exists. If it so determines, it has no other option except to deny or revoke bail pending appeal. Conversely, if the appellate court grants bail pending appeal, grave abuse of discretion will thereby be committed.
    b. **TWO STAGES**. Given these two distinct scenarios, therefore, any application for bail pending appeal should be viewed from the perspective of two stages: (1) the determination of discretion stage; where the appellate court must determine whether any of the circumstances in the third paragraph of Section 5, Rule 114 is present; this will establish whether or not the appellate court will exercise sound discretion or stringent discretion in resolving the application for bail pending appeal and (2) the exercise of discretion stage where, assuming the appellant's case falls within the first scenario allowing the exercise of sound discretion, the appellate court may consider all relevant circumstances, other than those mentioned in the third paragraph of Section 5, Rule 114, including the demands of equity and justice; on the basis thereof, it may either allow or disallow bail.
    c. **PRESENCE OR ABSENCE OF BAIL NEGATING CIRCUMSTANCE**. On the other hand, if the appellant's case falls within the second scenario, the appellate court's stringent discretion requires that the exercise thereof be primarily focused on the determination of the proof of the presence of any of the circumstances that are prejudicial to the allowance of bail. This is so because the existence of any of those circumstances is by itself sufficient to deny

or revoke bail. Nonetheless, a finding that none of the said circumstances is present will not automatically result in the grant of bail. Such finding will simply authorize the court to use the less stringent sound discretion approach.

5. Bitoon v. Toledo-Mupas (2006, *en banc*)
    a. **BAIL HEARING REQUIRED**. It was mandatory for respondent to conduct a formal hearing and to require the presentation and submission of evidence in the petition for bail. When the grant of bail is discretionary, the prosecution has the burden of showing that the evidence of guilt against the accused is strong. The determination of whether the evidence of guilt is strong, being a matter of judicial discretion, remains with the judge. This discretion by the very nature of things, may rightly be exercised only after the evidence is submitted to the court at the hearing. Since the discretion is directed to the weight of evidence and since evidence cannot properly be weighed if not duly exhibited or produced before the court, it is obvious that a proper exercise of judicial discretion requires that the evidence of guilt be submitted to the court, the petitioner for bail having the right to cross examination and to introduce his own evidence in rebuttal.
    b. **ID; MERE COMMENT IS NOT ENOUGH**. A hearing is plainly indispensable before a judge can aptly be said to be in a position to determine whether the evidence for the prosecution is weak or strong. The mere filing of a comment from complainants and a reply thereto by accused Malihan, as was done per requirement by respondent, is insufficient compliance with this basic rule of procedure.
    c. **HEARING MAY BE SUMMARY**. In the application for bail of a person charged with a capital offense punishable by death, *reclusion perpetua* or life imprisonment, a hearing, whether summary or otherwise in the discretion of the court, must actually be conducted to determine whether or not the evidence of guilt against the accused is strong. A summary hearing means such brief and speedy method of receiving and considering evidence of guilt as is practicable and consistent with the purpose of hearing which is merely to determine the weight of evidence for the purposes of bail.
6. Daigle v. Cruz (2020, *minute resolution*)
    a. **WHO ARE NOT ENTITLED TO BAIL AS A MATTER OF RIGHT**. Under Section 7, Rule 114 of the Revised Rules of Court, only those accused charged with offenses punishable by death, *reclusion*

perpetua, or life imprisonment are not entitled to bail as a matter of right. Too, Section 4 of the same Rule states that all persons charged with an offense not punishable by death, *reclusion perpetua*, or life imprisonment shall be entitled to bail as a matter of right.

b. **BAIL HEARING REQUIRED**. As for the hearing on bail, the same is required where the offense charged is punishable by death, *reclusion perpetua*, or life imprisonment pursuant to Section 8, Rule 114 of the Revised Rules of Court.

7. Tanog v. Balindong (2015)
    a. **WHEN BAIL IS NOT A MATTER OF RIGHT; DISCRETION**. If the information charges a capital offense, the right to bail becomes a matter of discretion and the grant thereof may be justified as a matter of right if the evidence of guilt is not strong. The determination of whether or not the evidence of guilt is strong, being a matter of judicial discretion, remains with the judge. To be sure, the discretion of the trial court is not absolute nor beyond control. It must be sound and exercised within reasonable bounds. Judicial discretion, by its very nature involves the exercise of the judge's individual opinion and the law has wisely provided that its exercise be guided by well-known rules that, while allowing the judge rational latitude for the operation of his own individual views, prevent rulings that are out of control.
    b. **AMOUNT OF BAIL**. It is settled that the amount of bail should be reasonable at all times. In implementing this mandate, regard should be taken of the prisoner's pecuniary circumstances. We point out that what is reasonable bail to a man of wealth may be unreasonable to a poor man charged with a like offense. Thus, the right to bail should not be rendered nugatory by requiring a sum that is relatively excessive. The amount should be high enough to assure the presence of the defendant when required, but no higher than is reasonably calculated to fulfill this purpose.
8. Heirs of Nepomuceno v. Castillo (2020)
    a. **MEANING OF TO BE RELEASED ON BAIL; BONDSPERSON**. To be released on bail means that the accused is delivered in contemplation of law, yet not commonly in real fact, to others who become entitled to their custody and responsible for their appearance when and where agreed. Upon accepting a bail obligation, the bondspersons become in law the jailers of their principal. They

must then ensure that the accused is under their close monitoring—a duty that would remain until the bond is canceled or the surety is discharged.

b. **DUTY OF BONDSPERSON/SURETY**. As the jailer or custodian of an accused, the bondspersons or sureties must procure the accused's presence whenever needed. Failure to do so constitutes a breach in the conditions of the bond, warranting its forfeiture.

c. **TWO SITUATIONS WHERE THE COURT MAY DECIDE AGAINST THE BONDSPERSON**. (1) The non-appearance by the accused is cause for the judge to summarily declare the bond as forfeited. (2) The bondsmen, after the summary forfeiture of the bond, are given 30 days within which to produce the principal and to show cause why a judgment should not be rendered against them for the amount of the bond. It is only after this 30-day period, during which the bondsmen are afforded the opportunity to be heard by the trial court, that the trial court may render a judgment on the bond against the bondsmen. Judgment against the bondsmen cannot be entered unless such judgment is preceded by the order of forfeiture and an opportunity given to the bondsmen to produce the accused or to adduce satisfactory reason for their inability to do so.

9. Mendoza v. Alarma (2008)

a. **ORDER OF FORFEITURE VIS-À-VIS FINAL JUDGMENT ON THE BOND**. An order of forfeiture of the bail bond is conditional and interlocutory, there being something more to be done such as the production of the accused within 30 days. This process is also called confiscation of bond. In *People v. Dizon*, we held that an order of forfeiture is interlocutory and merely requires appellant "to show cause why judgment should not be rendered against it for the amount of the bond." Such order is different from a judgment on the bond which is issued if the accused was not produced within the 30-day period. The judgment on the bond is the one that ultimately determines the liability of the surety, and when it becomes final, execution may issue at once. However, in this case, no such judgment was ever issued and neither has an amount been fixed for which the bondsmen may be held liable. The law was not strictly observed and this violated respondents' right to procedural due process.

10. People of the Philippines v. Piad (2016)

a. **BEFORE AND AFTER CONVICTION**. Before conviction, bail is either a matter of right or of discretion. It is a matter of right when the offense charged is punishable by any penalty lower than death, *reclusion perpetua* or life imprisonment. If the offense charged is punishable by death, *reclusion perpetua* or life imprisonment, bail becomes a matter of discretion. In case bail is granted, the accused must appear whenever the court requires his presence; otherwise, his bail shall be forfeited. When a person is finally convicted by the trial court of an offense not punishable by death, *reclusion perpetua*, or life imprisonment, admission to bail is discretionary.

11. Bongcac v. Sandiganbayan (2009)
    a. **CANCELLATION OF BAIL**. From Rule 114, Section 22, it is clear that the cancellation of bail is automatic upon execution of the judgment of conviction.
12. Leviste v. Alameda (2010)
    a. **APPLICATION FOR BAIL IS NOT A WAIVER**. By applying for bail, petitioner did not waive his right to challenge the regularity of the reinvestigation of the charge against him, the validity of the admission of the Amended Information, and the legality of his arrest under the Amended Information, as he vigorously raised them prior to his arraignment.

