

THIRD DIVISION

G.R. No. 246306 — MARIAN REBUTA y SEDAÑO, *petitioner, versus*
PEOPLE OF THE PHILIPPINES, *respondent.*

Promulgated:

July 26, 2023

X-----Miss R. Bata-----X

CONCURRING OPINION

CAGUIOA, J.:

I concur with the *ponencia* in granting the petition¹ in the captioned case and reinstating the Joint Decision² dated October 30, 2015 of the Regional Trial Court, Branch XXX,³ YYY⁴ City, Davao del Norte (RTC), in Criminal Case Nos. 19762, 19763, 19764, 19765, 19766, 19767, 19768, 19769, 20112 and 20113, which acquitted petitioner Marian Rebuta y Sedaño (Rebuta) of all charges of violation of Republic Act No. (RA) 9208,⁵ otherwise known as the “Anti-Trafficking in Persons Act of 2003,” as expanded under RA 10364,⁶ and RA 7610,⁷ as amended by RA 9231,⁸ otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.”

¹ *Rollo*, pp. 9–25.

² *Id.* at 76–91. Penned by Presiding Judge Ma. Susana T. Baua.

³ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017.)

⁴ *Id.*

⁵ Entitled, “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes,” approved on May 26, 2003.

⁶ Entitled, “An Act Expanding Republic Act No. 9208, Entitled ‘An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations and for Other Purposes,’” approved on February 6, 2013.

⁷ Entitled, “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes,” approved on June 17, 1992.

⁸ Entitled, “An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, amending for this Purpose Republic Act No. 7610, as amended, Otherwise Known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act,” approved on December 19, 2003.

In reversing and setting aside the Joint Decision, the Court Appeals⁹ (CA) violated Rebuta's constitutional right against double jeopardy.

Brief review of the facts

Rebuta was charged with five (5) counts of violation of Section 6(a) in relation to Sections 3(c) and 4(a) of RA 9208, as amended by RA 10364 before the RTC. She was also charged with five (5) counts of violation of Section 12(d), paragraph 4(b), Article VIII of RA 7610, as amended by RA 9231.¹⁰

Rebuta pleaded not guilty to all charges.¹¹ After a full-blown trial, **where both parties presented their respective evidence**, the RTC issued the Joint Decision acquitting Rebuta of all charges for failure of the prosecution to prove her guilt beyond reasonable doubt.¹² The RTC held:

[I]t is clear that no threat, force, coercion, abduction, fraud and/or deception was exercised by either of the accused Rebuta or Delgado to compel the private complainants to work as GRO's in the [ZZZ]¹³ Bar for the purpose of exploiting them for prostitution. On the contrary, it was the private complainants themselves who voluntarily applied for their jobs as such GRO's [*sic*] and by lying about their ages, were the ones who employed deception so that they may be hired by Rebuta.

This misrepresentation about their age would likewise applies [*sic*] insofar as . . . [the] charged for the violation of "Section 12 . . . R.A. 7610 . . . for engaging their services as entertainers in the [ZZZ]¹⁴ Bar[.]"

....

The said law is clear: first, it applies to minors below fifteen (15) years of age; work hours are limited to a certain period of time each day; exemption is made for those over fifteen but below eighteen.

Applied to these cases, the [ZZZ]¹⁵ Bar, by the very nature of its business, is open only at night; working hours are between 7:00 o'clock in the evening up to approximately two or three o'clock in the morning of the succeeding day, for a total average of seven to eight hours each night; it is not clear whether the private complainants were made to work the straight shift of the seven to eight hours each night because they had the freedom to cut it short or to prolong it. Most of them, with the exception of [EEE],¹⁶ were over 15 years of age at the time that they worked for [ZZZ]¹⁷ Bar; with

⁹ See Decision dated September 26, 2018 and Resolution dated March 4, 2019 of the CA in CA-G.R. SP No. 07226, both penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Edgardo A. Camello and Walter S. Ong, *rollo*, pp. 26-46 and 47-50, respectively.

¹⁰ See *id.* at 27-31, CA Decision.

¹¹ *Id.* at 31.

¹² *Id.* at 91.

¹³ *Supra* note 3.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

respect to [EEE],¹⁸ she, just like everyone else, lied about her age so she may work for [ZZZ]¹⁹ Bar.

