



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
 Petitioner,

G.R. No. 228281

Present:

- versus -

CAGUIOA, *Acting Chairperson,*
 CARANDANG,
 ZALAMEDA,
 GAERLAN, and
 ROSARIO, * *JJ.*

HONORABLE
SANDIGANBAYAN (FOURTH
DIVISION) and BENJAMIN S.
ABALOS,

Promulgated:

Respondents.

JUN 14 2021 *withheld*

X-----X

DECISION

CAGUIOA, J.:

This is a Petition for *Certiorari*¹ (Petition) filed under Rule 65 of the Rules of Court, assailing the Decision² dated May 11, 2016 (Assailed Decision) of the Sandiganbayan Fourth Division in SB-10-CRM-0098, which acquitted private respondent Benjamin S. Abalos (Abalos) of the charge of violation of Section 3(h) of Republic Act (R.A.) No. 3019,³ or the Anti-Graft and Corrupt Practices Act, for failure of the prosecution to establish his guilt beyond reasonable doubt; and Resolution⁴ dated September 29, 2016 (Assailed Resolution) of the Sandiganbayan Special

* Designated additional Member per Raffle dated May 26, 2021 *vice* Chief Justice Alexander G. Gesmundo.

¹ *Rollo*, pp. 3-24.

² *Id.* at 27-69. Penned by Associate Justice Jose R. Hernandez and concurred in by Associate Justices Alex L. Quiroz and Maria Cristina J. Cornejo.

³ Approved on August 17, 1960.

⁴ *Rollo*, pp. 71-74. Penned by Associate Justice Jose R. Hernandez and concurred in by Associate Justices Alex L. Quiroz and Reynaldo P. Cruz.

Fourth Division in the same case, which denied petitioner's Motion for Reconsideration.

Facts

This case involves the Contract for the Supply of Equipment and Service for the National Broadband Network Project (NBN Project) between the Government of the Republic of the Philippines, through the Department of Transportation and Communications (DOTC), and Zhing Xing Telecommunications Equipment, Inc. (ZTE), a Chinese corporation doing business in the People's Republic of China.⁵

During the material period alleged in the Information, Abalos was a public officer, being then the Chairman of the Commission on Elections (COMELEC).⁶

In September 2006, ZTE filed a proposal with the Commission on Information and Communications Technology (CICT) for the implementation of an NBN project in the country.⁷ Under its proposal, the NBN Project would be a government undertaking under a tied loan to be extended by the government of the People's Republic of China to the Philippine Government to finance the contract with ZTE.⁸ The ZTE proposal was later on endorsed by the DOTC to the National Economic and Development Authority⁹ (NEDA) of which former Secretary Romulo L. Neri (Sec. Neri) was the Director General.¹⁰

In October 2006, Amsterdam Holdings, Inc. (AHI) conducted a presentation before the NEDA on its own proposed version of an NBN project. AHI's version was a private investment under the Build-Operate-Transfer framework. Later in January 2007, AHI also submitted its own formal proposal to the DOTC.¹¹

NEDA conducted a study of the two proposals from February to April of 2007. On April 3, 2007, a certification was issued by the NEDA Board Secretary that ZTE's NBN Project was approved. Subsequently, on April 21, 2007, the contract for the NBN Project was executed between the DOTC, represented by former Secretary Leandro Mendoza (Sec. Mendoza), and ZTE, represented by its Vice President, Yu Yong.¹²

⁵ Id. at 29-30 and 57-58.

⁶ Id. at 57.

⁷ Id. at 58.

⁸ Id. at 41.

⁹ Id. at 58.

¹⁰ Id. at 31.

¹¹ Id. at 58.

¹² Id. at 59.