RULE 117: Motion to quash

1. People of the Philippines v. Oduhan (2013)
    a. **MOTION TO QUASH DEFINED**. A motion to quash information is the mode by which an accused assails the validity of a criminal complaint or information filed against him for insufficiency on its face in point of law, or for defects which are apparent in the face of the information. It is a hypothetical admission of the facts alleged in the information. The fundamental test in determining the sufficiency of the material averments in an Information is whether or not the facts alleged therein, which are hypothetically admitted, would establish the essential elements of the crime defined by law. Evidence *aliunde* or matters extrinsic of the information are not to be considered. To be sure, a motion to quash should be based on a defect in the information which is evident on its fact. Thus, if the defect can be cured by amendment or if it is based on the ground that the facts charged do not constitute an offense, the prosecution is given by the court the

opportunity to correct the defect by amendment. If the motion to quash is sustained, the court may order that another complaint or information be filed except when the information is quashed on the ground of extinction of criminal liability or double jeopardy. Matters of defense cannot be raised in a motion to quash.

2. Dio v. People of the Philippines (2016)
    a. **WHEN DEFECT IN THE INFORMATION MAY BE CURED**. When a motion to quash is filed challenging the validity and sufficiency of an Information, and the defect may be cured by amendment, courts must deny the motion to quash and order the prosecution to file an amended Information. Generally, a defect pertaining to the failure of an Information to charge facts constituting an offense is one that may be corrected by an amendment. In such instances, courts are mandated not to automatically quash the Information; rather, it should grant the prosecution the opportunity to cure the defect through an amendment. This rule allows a case to proceed without undue delay. By allowing the defect to be cured by simple amendment, unnecessary appeals based on technical grounds, which only result to prolonging the proceedings, are avoided.
    b. **DEFECT MUST BE EVIDENT ON ITS FACE**. A motion to quash should be based on a defect in the information which is evident on its face. For an information to be quashed based on the prosecutor's lack of authority to file it, the lack of the authority must be evident on the face of the information.
3. Corpuz v. People of the Philippines (2020)
    a. VENUE. The rules categorically place the venue and jurisdiction over criminal cases not only in the court where the offense was committed, but also where any of its essential ingredients took place. In other words, the venue of action and of jurisdiction are deemed sufficiently alleged where the Information states that the offense was committed or some of its essential ingredients occurred at a place within the territorial jurisdiction of the court.
    b. IN THE CASE AT BAR. Perusing the Information dated August 2, 1999, the Court finds that said Information had sufficiently alleged the crime of malversation through negligence against petitioner. Essentially, the said crime was committed in connection with petitioner's function as a revenue collection officer of the BIR at Alabel, Sarangani Province, and who is accountable to all the public

funds that are recorded in her possession. Indubitably, the allegations in the Information indeed support a finding that petitioner committed the crime within the territorial jurisdiction of the RTC of Alabel. As such, said RTC had jurisdiction over the crime charged.

4. Inocentes v. People of the Philippines (2016)
    a. **JURISDICTION OVER THE PERSON OF THE ACCUSED**. It is well-settled that jurisdiction over the person of the accused is acquired upon (1) his arrest or apprehension, with or without a warrant, or (2) his voluntary appearance or submission to the jurisdiction of the court. For this reason, in *Cojuangco, Jr. v. Sandiganbayan* we held that even if it is conceded that the warrant issued was void (for nonexistence of probable cause), the accused waived all his rights to object by appearing and giving a bond.
    b. **HOW TO ALLEGE CONSPIRACY IN THE INFORMATION**. Again, following the stream of our own jurisprudence, it is enough to allege conspiracy as a mode in the commission of an offense in either of the following manner: (1) by use of the word, "conspire," or its derivatives or synonyms, such as confederate, connive, collude, *etc.*; or (2) by allegations basic facts constituting the conspiracy in a manner that a person of common understanding would know what is intended, and with such precision as would enable the accused to competently enter a plea to a subsequent indictment based on the same facts.
5. Quiambao v. People of the Philippines (2022, *minute resolution*)
    a. **DENIAL OF MOTION TO QUASH; REMEDIES**. At the outset, it must be emphasized that an order denying a motion to quash is interlocutory, and therefore, not appealable. This is based on Section 1 (c), Rule 41 of the Rules of Court, which specifically states that no appeal may be taken from an interlocutory order. Neither may the order denying the motion to quash be the proper subject of a petition for certiorari. Under Section 1, Rule 65 of the Rules of Court, a petition for *certiorari* may only be availed of when there is no appeal or any plain, speedy, or adequate remedy in the ordinary course of law. What then is the plain and speedy remedy of an accused whose motion to quash information has been denied? It is to enter his plea and proceed to trial. A denial of a motion to quash filed by an accused results in the continuation of the trial and the subsequent determination of his guilt or innocence. Should a judgment of conviction be rendered, the

accused may appeal from the decision and raise the denial of his motion to quash, not only as an error committed by the trial court, but as an added ground to overturn the latter's ruling.

b. **JURISDICTION OVER THE PERSON OF THE ACCUSED; WHEN WAIVED**. It is well-settled that the lack of jurisdiction over the person of an accused as a result of an invalid arrest must be raised through a motion to quash before an accused enters his or her plea. Otherwise, the objection is deemed waived and an accused is estopped from questioning the legality of his or her arrest. The voluntary submission of an accused to the jurisdiction of the court and his or her active participation during trial cures any defect or irregularity that may have attended an arrest.

6. Villa Gomez v. People of the Philippines (2020, *en banc*)
   a. **LACK OF AUTHORITY OF THE PROSECUTOR; WAIVABLE**. A procedural infirmity regarding legal representation is not a jurisdictional defect or handicap which prevents courts from taking cognizance of a case, it is merely a defect which should not result to the quashal of an Information. As a result, objections or challenges pertaining to a handling prosecutor's lack of authority in the filing of an Information may be waived by the accused through silence, inaction or failure to register a timely objection. An Information filed by a handling prosecutor with no prior approval or authority from the provincial, city or chief state prosecutor will be rendered as merely quashable, until waived by the accused, and binding on the part of the State due to the presence of colorable authority.
   b. **NON-WAIVABLE GROUNDS**. As stated in Section 9, Rule 117, only the grounds to quash under Section 3 (a),(b),(g) and (i) are not waivable. These grounds are: that the facts charged do not constitute an offense (Section 3 [a]);that the court trying the case has no jurisdiction over the offense charged (Section 3 [b]);that the criminal action or liability has been extinguished (Section 3 [g]);and that the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent (Section 3 [i]).
7. People of the Philippines v. XXX (2021)
   a. **DUPLICITY OF OFFENSE RULE; WAIVABLE**. The prohibition of filing an information with multiple offenses is predicated in the protection of the constitutional right of the accused

to be properly informed of the nature and cause of the accusation. If two or more offenses are alleged in the information, the remedy of the accused is to file a motion to quash as provided in Section 3 (f), Rule 117 of the 2000 Rules on Criminal Procedure. The failure to object to the information before the arraignment would result in a waiver to challenge the procedural infirmity. As in this case, the accused-appellant failed to file a motion to quash the Information. Thus, the CA correctly convicted him for Statutory Rape and Rape by sexual assault.

8. Degamo v. Sandiganbayan (2023, *minute resolution*)
    a. **REQUISITES FOR DOUBLE JEOPARDY**. In order for double jeopardy to attach, the following elements must concur: (1) a valid information sufficient in form and substance to sustain a conviction of the crime charged; (2) a court of competent jurisdiction; (3) the accused has been arraigned and had pleaded; and (4) the accused was convicted or acquitted or the case was dismissed without his express consent.
9. People of the Philippines v. Pineda (1993, *en banc*)
    a. **TWO SIMULTANEOUS INFORMATIONS CHARGING THE SAME OFFENSE IS NOT DOUBLE JEOPARDY**. Withal, the mere filing of two informations charging the same offense is not an appropriate basis for the invocation of double jeopardy since the first jeopardy has not yet set in by a previous conviction, acquittal or termination of the case without the consent of the accused.
    b. **ID; RATIONALE**. It is settled jurisprudence in this Court that the mere filing of two informations or complaints charging the same offense does not yet afford the accused in those cases the occasion to complain that he is being placed in jeopardy twice for the same offense, for the simple reason that the primary basis of the defense of double jeopardy is that the accused has already been convicted or acquitted in the first case or that the same has been terminated without his consent.
10. Lazaro v. People of the Philippines (2021)
    a. **AMENDMENT OF THE INFORMATION; WHEN MAY BE MADE**. When a motion to quash is filed challenging the validity and sufficiency of an Information, and the defect may be cured by amendment, courts must deny the motion to quash and order the prosecution to file an amended Information. Generally, a defect pertaining to the failure of an Information to charge facts constituting an offense is one that may be corrected by an amendment. In such

instances, courts are mandated not to automatically quash the Information; rather, it should grant the prosecution the opportunity to cure the defect through an amendment. This rule allows a case to proceed without undue delay. By allowing the defect to be cured by simple amendment, unnecessary appeals based on technical grounds, which only result to prolonging the proceedings, are avoided.