At the time of their rescue, there was no visible indication that the private complainants were suffering from physical, psychological, mental or emotional trauma arising from the nature of their work; neither did the prosecution submit any evidence during trial that these private complainants suffered so.²⁰

Respondent People of the Philippines (respondent), through the Office of the Solicitor General, filed a petition for *certiorari* with the CA claiming that the RTC committed grave abuse of discretion when it acquitted Rebuta of the charges.²¹

In the assailed Decision, the CA granted respondent's petition for *certiorari*, reversed and set aside the RTC Joint Decision, and convicted Rebuta for five (5) counts of violation of Section 4(a), qualified by Section 6(a) of RA 9208, as amended by RA 10364, in relation to Section 12-D, paragraph 2, Article VIII of RA 7610, as amended by RA 9231.²² Rebuta was sentenced to suffer the penalty of *life imprisonment* and a fine of ₱2,000,000.00 for each count. She was likewise ordered to pay moral damages of ₱500,000.00 and exemplary damages of ₱100,000.00 to each victim.²³

The CA held that the RTC gravely abused its discretion in acquitting Rebuta because it disregarded the provision of law which renders irrelevant and unnecessary to prove the element of means employed in the recruitment, transportation, transfer, and harboring of persons when the victims involved are minors. According to the CA, since the minority of private complainants were all proven in this case, and even if private complainants volunteered or consented to Rebuta hiring them, Rebuta is guilty of Qualified Trafficking.²⁴

Rebuta filed the present petition before this Court alleging, among others, that respondent's petition for *certiorari* before the CA does not fall under the recognized exceptions to double jeopardy.²⁵

As stated in the outset, I agree with the *ponencia* in granting the present petition. It was a serious error for the CA to have reversed Rebuta's acquittal because all the elements of double jeopardy are present in this case.

The CA erred in reversing and setting aside the Joint Decision of the RTC acquitting Rebuta. Rebuta's acquittal cannot be

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Rollo*, pp. 88-90.

²¹ *Id.* at 37, CA Decision.

²² *Id.* at 46.

²³ *Id.*

²⁴ *Id.* at 39-42.

²⁵ *See id.* at 18-20.



reversed without placing her in double jeopardy.

Section 21, Article III of the 1987 Constitution provides that “[n]o person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.”

To implement this constitutional right, Section 7, Rule 117 of the Revised Rules of Criminal Procedure provides:

SEC. 7. Former conviction or acquittal; double jeopardy. — When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.

Dissecting the foregoing rule, jurisprudence explains that for the right against double jeopardy to attach, the concurrence of the following requisites must be present: (1) a first jeopardy must have attached prior to the second; (2) the first jeopardy must have been validly terminated; and (3) the second jeopardy must be for the same offense as that in the first.²⁶ In turn, the first jeopardy attaches only (1) upon a valid indictment; (2) before a competent court; (3) after arraignment; (4) when a valid plea has been entered; and (5) when the defendant was convicted or acquitted, or the case was dismissed or otherwise terminated without the express consent of the accused.²⁷

All the foregoing requisites of double jeopardy are present in this case.

Rebuta was charged under ten (10) separate Informations with five (5) counts of violation of Section 6(a) in relation to Sections 3(c) and 4(a) of RA 9208, as amended by RA 10364 and five (5) counts of violation of Section 12(d), paragraph 4(b), Article VIII of RA 7610, as amended by RA 9231 before the RTC, which had jurisdiction over the cases. Rebuta was arraigned and pleaded not guilty to all the charges.²⁸ **During trial, both parties were able to present all their documentary and testimonial evidence and formally offered the same to the trial court.**²⁹ On October 30, 2015, the RTC issued the Joint Decision acquitting Rebuta of all the charges there being absence of proof beyond reasonable doubt as to her guilt.³⁰

²⁶ *People v. Judge Declaro*, 252 Phil. 139, 143 (1989).

²⁷ *People v. Hon. Nitafan*, 362 Phil. 58, 74 (1999).

²⁸ *Rollo*, p. 31, CA Decision.

²⁹ *Id.* at 35.

³⁰ *Id.* at 91.



Clearly, there was a valid termination of the first jeopardy in this case, and the CA's grant of respondent's petition for *certiorari*, reversing Rebuta's acquittal and convicting her for five (5) counts of violation of Section 4(a), qualified by Section 6(a) of RA 9208, as amended by RA 10364 in relation to Section 12-D, paragraph 2, Article VIII of RA 7610, as amended by RA 9231, is a constitutionally offensive second jeopardy as it pertains to the same offense as the first jeopardy.