Sometime afterwards, Abalos was charged before the Sandiganbayan with violation of Section 3(h) of R.A. No. 3019. The Amended Information dated July 15, 2010 states as follows:

That during the period from September 2006 to April 2007 in Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused high ranking public officer being then the Chairman of the [COMELEC], and as such is prohibited by Section 2 of Article IX of the 1987 Constitution, which reads:

“Sec. 2 Article IX. No member of a Constitutional Commission shall, during his tenure, hold any other office or employment. Neither shall he engage in practice of any profession or in the active management or control of any business which in any way may be affected by the functions of his office, nor shall he be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.”

and in spite of the afore-quoted provisions, accused[,] while occupying the position of Chairman of the COMELEC, wielding his powers and influence as such, did then and there, willfully, unlawfully and criminally directly or indirectly have financial or pecuniary interest in the business transaction between the Government of the Republic of the Philippines and the [ZTE], a Chinese Corporation doing business in People’s Republic of China (PROC) for the implementation of the Philippine’s National Broadband Network (NBN), which requires the consideration, review and approval of the National Economic Planning and Development Authority (NEDA) of which [Sec. Neri] then the Director General and as such, by then and there interceding and brokering for and in behalf of ZTE for a fee or “commission” as shown by his acts of attending conferences, lunch meetings and golf games with said ZTE officials, including a meeting with ZTE officials and socializing with them in China and in one such meeting, asking from ZTE officials in the presence of Jose De Venecia III the balance of his commission for the NBN project, even offering bribes to [Sec. Neri], also a public officer, in the amount of TWO HUNDRED MILLION PESOS (Php200,000,000.00) to insure his favorable action for its approval and to Jose De Venecia III, President and General Manager of [AHI] in the amount of TEN MILLION U.S. Dollars (\$10,000,000.00) for the latter to back off from his proposal, the company he represents being also another proponent to implement said NBN Project of the Government and arranging meetings between ZTE officials and [Sec. Mendoza], Secretary of the [DOTC].

CONTRARY TO LAW.¹³ (Emphasis, underscoring and italics omitted)

¹³ Id. at 27-29.

In other words, according to the prosecution's theory, Abalos, for a fee or commission, brokered in favor of ZTE for the implementation of the NBN Project, a project of the Philippine Government and requiring approval by the NEDA; hence, he directly or indirectly had financial or pecuniary interest therein despite being prohibited from doing so by the Philippine Constitution. In support of this theory, the prosecution presented evidence which tended to establish that Abalos attended meetings where the NBN Project was discussed. The Sandiganbayan summarizes¹⁴ these meetings as follows:

1	Lunch at Wack Wack Golf and Country Club (Wack Wack GCC) September 2006	Rodolfo Noel I. Lozada (Lozada) attended this lunch on the invitation of Sec. Neri. Also present were Abalos, Ruben Reyes (Reyes), Leo San Miguel (San Miguel), and two ZTE executives, Yu Yong and Fan Yang. Sec. Neri advised the ZTE executives to coordinate all matters regarding the approval of the project with Lozada.	Testified to by Lozada
2	Meeting in Wack Wack September 2006	Attended by Abalos, Reyes, San Miguel, Fan Yang, and George Zhu ¹⁵	Testified to by Dante R. Madriaga (Madriaga), who led a team of Chinese and Filipinos in designing the NBN Project for ZTE. He admitted on cross-examination that he was not privy to this meeting.
3	Meeting at Sec. Neri's office in NEDA Sometime within December 2006 to January 2007	According to Sec. Neri, this was his first time to meet Abalos. The latter invited him to play golf in Wack Wack GCC, where Abalos was Chairman/President.	Testified to by Sec. Neri
4	Meeting in Wack Wack December 2006	Attended by Abalos, Joey De Venecia, and Former First Gentleman Jose Miguel Arroyo (FGMA)	Testified to by Madriaga. He admitted on cross-examination that he was not privy to this meeting.
5	Meeting in Wack Wack	Abalos purportedly told Lozada that once the NBN-ZTE deal was signed, Abalos would give Sec. Neri ₱200,000,000.00 the following day, unlike others " <i>na naghihintay pa ng loan proceeds bago magbigay.</i> " ¹⁶	Testified to by Lozada

¹⁴ Id. at 32-48.

¹⁵ It is unclear from the *rollo* whether this is the same meeting as in item 1.

¹⁶ It is unclear from the *rollo* if this is the same Wack Wack meeting as in item 4, but according to Lozada, this happened between December and the 2nd week of January.