11. People of the Philippines v. Sandiganbayan (2021)
    a. **CONCEPT OF DOUBLE JEOPARDY**. The rule on double jeopardy is one of the pillars of our criminal justice system. It dictates that when a person is charged with an offense, and the case is terminated—either by acquittal or conviction or in any other manner without the consent of the accused—the accused cannot again be charged with the same or an identical offense. This principle is founded upon the law of reason, justice and conscience. It is embodied in the civil law maxim non bis in idem found in the common law of England and undoubtedly in every system of jurisprudence. It found expression in the Spanish Law, in the Constitution of the United States, and in our own Constitution as one of the fundamental rights of the citizen.
    b. **FINALITY OF ACQUITTAL RULE.** The rule on double jeopardy thus prohibits the state from appealing the judgment in order to reverse the acquittal or to increase the penalty imposed either through a regular appeal under Rule 41 of the Rules of Court or through an appeal by *certiorari* on pure questions of law under Rule 45 of the same Rules.
    c. **ID; EXCEPTIONS**. The state may challenge the lower court's acquittal of the accused or the imposition of a lower penalty on the latter in the following recognized exceptions: (1) where the prosecution is deprived of a fair opportunity to prosecute and prove its case, tantamount to a deprivation of due process; (2) where there is a finding of mistrial; or (3) where there has been a grave abuse of discretion.
12. People of the Philippines v. Nazareno (2009, *en banc*)
    a. FINALITY OF ACQUITTAL RULE; RATIONALE. The Constitution has expressly adopted the double jeopardy policy and thus bars multiple criminal trials, thereby conclusively presuming that a second trial would be unfair if the innocence of the accused has been confirmed by a previous final judgment. Further prosecution via an appeal from a judgment of acquittal is likewise barred because the government has already been afforded a complete opportunity to prove the criminal defendant's culpability; after failing to persuade the

court to enter a final judgment of conviction, the underlying reasons supporting the constitutional ban on multiple trials applies and becomes compelling. The reason is not only the defendant's already established innocence at the first trial where he had been placed in peril of conviction, but also the same untoward and prejudicial consequences of a second trial initiated by a government who has at its disposal all the powers and resources of the State. Unfairness and prejudice would necessarily result, as the government would then be allowed another opportunity to persuade a second trier of the defendant's guilt while strengthening any weaknesses that had attended the first trial, all in a process where the government's power and resources are once again employed against the defendant's individual means. That the second opportunity comes via an appeal does not make the effects any less prejudicial by the standards of reason, justice and conscience.

b. **INSTANCE WHERE ACQUITTAL MAY BE APPEALED OR REVIWED; RULE 65 *CERTIORARI***. An instance when the State can challenge a judgment of acquittal is pursuant to the exercise of our judicial power "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government," as implemented through the extraordinary writ of certiorari under Rule 65 of the Rules of Court. In such instance, however, no review of facts and law on the merits, in the manner done in an appeal, actually takes place; the focus of the review is on whether the judgment is per se void on jurisdictional grounds, *i.e.,* whether the verdict was rendered by a court that had no jurisdiction; or where the court has appropriate jurisdiction, whether it acted with grave abuse of discretion amounting to lack or excess of jurisdiction. In other words, the review is on the question of whether there has been a validly rendered decision, not on the question of the decision's error or correctness. Under the exceptional nature of a Rule 65 petition, the burden—a very heavy one—is on the shoulders of the party asking for the review to show the presence of a whimsical or capricious exercise of judgment equivalent to lack of jurisdiction; or of a patent and gross abuse of discretion amounting to an evasion of a positive duty or a virtual refusal to perform a duty imposed by law or to act in contemplation of law; or

to an exercise of power in an arbitrary and despotic manner by reason of passion and hostility.

13. People of the Philippines v. Castillo (2021, *minute resolution*)
    a. **REQUISITES FOR A VALID PROVISIONAL DISMISSAL**. (1) The prosecution with the express conformity of the accused or the accused moves for a provisional (*sin perjuicio*) dismissal of the case; or both the prosecution and the accused move for a provisional dismissal of the case; (2) The offended party is notified of the motion for a provisional dismissal of the case; (3) The court issues an order granting the motion and dismissing the case provisionally; and (4) The public prosecutor is served with a copy of the order of provisional dismissal of the case.

RULE 116: Arraignment and plea

1. Kummer v. People of the Philippines (2013)
    a. **TEST WHETHER RE-ARRAIGNMENT IS REQUIRED**. The test as to when the rights of an accused are prejudiced by the amendment of a complaint or information is when a defense under the complaint or information, as it originally stood, would no longer be available after the amendment is made, when any evidence the accused might have would no longer be available after the amendment is made, and when any evidence the accused might have would be inapplicable to the complaint or information, as amended.
2. People of the Philippines v. Villarama Jr. (1992)
    a. **PLEA BARGAINING**. Plea bargaining in criminal cases, is a process whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval. It usually involves the defendant's pleading guilty to a lesser offense or to only one or some of the counts of a multi-count indictment in return for a lighter sentence than that for the graver charge.
    b. **WHEN PLEA MAY BE MADE**. Ordinarily, plea-bargaining is made during the pre-trial stage of the criminal proceedings. However, the law still permits the accused sufficient opportunity to change his plea thereafter. However, the acceptance of an offer to plead guilty to a lesser offense under the aforequoted rule is not demandable by the accused as a matter of right but is a matter that is addressed entirely to the sound discretion of the trial court. Thus, in *People v. Kayanan*, we

held that the rules allow such a plea only when the prosecution does not have sufficient evidence to establish the guilt of the crime charged.

c. **WHEN MADE AFTER PROSECUTION HAS RESTED**. After the prosecution had already rested, the only basis on which the fiscal and the court could rightfully act in allowing the appellant to change his former plea of not guilty to murder to guilty to the lesser crime of homicide could be nothing more nothing less than the evidence already in the record. The reason for this being that Section 4 of Rule 118 (now Section 2, Rule 116) under which a plea for a lesser offense is allowed was not and could not have been intended as a procedure for compromise, much less bargaining.

3. People of the Philippines v. Montierro (2022, *en banc*)
   a. **PLEA BARGAINING GUIDELINES**.
      i. Offers for plea bargaining must be initiated in writing by way of a formal written motion filed by the accused in court.
      ii. The lesser offense which the accused proposes to plead guilty to must necessarily be included in the offense charged.
      iii. Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Plea Bargaining Framework in Drugs Cases, the judge shall order that a drug dependency assessment be administered. If the accused admits drug use, or denies it but is found positive after a drug dependency test, then he/she shall undergo treatment and rehabilitation for a period of not less than six (6) months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then he/she will be released on time served, otherwise, he/she will serve his/her sentence in jail minus the counselling period at rehabilitation center.
      iv. As a rule, plea bargaining requires the mutual agreement of the parties and remains subject to the approval of the court. Regardless of the mutual agreement of the parties, the acceptance of the offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right but is a matter addressed entirely to the sound discretion of the court.
      a. Though the prosecution and the defense may agree to enter into a plea bargain, it does not follow that the courts will

automatically approve the proposal. Judges must still exercise sound discretion in granting or denying plea bargaining, taking into account the relevant circumstances, including the character of the accused.

v. The court shall not allow plea bargaining if the objection to the plea bargaining is valid and supported by evidence to the effect that:
    1. The offender is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times; or
    2. When the evidence of guilt is strong.

vi. Plea bargaining in drugs cases shall not be allowed when the proposed plea bargain does not conform to the Court-issued Plea Bargaining Framework in Drugs Cases.

vii. Judges may overrule the objection of the prosecution if it is based solely on the ground that the accused's plea bargaining proposal is inconsistent with the acceptable plea bargain under any internal rules or guidelines of the DOJ, though in accordance with the plea bargaining framework issued by the Court, if any.

viii. If the prosecution objects to the accused's plea bargaining proposal due to the circumstances enumerated in item no. 5, the trial court is mandated to hear the prosecution's objection and rule on the merits thereof. If the trial court finds the objection meritorious, it shall order the continuation of the criminal proceedings.

ix. If an accused applies for probation in offenses punishable under RA No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Section 24 thereof, then the law on probation shall apply.

4. Daan v. Sandiganbayan (2008)
    a. **REQUISITES FOR PLEA BARGAINING**. (1) That it should be with the consent of the offended party and the prosecutor; and (2) That the plea of guilt should be to a lesser offense which is necessarily included in the offense charged. The rules, however, use the word "may," denoting an exercise of discretion upon the trial court on whether to allow the accused to make such plea.

b. **WHEN PLEA BARGAINING MAY BE MADE**. Ordinarily, plea bargaining is made during the pre-trial stage of the proceedings. But it may also be made during the trial proper and even after the prosecution has finished presenting its evidence and rested its case. Thus, the Court has held that it is immaterial that plea bargaining was not made during the pre-trial stage or that it was made only after the prosecution already presented several witnesses.