To safeguard the constitutional proscription against double jeopardy, the Court has consistently adhered to the "finality-of-acquittal" rule,³¹ 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."³²

The rationale behind the "finality-of-acquittal" doctrine was elucidated by the Court in *People v. Hon. Velasco*,³³ in this wise:

The fundamental philosophy highlighting the finality of an acquittal by the trial court cuts deep into "the humanity of the laws and in a **jealous watchfulness over the rights of the citizen, when brought in unequal contest with the State**. [. . .]" Thus *Green* expressed the concern that "(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is **that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty**."

It is axiomatic that on the basis of humanity, fairness and justice, an acquitted defendant is entitled to the right of repose as a direct consequence of the finality of his acquittal. The philosophy underlying this rule establishing the absolute nature of acquittals is "part of the paramount importance criminal justice system attaches to the protection of the innocent against wrongful conviction." The interest in the finality-of-acquittal rule, confined exclusively to verdicts of not guilty, is easy to understand: it is a need for "repose," a desire to know the exact extent of one's liability. With this right of repose, the criminal justice system has built in a protection to insure that the innocent, even those whose innocence rests upon a jury's leniency, will not be found guilty in a subsequent proceeding.³⁴ (Emphasis and underscoring supplied; citations omitted)

However, as any other rule, the "finality-of-acquittal" doctrine is not without exception. In a catena of cases,³⁵ it has been consistently clarified by the Court that the "finality-of-acquittal" doctrine does not apply when the

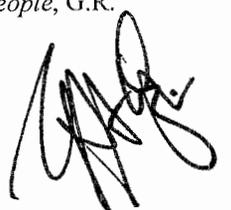
³¹ See *People v. Hon. Velasco*, 394 Phil. 517 (2000).

³² *Chiok v. People*, 774 Phil. 230, 248 (2015); citation omitted.

³³ *Supra* note 31.

³⁴ *Id.* at 555-556.

³⁵ See *Raya v. People*, G.R. No. 237798, May 5, 2021, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67716>>; *People v. Sandiganbayan (Fourth Division)*, G.R. No. 228281, June 14, 2021, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67639>>; *Cogasi v. People*, G.R. No. 249002, August 4, 2021.



prosecution — the sovereign people, as represented by the State — was denied due process such as when it is denied the opportunity to present evidence or where trial is a sham or when there is mistrial. The reason for this is because when the prosecution is deprived of due process, it could thus be said that the judgment of acquittal is void, which thereby means that the first jeopardy had not been validly terminated. As the second element for the right to attach is not yet present, then there could be no violation of the right against double jeopardy when an appellate court “reverses” a judgment of acquittal which resulted from a denial of the prosecution’s right to due process. These cases explain that only through this narrow and limited exception would the remedy of *certiorari* be allowed without offending the constitutional right against double jeopardy. In other words, a Rule 65 petition assailing a judgment of acquittal violates the proscription against double jeopardy; except only when it is alleged and proved that the prosecution was denied due process.

Moreover, 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*. The writ of *certiorari*, being a remedy narrow in scope and inflexible in character, cannot be issued to correct every error committed by a lower court,³⁶ especially in cases where the accused is acquitted.

In the cases of *Torres v. AAA*³⁷ and *Cogasi v. People*³⁸ the Court annulled the appellate court’s reversal of the acquittal of the accused for violation of their right against double jeopardy. The Court emphasized that the trial court’s misappreciation of the evidence is a mere error of judgment that does not qualify as an exception to the “finality-of-acquittal” doctrine.³⁹ In another case of *People v. Sandiganbayan (Fourth Division)*,⁴⁰ the Court held that a claim that the Sandiganbayan grossly misappreciated the facts and evidence of the case does not render the trial a sham to fall within the limited exception to the “finality-of-acquittal” rule.⁴¹ As well, in *People v. Court of Tax Appeals-Third Division*,⁴² the Court dismissed the petition for *certiorari* assailing the accused’s acquittal and held that the writ of *certiorari* does not include the correction of evaluation of evidence. *Certiorari* will issue only to correct errors of jurisdiction, and not errors or mistakes in the findings and conclusions of the trial court.⁴³

Proceeding from the foregoing, the limited exception to the “finality-of-acquittal” rule does not apply here. It is immaterial whether the RTC erred in its appreciation of the relevant law and the parties’ respective evidence. This is, at most, merely an error of judgment, which is not correctible by

³⁶ *Sps. Delos Santos v. Metropolitan Bank and Trust Company*, 698 Phil. 1, 14 (2012).