6	Golf with Sec. Neri	Abalos, while in the golf cart with Sec. Neri, told the latter that "Sec., <i>may 200 ka dyan</i> " without further context.	Testified to by Sec. Neri
7	Golf at the Chenzhen Golf Course in Hongkong November 2006	Present were former Speaker of the House of Representatives Jose C. De Venecia, Jr. (Former Speaker JDV, Jr.), former President Gloria Macapagal-Arroyo and her husband FGMA, Abalos, and some Chinese individuals. Afterwards, they had lunch at the ZTE headquarters. There was also a member of a government bank of China, who talked about financing projects in various parts of the world.	Testified to by Former Speaker JDV, Jr.
8	Breakfast at Former Speaker JDV, Jr.'s residence December 5, 2006	This was attended by Abalos, Reyes, Mr. Jimmy Paz (Paz) (Abalos' Chief of Staff), San Miguel (technical consultant hired by the group with regard to a proposal made for the NBN Project) and Mr. Torch dela Torre (dela Torre) (comptroller or head of the I.T. of the Philippine National Police). During this meeting, Abalos purportedly proposed that, in relation to AHI's NBN project proposal, they augment AHI's network in areas of 4th, 5th and 6th municipalities.	Testified to by Jose Perez De Venecia III (JDV III), majority shareholder of AHI
9	Meeting in Ayala Alabang Sometime in 2006	Former DOTC Secretary Margarito B. Teves (Sec. Teves) met Abalos, who told Sec. Teves that he knew some Chinese businessmen who wanted to discuss certain "agri-related" projects in Mindanao. This was some time after the meeting at Former Speaker JDV, Jr.'s residence.	Testified to by Sec. Teves
10	Breakfast in Wack Wack	In this meeting, the same people as those during breakfast at Former Speaker JDV, Jr.'s residence attended, except for Former Speaker JDV, Jr. himself. They discussed the potential collaboration to augment the AHI proposal. Abalos invited JDV III into his private office where Abalos mentioned that he intended to enter into the telecommunications industry together with ZTE. Abalos purportedly asked JDV III to	Testified to by JDV III

		withdraw AHI's NBN proposal in exchange for \$10 Million. JDV III refused to withdraw his proposal and instead, as counter-offer, invited Abalos to become a member of the board of AHI.	
11	Meeting in Kempinski Hotel in Zhinchin, China Sometime in December 2006	<p>Abalos invited JDV III to a meeting with ZTE officials, who purportedly showed JDV III a "bill of materials and proposal from ZTE." JDV III told Abalos that the stated cost in the bill of materials was inflated.</p> <p>Another meeting at 4:30 p.m. on the same day was attended by ZTE Vice President Yu Yong and account officer Fan Yang; and the "Filipino group" (Abalos, Reyes, San Miguel, Paz, and dela Torre), where Abalos introduced JDV III as his partner in the project.</p> <p>Abalos purportedly said during the meeting that "we" are expecting monies or commissions for this project and that the president, speaker, and the political party were waiting for these funds. JDV III interpreted this as commission from ZTE for consummation of the project. Yu Yong responded that "normally the commission is given upon financial closing of the project," and Fan Yang said "x x x what about the moneys that we have already advanced, Mr. Chairman?"</p>	Testified to by JDV III, as to the particulars. Lozada also testified that he was aware such a meeting occurred, but that he was not present thereat.
12	Meeting at the COMELEC office Sometime in January 2007	Abalos asked JDV III to meet him in his COMELEC office. During the meeting, Abalos introduced JDV III as his partner to CICT Assistant Secretary Formoso and asked the Assistant Secretary to "x x x <i>pakituloy nyo na yung dapat ituloy na proyekto.</i> "	Testified to by JDV III
13	Meeting at Diamond Hotel Sometime in mid-January 2007 or in February 2007	In attendance were JDV III, Abalos, ZTE officials including Yu Yong and Fan Yang. The group discussed that the agreement between AHI and ZTE could be signed in front of Premier Wen Jiabao of China who was visiting the Philippines. An agreement "in principle" was	Testified to by JDV III