5. People of the Philippines v. Pagal (2020, *en banc*)
   a. **GUIDELINES FOR PLEA TO CAPITAL OFFENSES.**
      i. 1. AT THE TRIAL STAGE: When the accused makes a plea of guilty to a capital offense, the trial court must strictly abide by the provisions of Sec. 3, Rule 116 of the 2000 Revised Rules of Criminal Procedure. In particular, it must afford the prosecution an opportunity to present evidence as to the guilt of the accused and the precise degree of his culpability. Failure to comply with these mandates constitute grave abuse of discretion.
         1. In case the plea of guilty to a capital offense is supported by proof beyond reasonable doubt, the trial court shall enter a judgment of conviction.
         2. In case the prosecution presents evidence but fails to prove the accused's guilt beyond reasonable doubt, the trial court shall enter a judgment of acquittal in favor of the accused.
         3. In case the prosecution fails to present any evidence despite opportunity to do so, the trial court shall enter a judgment of acquittal in favor of the accused. In the above instance, the trial court shall require the prosecution to explain in writing within ten (10) days from receipt its failure to present evidence. Any instance of collusion between the prosecution and the accused shall be dealt with to the full extent of the law.
      ii. AT THE APPEAL STAGE:
         1. When the accused is convicted of a capital offense on the basis of his plea of guilty, whether improvident or not, and proof beyond reasonable doubt was established, the judgment of conviction shall be sustained.
         2. When the accused is convicted of a capital offense solely on the basis of his plea of guilty, whether improvident or

not, without proof beyond reasonable doubt because the prosecution was not given an opportunity to present its evidence, or was given the opportunity to present evidence but the improvident plea of guilt resulted to an undue prejudice to either the prosecution or the accused, the judgment of conviction shall be set aside and the case remanded for re-arraignment and for reception of evidence pursuant to Sec. 3, Rule 116 of the 2000 Revised Rules of Criminal Procedure.

3. When the accused is convicted of a capital offense solely on the basis of a plea of guilty, whether improvident or not, without proof beyond reasonable doubt because the prosecution failed to prove the accused's guilt despite opportunity to do so, the judgment of conviction shall be set aside and the accused acquitted.

b. **THREE-FOLD DURY OF THE TRIAL COURT WHENEVER AN ACCUSED PLEADS GUILTY TO A CAPITAL OFFENSE**. (1) Conduct a searching inquiry as to the accused's voluntariness and full comprehension of the consequences of his plea; (2) Require the prosecution to prove the accused's guilt and precise degree of culpability; and (3) Allow the accused to present evidence on his behalf.

c. **AN IMPROVIDENT PLEA IS NOT AN AUTOMATIC ACQUITTAL**. While it is true that convictions based on an improvident plea of guilt are indeed set aside if the plea is the sole basis of the judgment, it does not automatically result in the acquittal of the accused. Rather, the case is remanded to the lower court for compliance with Sec. 3, Rule 116. The conviction of the accused simply depends on whether the plea of guilty to a capital offense was improvident or not. An indubitable admission of guilt automatically results to a conviction. Otherwise, a conviction on the basis of an improvident plea of guilt, on appeal, would be set aside and the case would be remanded for presentation of evidence.

d. **ID; EXCEPTION**. An exception to this is when, despite the existence of an improvident plea, a conviction will not be disturbed when the prosecution presented sufficient evidence during trial to prove the guilt of the accused beyond reasonable doubt. The existing rules, however, shifted the focus from the nature of the plea to whether

evidence was presented during the trial to prove the guilt of the accused.

6. People of the Philippines v. Estomaca (1996, *en banc*)
    a. **SEARCHING INQUIRY**. The trial court must fully discharge its duty to conduct the requisite searching inquiry in such a way as would indubitably show that appellant had made not only a clear, definite and unconditional plea, but that he did so with a well-informed understanding and full realization of the consequences thereof.
    b. **ID; EXAMPLES**. The trial court should also be convinced that the accused has not been coerced or placed under a state of duress either by actual threats of physical harm coming from malevolent or avenging quarters and this it can do, such as by ascertaining from the accused himself the manner in which he was subsequently brought into the custody of the law; or whether he had the assistance of competent counsel during the custodial and preliminary investigations; and, ascertaining from him the conditions under which he was detained and interrogated during the aforestated investigations. Likewise, a series of questions directed at defense counsel as to whether or not said counsel had conferred with, and completely explained to the accused the meaning of a plea and its consequences, would be a well-taken step along those lines.
7. People of the Philippines v. Aguilar (2008, *en banc*)
    a. **GUIDELINES IN SEARCHING INQUIRY**.
        i. Ascertain from the accused himself (a) how he was brought into the custody of the law; (b) whether he had the assistance of a competent counsel during the custodial and preliminary investigations; and (c) under what conditions he was detained and interrogated during the investigations. This is intended to rule out the possibility that the accused has been coerced or placed under a state of duress either by actual threats of physical harm coming from malevolent quarters or simply because of the judge's intimidating robes.
        ii. Ask the defense counsel a series of questions as to whether he had conferred with, and completely explained to, the accused the meaning and consequences of a plea of guilty.
        iii. Elicit information about the personality profile of the accused, such as his age, socio-economic status, and educational

background, which may serve as a trustworthy index of his capacity to give a free and informed plea of guilty.

iv. Inform the accused of the exact length of imprisonment or nature of the penalty under the law and the certainty that he will serve such sentence. For not infrequently, an accused pleads guilty in the hope of a lenient treatment or upon bad advice or because of promises of the authorities or parties of a lighter penalty should he admit guilt or express remorse. It is the duty of the judge to ensure that the accused does not labor under these mistaken impressions because a plea of guilty carries with it not only the admission of authorship of the crime proper but also of the aggravating circumstances attending it, that increase punishment.

v. Inquire if the accused knows the crime with which he is charged and to fully explain to him the elements of the crime which is the basis of his indictment. Failure of the court to do so would constitute a violation of his fundamental right to be informed of the precise nature of the accusation against him and a denial of his right to due process.

vi. All questions posed to the accused should be in a language known and understood by the latter.

vii. The trial judge must satisfy himself that the accused, in pleading guilty, is truly guilty. The accused must be required to narrate the tragedy or reenact the crime or furnish its missing details.

8. People of the Philippines v. Baharan (2011)
    a. **IMPROVIDENT PLEA SUFFICIENT TO SUSTAIN CONVICTION**. Convictions based on an improvident plea of guilt are set aside only if such plea is the sole basis of the judgment. If the trial court relied on sufficient and credible evidence to convict the accused, the conviction must be sustained, because then it is predicated not merely on the guilty plea of the accused but on evidence proving his commission of the offense charged.
9. Enrile v. People of the Philippines (2015, *en banc*)
    a. **BILL OF PARTICULARS**. In general, a bill of particulars is the further specification of the charges or claims in an action, which an accused may avail of by motion before arraignment, to enable him to properly plead and prepare for trial. In criminal cases, a bill of particulars details items or specific conduct not recited in the

Information but nonetheless pertain to or are included in the crime charged. Its purpose is to enable an accused: to know the theory of the government's case; to prepare his defense and to avoid surprise at the trial; to plead his acquittal or conviction in bar of another prosecution for the same offense; and to compel the prosecution to observe certain limitations in offering evidence.

b. **ID; PARTICULARITY**. The rule requires the information to describe the offense with sufficient particularity to apprise the accused of the crime charged with and to enable the court to pronounce judgment. The particularity must be such that persons of ordinary intelligence may immediately know what the Information means.
c. **ID; PURPOSE**. When allegations in an Information are vague or indefinite, the remedy of the accused is not a motion to quash, but a motion for a bill of particulars. The purpose of a bill of particulars is to supply vague facts or allegations in the complaint or information to enable the accused to properly plead and prepare for trial. It presupposes a valid Information, one that presents all the elements of the crime charged, albeit under vague terms. Notably, the specifications that a bill of particulars may supply are only formal amendments to the complaint or Information.
d. **ID; VERSUS A MOTION TO QUASH**. A bill of particulars presupposes a valid Information while a motion to quash is a jurisdictional defect on account that the facts charged in the Information does not constitute an offense. If the information does not charge an offense, then a motion to quash is in order. But if the information charges an offense and the averments are so vague that the accused cannot prepare to plead or prepare for trial, then a motion for a bill of particulars is the proper remedy.

10. Lejano v. People of the Philippines (2010, *en banc*)
    a. **COMPULSORY PROCESSES**. The rights of the accused to have compulsory process to secure the production of evidence on their behalf is a right enshrined in no less than our Constitution, particularly Article III, Section 14. The accused's right of access to evidence requires the correlative duty of the prosecution to produce and permit the inspection of the evidence, and not to suppress or alter it. When the prosecution is called upon not to suppress or alter evidence in its possession that may benefit the accused, it is also necessarily obliged

to preserve the said evidence. To hold otherwise would be to render illusory the existence of such right.