³⁷ G.R. No. 248567, November 10, 2020.

³⁸ *Supra* note 35.

³⁹ *Id.* at 7.

⁴⁰ *Supra* note 35.

⁴¹ *Id.*

⁴² G.R. Nos. 251270 & 251291-301, September 5, 2022.

⁴³ *Id.* at 16.

certiorari. More importantly, the fact remains that Rebuta's right against double jeopardy already attached when the RTC, after a full-blown trial and considering the evidence on record, found reasonable doubt to convict Rebuta of the charges against her. **What is necessary for the Court to determine is whether the prosecution was denied due process.** Absent any allegation and proof that the State was denied its day in court, which are clearly not obtaining in this case, the "finality-of-acquittal" rule must strictly be adhered to. Further, regardless of whether this Court, or the CA, believes that Rebuta should have been convicted of the crime charged, the RTC Joint Decision acquitting Rebuta cannot be revisited without putting her twice in jeopardy. In this light, the Court's pronouncement in *People v. Sandiganbayan (First Div.)*,⁴⁴ is *apropos*:

When a defendant has been acquitted of an offense, the clause guarantees that the State shall not be permitted to make repeated attempts to convict him, thereby subjecting him to embarrassment, expense, and ordeal, and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.

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.

An acquittal represents the factfinder's conclusion that, under the controlling legal principles, the evidence does not establish that defendant can be convicted of the offense charged in the indictment. An acquittal is a resolution, correct or not, some or all of the factual elements of the crime charged. For a ruling to be considered a functional acquittal, it must speak of the factual innocence of the accused. However, the judgment does not necessarily establish the criminal defendant's lack of criminal culpability. **The acquittal may result from erroneous evidentiary rulings or erroneous interpretations governing legal principles introduced by the defense, yet the Double Jeopardy Clause bars an appeal.**

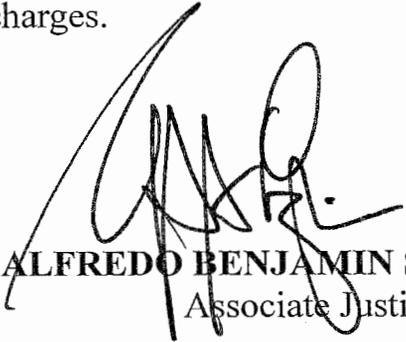
One other reason why further prosecution is barred to appeal an acquittal is that the government has already been afforded one complete opportunity to prove a case of the criminal defendant's culpability and, when it has failed for any reason to persuade the court not to enter a final judgment favorable to the accused, the constitutional policies underlying the ban against multiple trials become compelling. It matters not whether the final judgment constitutes a formal "acquittal." **What is critical is whether the accused obtained, after jeopardy attached, a favorable termination of the charges against him. If he did, no matter how erroneous the ruling, the policies embodied in the Double Jeopardy Clause require the conclusion that further proceedings devoted to the**

⁴⁴ 524 Phil. 496 (2006).

resolution of factual issues on the elements of the offense charged are barred.

The public interest in the finality of criminal judgments is so strong that an acquitted defendant may not be retried even though the acquittal was based upon an egregiously erroneous foundation. If the innocence of the accused has been confirmed by a final judgment, the Constitution conclusively presumes that a second trial would be unfair. Because jeopardy attaches before the judgment becomes final, the constitutional protection also embraces the defendant's valued right to have his trial completed by a particular tribunal. Consequently, as a general rule, the prosecutor is entitled to one, and only one, opportunity to require an accused to stand trial. **The reason is not that the first trial established the defendant's factual innocence, but rather that the second trial would present all the untoward consequences that the clause was designed to prevent. The government would be allowed to seek to persuade a second trier of the fact of the defendant's guilt, to strengthen any weaknesses in its first presentation, and to subject the defendant to the expense and anxiety of a second trial.**⁴⁵ (Emphasis and underscoring supplied; citations omitted)

Accordingly, I vote to grant the instant Petition, reverse and set aside the assailed CA Decision and Resolution, and reinstate the Joint Decision of the RTC acquitting Rebuta of all charges.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁴⁵ *Id.* at 520-522.