RULE 118: Pre-trial

1. Zaldivar v. People of the Philippines (2016)
    a. **PURPOSE**. Pre-trial is a procedural device intended to clarify and limit the basic issues between the parties and to take the trial of cases out of the realm of surprise and maneuvering. Its chief objective is to simplify, abbreviate and expedite or dispense with the trial.
2. Bayas v. Sandiganbayan (2002)
    a. **STIPULATIONS; WHEN CAN BE SET ASIDE**. Once validly entered into, stipulations will not be set aside unless for good cause. They should be enforced especially when they are not false, unreasonable or against good morals and sound public policy. When made before the court, they are conclusive. And the party who validly made them can be relieved therefrom only upon a showing of collusion, duress, fraud, misrepresentation as to facts, and undue influence; or upon a showing of sufficient cause on such terms as will serve justice in a particular case. Moreover, the power to relieve a party from a stipulation validly made lies in the court's sound discretion which, unless exercised with grave abuse, will not be disturbed on appeal.
3. Daan v. Sandiganbayan (2008)
    a. **PLEA BARGAINING; WHEN POSSIBLE**. Ordinarily, plea bargaining is made during the pre-trial stage of the proceedings. But it may also be made during the trial proper and even after the prosecution has finished presenting its evidence and rested its case. Thus, the Court has held that it is immaterial that plea bargaining was not made during the pre-trial stage or that it was made only after the prosecution already presented several witnesses.
4. People of the Philippines v. Tac-an (2003)
    a. **FAILURE TO APPEAR OF WITNESS IN PRE-TRIAL NOT A REASON FOR DISMISSAL**. Under the Speedy Trial Act, the absence during pre-trial of any witness for the prosecution listed in the Information, whether or not said witness is the offended party or the complaining witness, is not a valid ground for the dismissal of a criminal case. Although under the law, pre-trial is mandatory in criminal cases, the presence of the private complainant or the

complaining witness is however not required. Even the presence of the accused is not required unless directed by the trial court. It is enough that the accused is represented by his counsel. Indeed, even if none of the witnesses listed in the information for the State appeared for the pre-trial, the same can and should proceed. After all, the public prosecutor appeared for the State.

b. **REMEDY**. Said witnesses may be cited by the trial court in contempt of court if their absence was unjustified. Undue delay in the prosecution of the case should not also be condoned.

RULE 119: Trial

1. Jimenez v. People of the Philippines (2014)
    a. **DISCHARGE OF A STATE WITNESS**. The prosecution's right to prosecute gives it a wide range of discretion—the discretion of whether, what and whom to charge, the exercise of which depends on a smorgasbord of factors which are best appreciated by prosecutors. Under Section 17, Rule 119 of the Revised Rules of Criminal Procedure, the court is given the power to discharge a state witness only after it has already acquired jurisdiction over the crime and the accused.
    b. **MEANING OF "ABSOLUTE NECESSITY" OF THE TESTIMONY.** Absolute necessity exists for the testimony of an accused sought to be discharged when he or she alone has knowledge of the crime. In more concrete terms, necessity is not there when the testimony would simply corroborate or otherwise strengthen the prosecution's evidence.
    c. **MEANING OF "SUBSTANTIALLY CORROBORATED" ON ITS MATERIAL POINTS.** We emphasize at this point that to resolve a motion to discharge under Section 17, Rule 119 of the Revised Rules of Criminal Procedure, the Rules only require that that the testimony of the accused sought to be discharged be substantially corroborated in its material points, not on all points. This rule is based on jurisprudential line that in resolving a motion to discharge under Section 17, Rule 119, a trial judge cannot be expected or required, at the start of the trial, to inform himself with absolute certainty of everything that may develop in the course of the trial with respect to the guilty participation of the accused. If that were practicable or possible, there would be little need for the formality of a trial.

d. **MEANING OF "MOST GUILTY."** By jurisprudence, "most guilty" refers to the highest degree of culpability in terms of participation in the commission of the offense and does not necessarily mean the severity of the penalty imposed. While all the accused may be given the same penalty by reason of conspiracy, yet one may be considered to have lesser or the least guilt taking into account his degree of participation in the commission of the offense. What the rule avoids is the possibility that the most guilty would be set free while his co-accused who are less guilty in terms of participation would be penalized.

2. People of the Philippines v. Court of Appeals (1984)
    a. **CONDITIONS TO BECOME A STATE WITNESS**. Section 9, Rule 119 of the Rules of Court prescribes the conditions in order that one or several accused may be used as witnesses against their co-accused: (a) there is absolute necessity for the testimony of the defendant whose discharge is requested; (b) there is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said defendant; (c) the testimony of said defendant can be substantially corroborated in its material points; (d) said defendant does not appear to be the most guilty; and (e) said defendant has not at any time been convicted of any offense involving moral turpitude.
    b. **MEANING OF "MOST GUILTY."** All that the law requires, in order to discharge an accused and to use him as a state witness is that the defendant whose exclusion is requested does not appear to be the most guilty, not necessarily that he is the least guilty. The Rules say that it is necessary that the "said defendant does not appear to be the most guilty," from which the conclusion follows that the guilt of an accused of the crime charged is no reason why he may not be excluded as witness for the State. As a matter of fact, the candid admission of an accused, of his participation in a crime, is a guaranty that if he will testify in court he will testify truthfully; so that even if an accused actually participated in the offense charged in the information, he may still be made a witness. Individuals who are candid enough to admit their guilt are expected to testify truthfully and it is from that circumstance that all the facts involved shall be expected to be truthfully disclosed by him.
3. People of the Philippines v. Chaves (2003)

a. ACCUSED MAY TESTIFY AGAINST A CO-DEFENDANT WITHOUT BEING DISCHARGED AS A STATE WITNESS. It is true that an accused cannot be made a hostile witness for the prosecution, for to do so would compel him to be a witness against himself. However, he may testify against a co-defendant where he has agreed to do so, with full knowledge of his right and the consequences of his acts. It is not necessary that the court discharges him first as state witness. There is nothing in the rules that says so. There is a difference between testifying as state witness and testifying as a co-accused. In the first, the proposed state witness has to qualify as a witness for the state, after which he is discharged as an accused and exempted from prosecution. In the second, the witness remains an accused and can be made liable should he be found guilty of the criminal offense.

b. **ANY EVIDENCE MAY BE PRESENTED TO ESTABLISH THE CONDITIONS TO BECOME A STATE WITNESS**. Rule 119, Section 17, provides that the trial court may direct one or more of the accused to be discharged with their consent so that they may be witnesses for the state "after requiring the prosecution to present evidence and the sworn statement of each proposed state witness at a hearing in support of the discharge." The provision does not make any distinction as to the kind of evidence the prosecution may present. What it simply requires, in addition to the presentation of the sworn statement of the accused concerned, is the presentation of such evidence as are necessary to determine if the conditions exist for the discharge, so as to meet the object of the law, which is to prevent unnecessary or arbitrary exclusion from the complaint of persons guilty of the crime charged. No exemption from the term evidence is provided by the law as to exclude the testimony of the accused.

4. Rosales v. Court of Appeals (1992)

a. **DISCHARGE IS ACQUITTAL**. Once the discharge is effected, any subsequent showing that not all the five (5) requirements outlined in Sec. 9 of Rule 119 were actually fulfilled cannot adversely affect the legal consequences of such discharge which, under Sec. 10 of the same Rule, operates as an acquittal of the accused thus discharged and shall forever be a bar to his prosecution for the same offense. In *Bogo-Medellin Milling Co., Inc. v. Son*, we ruled that once an accused is discharged to be a state witness, the legal consequence of acquittal

follows and persists unless the accused so discharged fails or refuses to testify against his co-defendant.

5. People of the Philippines v. Verceles (2002)
    a. **IMPROPER DISCHARGE DOES NOT AFFECT ADMISSIBILITY OF THE TESTIMONY OR EVIDENCE**. Granting *ex gratia argumenti* that not all the requisites of a valid discharge are present, the improper discharge of an accused will not render inadmissible his testimony nor detract from his competency as a witness. Any witting or unwitting error of the prosecution in asking for the discharge, and of the court in granting the petition, no question of jurisdiction being involved, cannot deprive the discharged accused of the acquittal provided by the Rules, and of the constitutional guarantee against double jeopardy.
6. People of the Philippines v. XXX (2022)
    a. **AMENDMENT TO THE INFORMATION TO SECURE ACCUSED'S RIGHTS; *MOTU PROPRIO***. The Court also reminds trial courts of their duty and power to be more vigilant of the accused's rights. While the defense has the remedy of filing a motion for bill of particulars in cases like this one, courts also have the power, on their own, to *motu proprio* order the amendment of an Information should it appear to be defective. The Court has previously held that Rule 119, Sec. 19 gives trial courts the power to "*motu proprio* order the dismissal of the case and direct the filing of the appropriate information." Indeed, while the courts sit as impartial tribunals, it is equally true that the primary role of the courts is to be vanguards of constitutional guarantees. Courts and their judges, therefore, should not sit idly even as threats to constitutional rights readily reveal themselves before them.
7. People of the Philippines v. Caoili (2017, *en banc*)
    a. **RULE 119, SEC. 19 IS ONLY APPLICABLE BEFORE JUDGMENT**. It is clear that the rules are applicable only before judgment has been rendered. In this case, the trial has been concluded. The RTC already returned a guilty verdict, which has been reviewed by the CA whose decision, in turn, has been elevated to this Court.
8. Bariata v. Carpio-Morales (2023)
    a. **CONSOLIDATION; CONCEPT**. Consolidation is an act of judicial discretion when several cases are already filed and pending before it. This assumes that the procedural vehicles taken when these

remedies are filed in the deciding forum are proper and thus, are to be given due course. Rule 31 of the Rules of Court, which applies suppletorily in cases before the Ombudsman, provides that consolidation involves actions that are already pending before the Court.

9. Republic v. De Borja (2017)
    a. **DEMURRER TO EVIDENCE**. A demurrer to evidence is a motion to dismiss on the ground of insufficiency of evidence. It is a remedy available to the defendant, to the effect that the evidence produced by the plaintiff is insufficient in point of law, whether true or not, to make out a case or sustain an issue. The question in a demurrer to evidence is whether the plaintiff, by his evidence in chief, had been able to establish a *prima facie* case.
10. Felipe v. MGM Motor Trading (2015)
    a. **QUESTION TO BE RESOLVED IN A DEMURRER TO EVIDENCE**. The essential question to be resolved in a demurrer to evidence is whether the plaintiff has been able to show that he is entitled to his claim, and it is incumbent upon the trial court judge to make such a determination.
11. Heirs of Santioque v. Heirs of Calma (2006)
    a. **NATURE OF A DEMURRER TO EVIDENC**E. Demurrer to evidence authorizes a judgment on the merits of the case without the defendant having to submit evidence on his part as he would ordinarily have to do, if it is shown by plaintiff's evidence that the latter is not entitled to the relief sought. The demurrer, therefore, is an aid or instrument for the expeditious termination of an action, similar to a motion to dismiss, which a court or tribunal may either grant or deny.
    b. **INSTANCES WHEN IT MAY BE USED**. A demurrer to evidence may be issued when, upon the facts and the law, the plaintiff has shown no right to relief. Where the plaintiff's evidence together with such inferences and conclusions as may reasonably be drawn therefrom does not warrant recovery against the defendant, a demurrer to evidence should be sustained. A demurrer to evidence is likewise sustainable when, admitting every proven fact favorable to the plaintiff and indulging in his favor all conclusions fairly and reasonably inferable therefrom, the plaintiff has failed to make out one or more of the material elements of his case, or when there is no evidence to support

an allegation necessary to his claim. It should be sustained where the plaintiff's evidence is prima facie insufficient for a recovery.

12. Cacdac v. Mercado (2021)
    a. **DEMURRER TO EVIDENCE; IF FILED WITH LEAVE OF COURT**. Under the rules, it is explicit that if the court denies the demurrer filed with leave of court, the accused may still adduce counter evidence on the criminal and civil aspects of the case. Jurisprudence likewise explains that if the court grants the demurrer filed with leave of court resulting in the dismissal of the criminal action, the accused may still adduce evidence on the civil aspect of the case.
    b. **ID; IF FILED WITHOUT LEAVE OF COURT**. On the other hand, when a demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the whole case based on the evidence for the prosecution. The trial court is called upon to decide the criminal case including its civil aspect.
13. Rivac v. People of the Philippines (2018)
    a. **MOTION TO REOPEN; PARAMETERS**. A motion to reopen a case to receive further proofs was not in the old rules but it was nonetheless a recognized procedural recourse, deriving validity and acceptance from long, established usage. Section 24, Rule 119 and existing jurisprudence stress the following requirements for reopening a case: (1) the reopening must be before the finality of a judgment of conviction; (2) the order is issued by the judge on his own initiative or upon motion; (3) the order is issued only after a hearing is conducted; (4) the order intends to prevent a miscarriage of justice; and (5) the presentation of additional and/or further evidence should be terminated within 30 days from the issuance of the order. Generally, after the parties have produced their respective direct proofs, they are allowed to offer rebutting evidence only. However, the court, for good reasons, and in the furtherance of justice, may allow new evidence upon their original case, and its ruling will not be disturbed in the appellate court where no abuse of discretion appears. A motion to reopen may thus properly be presented only after either or both parties had formally offered and closed their evidence, but before judgment is rendered, and even after promulgation but before finality of judgment and the only controlling guideline covering a motion to reopen is the paramount interest of justice. This remedy of reopening a case was meant to prevent a miscarriage of justice.

RULE 120: Judgment

1. Bacolod v. People of the Philippines (2013)
    a. **PENALTY AND CIVIL LIABILITIES**. It is imperative that the courts prescribe the proper penalties when convicting the accused, and determine the civil liability to be imposed on the accused, unless there has been a reservation of the action to recover civil liability or a waiver of its recovery.
2. Zafra v. People of the Philippines (2014)
    a. **WHAT A JUDGMENT MUST CONTAIN**. We also pointedly remind all trial and appellate courts to avoid omitting reliefs that the parties are properly entitled to by law or in equity under the established facts. Their judgments will not be worthy of the name unless they thereby fully determine the rights and obligations of the litigants. It cannot be otherwise, for only by a full determination of such rights and obligations would they be true to the judicial office of administering justice and equity for all. Courts should then be alert and cautious in their rendition of judgments of conviction in criminal cases. They should prescribe the legal penalties, which is what the Constitution and the law require and expect them to do. Their prescription of the wrong penalties will be invalid and ineffectual for being done without jurisdiction or in manifest grave abuse of discretion amounting to lack of jurisdiction. They should also determine and set the civil liability *ex delicto* of the accused, in order to do justice to the complaining victims who are always entitled to them. The Rules of Court mandates them to do so unless the enforcement of the civil liability by separate actions has been reserved or waived.
3. People of the Philippines v. Siu Ming Tat (2020)
    a. **SHABU WAS CHARGED, BUT EPHEDRINE WAS PROVEN**. Sections 4 and 5, Rule 120 of the Rules of Court, can be applied by analogy in convicting the appellant of the offenses charged, which are included in the crimes proved. Under these provisions, an offense charged is necessarily included in the offense proved when the essential ingredients of the former constitute or form part of those constituting the latter. At any rate, a minor variance between the Information and the evidence does not alter the nature of the offense, nor does it determine or qualify the crime or penalty, so that even if a discrepancy exists, this cannot be pleaded as a ground for acquittal. In other words,

his right to be informed of the charges against him has not been violated because where an accused is charged with a specific crime, he is duly informed not only of such specific crime but also of lesser crimes or offenses included therein.

4. Granada v. People of the Philippines (2016, *minute resolution*)
    a. **PROMULGATION *IN ABSENTIA***. The Rules of Court provides measures to make promulgation *in absentia* a formal and solemn act so that the absent accused, wherever he may be, can be notified of the judgment rendered against him. The sentence imposed by the trial court cannot be served in the absence of the accused. Hence, all means of notification must be done to let the absent accused know of the judgment of the court. And the means provided by the Rules are: (1) the act of giving notice to all persons or the act of recording or registering the judgment in the criminal docket; and (2) the act of serving a copy thereof upon the accused (at his last known address) or his counsel. In a scenario where the whereabouts of the accused are unknown (as when he is at large), the recording satisfies the requirement of notifying the accused of the decision wherever he may be.
    b. **REMEDIES OF THE ACCUSED**. Thus, by failing to appear during the scheduled promulgation of judgment despite due notice, petitioner's remedy should have been to surrender before the Sandiganbayan and file a motion for leave of court to file an appeal stating justifiable grounds for her non-appearance. Petitioner failed to avail of this remedy hence her right to appeal was deemed waived or foreclosed. Otherwise stated, the filing of a petition for review was not proper.
5. Jaylo v. Sandiganbayan (2015)
    a. **EFFECT OF NONAPPEARANCE DURING PROMULGATION**. If the judgment is for conviction and the failure to appear was without justifiable cause, the accused shall lose the remedies available in the Rules of Court against the judgment. Thus, it is incumbent upon the accused to appear on the scheduled date of promulgation, because it determines the availability of their possible remedies against the judgment of conviction. When the accused fail to present themselves at the promulgation of the judgment of conviction, they lose the remedies of filing a motion for a new trial or

reconsideration (Rule 121) and an appeal from the judgment of conviction (Rule 122).

b. **ID; RATIONALE**. The reason is simple. When the accused on bail fail to present themselves at the promulgation of a judgment of conviction, they are considered to have lost their standing in court. Without any standing in court, the accused cannot invoke its jurisdiction to seek relief.

c. **RULE 120, SEC. 6 IS NOT A DIMINUTION OF THE ACCUSED'S RIGHT**. Section 6, Rule 120, of the Rules of Court, does not take away per se the right of the convicted accused to avail of the remedies under the Rules. It is the failure of the accused to appear without justifiable cause on the scheduled date of promulgation of the judgment of conviction that forfeits their right to avail themselves of the remedies against the judgment. It is not correct to say that Section 6, Rule 120, of the Rules of Court diminishes or modifies the substantive rights of petitioners. It only works in pursuance of the power of the Supreme Court to "provide a simplified and inexpensive procedure for the speedy disposition of cases." This provision protects the courts from delay in the speedy disposition of criminal cases—delay arising from the simple expediency of nonappearance of the accused on the scheduled promulgation of the judgment of conviction.

6. Raya v. People of the Philippines (2021)

a. **FINALITY OF ACQUITTAL RULE**. 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." 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.

b. **ID; 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.
c. **ID; ID; CAVEAT**. 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. Ang Cho Kio*, "no error, however flagrant, committed by the court against the state, can be reserved by it for decision by the Supreme Court when the defendant has once been placed in jeopardy and discharged, even though the discharge was the result of the error committed."

7. Cogasi v. People of the Philippines (2021)
    a. **THE ONLY EXCEPTION IS GRAVE ABUSE OF DISCRETION**. A judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This iron clad rule has only one exception: grave abuse of discretion that is strictly limited whenever there is a violation of the prosecution's right to due process such as when it is denied the opportunity to present evidence or where the trial is sham or when there is a mistrial, rendering the judgment of acquittal void.
    b. **STAND OF REVIEW**. It is a settled rule that misappreciation of the evidence is a mere error of judgment that does not qualify as an exception to the finality-of-acquittal doctrine. An error of judgment is not correctible by a writ of *certiorari*.
        i. *See also* Galman v. Sandiganbayan (1986)
            1. **VOID JUDGMENTS**. As earlier pointed out, however, respondent Court's Resolution of acquittal was a void judgment for having been issued without jurisdiction. No double jeopardy attaches, therefore. A void judgment is, in legal effect, no judgment at all. By it no rights are divested. Through it, no rights can be attained. Being worthless, all proceedings founded upon it are equally worthless. It neither binds nor bars anyone. All acts performed under it and all claims flowing out of it are void.

8. Tan v. People of the Philippines (2002)

a. **PURE QUESTIONS OF LAW; NOT EXCLUSIVE TO THE SUPREME COURT**. Neither the Constitution nor the Rules of Criminal Procedure exclusively vests in the Supreme Court the power to hear cases on appeal in which only an error of law is involved. 7 Indeed, the Court of Appeals, under Rule 42 and 44 of the Rules of Civil Procedure, is authorized to determine "errors of fact, of law, or both." These rules are expressly adopted to apply to appeals in criminal cases, and they do not thereby divest the Supreme Court of its ultimate jurisdiction over such questions.
b. **PETITION FOR CERTIORARI IS NOT AVAILABLE WHEN APPEAL MAY BE HAD**. Anent the argument that petitioner should have filed a petition for certiorari under Rule 65, it might be pointed out that this remedy can only be resorted to when there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law. Appeal, being a remedy still available to petitioner, a petition for certiorari would have been premature.
c. **EFFECT OF APPLICATION FOR PROBATION**. When the trial court increased the penalty on petitioner for his crime of bigamy after it had already pronounced judgment and on which basis he then, in fact, applied for probation, the previous verdict could only be deemed to have lapsed into finality. Section 7, Rule 120, of the Rules on Criminal Procedure implements a substantive provision of the Probation Law which enunciates that the mere filing of an application for probation forecloses the right to appeal.

9. Villareal v. People of the Philippines (2014)
    a. **WHEN ACCUSED APPLIES FOR PROBATION**. Coupled with Section 7 of Rule 117 and Section 1 of Rule 122, it can be culled from the foregoing provisions that only the accused may appeal the criminal aspect of a criminal case, especially if the relief being sought is the correction or review of the judgment therein. This rule was instituted in order to give life to the constitutional edict against putting a person twice in jeopardy of punishment for the same offense. It is beyond contention that the accused would be exposed to double jeopardy if the state appeals the criminal judgment in order to reverse an acquittal or even to increase criminal liability. Thus, the accused's waiver of the right to appeal—as when applying for probation—makes the criminal judgment immediately final and executory.

b. **WHEN RULE 65 IS APPLICABLE**. In view thereof, we find that the proper interpretation of Section 7 of Rule 120 must be that it is inapplicable and irrelevant where the court's jurisdiction is being assailed through a Rule 65 petition. Section 7 of Rule 120 bars the modification of a criminal judgment only if the appeal brought before the court is in the nature of a regular appeal under Rule 41, or an appeal by certiorari under Rule 45, and if that appeal would put the accused in double jeopardy.
c. **ID; RATIONALE**. Hence, strictly speaking, there is no modification of judgment in a petition for certiorari, whose resolution does not call for a re-evaluation of the merits of the case in order to determine the ultimate criminal responsibility of the accused. In a Rule 65 petition, any resulting annulment of a criminal judgment is but a consequence of the finding of lack of jurisdiction.

RULE 121: New trial or reconsideration

1. Flores v. People of the Philippines (2013)
    a. ***PRO FORMA* MOTION FOR RECONSIDERATION DOES NOT TOLL THE PERIOD FOR APPEAL**. Sec. 2 of Rule 37 and Sec. 4 of Rule 121 should be read in conjunction with Sec. 5 of Rule 15 of the Rules of Court. Basic is the rule that every motion must be set for hearing by the movant except for those motions which the court may act upon without prejudice to the rights of the adverse party. The notice of hearing must be addressed to all parties and must specify the time and date of the hearing, with proof of service. This Court has indeed held, time and again, that under Sections 4 and 5 of Rule 15 of the Rules of Court, the requirement is mandatory. Failure to comply with the requirement renders the motion defective. As a rule, a motion without a notice of hearing is considered *pro forma* and does not affect the reglementary period for the appeal or the filing of the requisite pleading.
2. Neypes v. Court of Appeals (2005, *en banc*)
    a. **FRESH PERIOD RULE**. A party litigant may either file his notice of appeal within 15 days from receipt of the Regional Trial Court's decision or file it within 15 days from receipt of the order (the "final order") denying his motion for new trial or motion for reconsideration. The new 15-day period may be availed of only if either motion is filed;

otherwise, the decision becomes final and executory after the lapse of the original appeal period provided in Rule 41, Section 3.

3. Yu v. Tatad (2011)
    a. **EXTENSION OF *NEYPES* TO CRIMINAL PROCEDURE**. While *Neypes* involved the period to appeal in civil cases, the Court's pronouncement of a "fresh period" to appeal should equally apply to the period for appeal in criminal cases under Section 6 of Rule 122 of the Revised Rules of Criminal Procedure.

RULE 122-125: Appeal

1. People of the Philippines v. Jabiniao Jr. (2008)
    a. **EXTENT OF REVIEW**. It is settled that in a criminal case, an appeal throws the whole case open for review, and it becomes the duty of the appellate court to correct such errors as may be found in the judgment appealed from, whether they are made the subject of the assignment of errors or not.
2. People of the Philippines v. XXX (2021)
    a. **WHAT MAY BE MODIFIED ON APPEAL**. In criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.
3. People of the Philippines v. Luspo (2022, *minute resolution*)
    a. **MODES OF APPEAL**. The general rule is that appeals of criminal cases shall be brought to this Court by filing a petition for review on certiorari under Rule 45 of the Rules of Court; except where the CA has imposed the penalty of *reclusion perpetua*, life imprisonment, or a lesser penalty, in which case it may be appealed by a Notice of Appeal filed before the CA. This is consistent with Section 3, Rule 56 of the Rules of Court, which provides that appeals to this Court "may be taken only by a petition for review on certiorari, except in criminal cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment."
    b. **MEANING OF "LESSER PENALTY" IN RULE 124, SEC. 13 (C).** Instead, the lesser penalty contemplated under Sec. 13 (c), Rule

124 of the Rules of Court should be understood in relation to Sec. 3 (c), Rule 122: "where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed."

   c. **IN THE CASE AT BAR.** Luspo was convicted of one count of homicide only. Verily, it was not committed on the same occasion or arose out of an occurrence that gave rise to a more serious offense. Unfortunately for Luspo then, his situation does not fall within the cases in which an appeal to this Court may be made by the mere filing of a notice of appeal.

4. People of the Philippines v. Mamaril (2010)
   a. **CANNOT CHANGE THEORY ON APPEAL NOR RAISE NEW ISSUES**. A party cannot change his theory on appeal nor raise in the appellate court any question of law or of fact that was not raised in the court below or which was not within the issue raised by the parties in their pleadings. In a long line of cases, this Court held that points of law, theories, issues and arguments not adequately brought to the attention of the trial court ordinarily will not be considered by a reviewing court as they cannot be raised for the first time on appeal because this would be offensive to the basic rules of fair play, justice and due process.
5. People of the Philippines v. Piccio (2014)
   a. **WHO MAY APPEAL ON BEHALF OF THE STATE**. It is well-settled that the authority to represent the State in appeals of criminal cases before the Court and the CA is vested solely in the OSG, which is the law office of the Government whose specific powers and functions include that of representing the Republic and/or the people before any court in any action which affects the welfare of the people as the ends of justice may require.
   b. **RATIONALE; REAL PARTY IN INTEREST**. Accordingly, jurisprudence holds that if there is a dismissal of a criminal case by the trial court or if there is an acquittal of the accused, it is only the OSG that may bring an appeal on the criminal aspect representing the People. The rationale therefor is rooted in the principle that the party affected by the dismissal of the criminal action is the People and not the petitioners who are mere complaining witnesses. For this reason, the People are therefore deemed as the real parties in interest in the

criminal case and, therefore, only the OSG can represent them in criminal proceedings pending in the CA or in this Court. In view of the corollary principle that every action must be prosecuted or defended in the name of the real party-in-interest who stands to be benefited or injured by the judgment in the suit, or by the party entitled to the avails of the suit, an appeal of the criminal case not filed by the People as represented by the OSG is perforce dismissible.

c. **REMEDY OF PRIVATE COMPLAINANT**. The private complainant or the offended party may, however, file an appeal without the intervention of the OSG but only insofar as the civil liability of the accused is concerned. He may also file a special civil action for certiorari even without the intervention of the OSG, but only to the end of preserving his interest in the civil aspect of the case.

6. Sildeño v. People of the Philippines (2020)
    a. **WRONG APPEAL IS DISMISSIBLE**. There is nothing in the afore-quoted provisions which can conceivably justify the filing of Sideño's appeal before the CA. Indeed, the appeal was erroneously taken to the CA because Sideño's case properly falls within the appellate jurisdiction of the SB. Section 2, Rule 50 of the Rules of Court provides, among others, that an appeal erroneously taken to the CA shall not be transferred to the appropriate court but shall be dismissed outright. This has been the consistent holding of the Court.
7. Dimarucot v. People of the Philippines (2010)
    a. **DISMISSAL FOR FAILURE TO FILE APPELLANT'S BRIEF; SHOW CAUSE NOTICE REQUIRED**. A criminal case may be dismissed by the CA *motu proprio* and with notice to the appellant if the latter fails to file his brief within the prescribed time. The phrase "with notice to the appellant" means that a notice must first be furnished the appellant to show cause why his appeal should not be dismissed. The purpose of such a notice is to give an appellant the opportunity to state the reasons, if any, why the appeal should not be dismissed because of such failure, in order that the appellate court may determine whether or not the reasons, if given, are satisfactory.
8. Sanico v. People of the Philippines (2015)
    a. **NONSUBMISSION OF MEMORANDUM OF APPEAL IS NOT A GROUND FOR DISMISSAL**. The failure to file the memorandum on appeal is a ground for the RTC to dismiss the appeal only in civil cases. The same rule does not apply in criminal cases,

because Section 9 (c), *supra*, imposes on the RTC the duty to decide the appeal "on the basis of the entire record of the case and of such memoranda or briefs as may have been filed" upon the submission of the appellate memoranda or briefs, or upon the expiration of the period to file the same. Hence, the dismissal of the petitioner's appeal cannot be properly premised on the failure to file the memorandum on appeal.

Rule 124: Procedure in the Court of Appeals

1. People of the Philippines v. De los Reyes (2012, *en banc*)
    a. **AUTOMATIC REVIEW OF CAPITAL PUNISHMENT IS WITH THE COURT OF APPEALS**. At the outset, the Court notes that these cases were elevated to Us on automatic review in view of the RTC's imposition of the death penalty upon appellant in its June 25, 1997 Decision. However, with the Court's pronouncement in the 2004 case of *People v. Mateo* providing for and making mandatory the intermediate review by the CA of cases involving the death penalty, *reclusion perpetua* or life imprisonment, the proper course of action would be to remand these cases to the appellate court for the conduct of an intermediate review.
    b. **DISMISSAL OF AN APPEAL BY AN ACCUSED WHO JUMPED BAIL, ETC**. Once an accused escapes from prison or confinement, or flees to a foreign country, he loses his standing in court, and unless he surrenders or submits to the jurisdiction of the court, he is deemed to have waived any right to seek relief therefrom. Thus, even if the Court were to remand these cases to the CA for intermediate review, the CA would only be constrained to dismiss appellant's appeal, as he is considered a fugitive from justice.
2. Tamboa v. People of the Philippines (2020)
    a. **FINALITY OF JUDGMENT; EXCEPTIONS**. As a rule, a final and executory judgment can no longer be attacked by any of the parties or be modified, directly or indirectly, even by the highest court of the land. However, the Court has relaxed this rule in order to serve substantial justice considering (a) matters of life, liberty, honor or property, (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a

lack of any showing that the review sought is merely frivolous and dilatory, all of which obtain in the instant case.

3. Masas v. People of the Philippines (2007)
    a. **FAILURE TO FILE APPELLANT'S BRIEF; COUNSEL *DE OFFICIO***. The provision is clear and unambiguous. Section 8 provides for an exception in the dismissal of appeal for failure to file the appellant's brief, that is, where the appellant is represented by a counsel *de oficio*.
    b. ***MOTU PROPRIO* DISMISSALS NOT MANDATORY.** A healthy respect for petitioner's rights should caution courts against *motu proprio* dismissals of appeals, especially in criminal cases where the liberty of the accused is at stake. The rules allowing *motu proprio* dismissals of appeals merely confer a power and do not impose a duty; and the same are not mandatory but merely directory which thus require a great deal of circumspection, considering all the attendant circumstances. Courts are not exactly impotent to enforce their orders, including those requiring the filing of appellant's brief. This is precisely the *raison d'etre* for the court's inherent contempt power. *Motu proprio* dismissals of appeals are thus not always called for. Although the right to appeal is a statutory, not a natural, right, it is an essential part of the judicial system and courts should proceed with caution so as not to deprive a party of this prerogative, but instead, afford every party-litigant the amplest opportunity for the proper and just disposition of his cause, freed from the constraints of technicalities. More so must this be in criminal cases where, as here, the appellant is an indigent who could ill-afford the services of a counsel *de parte*.
4. People of the Philippines v. Sanday (2022, *minute resolution*)
    a. **MISTAKE OF THE COUNSEL BINDS THE CLIENT; EXCEPTION; IN THE CASE AT BAR**. Moreover, the rule that the mistakes of counsel bind the client may not be strictly followed where observance of it would result in the outright deprivation of the client's liberty or property, or where the interest of justice so requires. In the case, the RTC convicted accused-appellants of violation of Section 5, Article II of RA 9165, which carries the penalty of life imprisonment. The Court cannot simply allow accused-appellants to be incarcerated for life without their conviction being fully reviewed on the merits.
5. People of the Philippines v. Mirandilla (2011)

a. **CREDIBILITY OF WITNESS; PRINCIPLES GUIDING THE APPELLATE COURT**. In resolving issues pertaining to the credibility of the witnesses, this Court is guided by the following principles: (1) the reviewing court will not disturb the findings of the lower courts, unless there is a showing that it overlooked or misapplied some fact or circumstance of weight and substance that may affect the result of the case; (2) the findings of the trial court on the credibility of witnesses are entitled to great respect and even finality, as it had the opportunity to examine their demeanor when they testified on the witness stand; and (3) a witness who testifies in a clear, positive and convincing manner is a credible witness.

b. **TRIAL COURT'S ASSESSMENT IS BINDING**. We emphasize that a trial court's assessment of a witness's credibility, when affirmed by the CA, is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight or influence. This is so because of the judicial experience that trial courts are in a better position to decide the question of credibility, having heard the witnesses themselves and having observed firsthand their deportment and manner of testifying under grueling examination.

6. People of the Philippines v. Bitanga (2007)

a. **THERE IS NO REMEDY OF PETITION FOR ANNULMENT IN CRIMINAL CASES**. The remedy cannot be resorted to when the RTC judgment being questioned was rendered in a criminal case. The 2000 Revised Rules of Criminal Procedure itself does not permit such recourse, for it excluded Rule 47 from the enumeration of the provisions of the 1997 Revised Rules of Civil Procedure which have suppletory application to criminal cases. There is no basis in law or the rules, therefore, to extend the scope of Rule 47 to criminal cases. As we explained in *Macalalag v. Ombudsman*, when there is no law or rule providing for this remedy, recourse to it cannot be allowed.