		arrived at, whereby ZTE would provide transmission equipment for the project, with JDV III's caveat that these be reasonably priced and of quality.	
14	Meeting in Wack Wack	Abalos introduced JDV III to DOTC Assistant Secretary Elmer Soneja.	Testified to by JDV III
15	Lunch at a Chinese restaurant in Makati Shangri-La Sometime in January 2007	Sec. Neri was invited by the Chinese Embassy to this lunch. ZTE officials, Lozada, and Abalos were also present.	Testified to by Sec. Neri and Lozada
16	Dinner at Makati Shangri-La	In attendance were JDV III, Abalos, Lozada and FGMA.	Testified to by JDV III
17	Meeting at Wack Wack GCC	In relation to a furious call from Abalos received by JDV III. Abalos was supposedly mad because JDV III did not withdraw AHI's proposal filed with the DOTC, nor did he commit to signing an agreement with ZTE.	Testified to by JDV III
18	Meeting in Wack Wack conference room Sometime in March 2007	Reconciliation meeting initiated by then DOTC Sec. Mendoza. Also in attendance were FGMA, Abalos, JDV III, and the members of the "Filipino Group."	Testified to by JDV III

As mentioned in the foregoing summary of meetings, Abalos also purportedly offered bribes to Sec. Neri in relation to approving ZTE's NBN proposal,¹⁷ and to JDV III, in consideration of the withdrawal of AHI's NBN proposal.¹⁸

For the defense, Abalos testified that he met some officials of ZTE sometime in April or May 2006, who requested that he introduce them to Sec. Teves. The ZTE officials wanted to propose an economic project for Mindanao — the conversion of the land from Compostela Valley to Butuan into an agricultural land for a corn plantation, and the putting up of a corn mill. According to Abalos, it was JDV III who approached him, through his father, Former Speaker JDV, Jr., seeking to be introduced to ZTE. JDV III had purportedly learned that ZTE bagged the contract for operation of the NBN.¹⁹

¹⁷ *Rollo*, p. 63.

¹⁸ *Id.* at 63-64.

¹⁹ *Id.* at 49-50.

According to Abalos, the ZTE officials disapproved of partnering with JDV III because the latter was connected to another company which still owes ZTE \$10 Million. Upon JDV III's insistence, however, Abalos was able to convince the Chinese individuals to meet with JDV III in Shenzhen in December 2006 where JDV III discussed his offer to the ZTE officers. JDV III's proposal was, however, later turned down.²⁰

Abalos denied offering bribes to JDV III and Sec. Neri. He also claimed he never discussed the NBN Project with the ZTE officials since he was only interested in the project relating to the development of Mindanao. He further stated that he believed he was doing the Philippines a favor by introducing the ZTE officers to Sec. Teves.²¹

Ruling of the Sandiganbayan

In its Assailed Decision,²² the Sandiganbayan found that the prosecution's evidence was only able to prove that Abalos was brokering the collaboration between AHI and ZTE, but not that he brokered the contract between ZTE and the Philippine Government for a fee. While Abalos' presence at meetings with officers from ZTE and the Philippine Government was established, evidence on what was taken up during the said meetings was "minimal or sketchy"²³ and the Sandiganbayan refused to rely on such evidence to conclude that Abalos asked for favors from government officials, particularly Sec. Teves and Sec. Mendoza, as regards the contract between ZTE and the government. Abalos' alleged brokering between the government and ZTE was the basis of the prosecution's theory that he had financial interest in the NBN-ZTE contract. In turn, Abalos' alleged financial interest is the cornerstone of the charge of violation of Section 3(h) of R.A. No. 3019. Because of the prosecution's failure to prove such fact, Abalos was acquitted of the crime charged.

In its Assailed Resolution,²⁴ the Sandiganbayan denied herein petitioner's Motion for Reconsideration,²⁵ finding that it failed to raise any errors of law or fact in the judgment, and that the Assailed Decision, being one of acquittal, was immediately final and executory in light of the accused's right to be protected against double jeopardy.

Hence, this Petition.

²⁰ Id. at 51.

²¹ Id. at 51-52.

²² Supra note 2.

²³ Id. at 65.

²⁴ Supra note 4.

²⁵ Id. at 75-88.



Issues

Petitioner submits the following issues for resolution by this Court:

1. Whether the Sandiganbayan committed grave abuse of discretion when, despite finding Abalos to have attended lunch meetings and golf games with ZTE officials, it refused to consider the plain and accepted meaning of the said acts as constituting interceding and bartering for and in behalf of ZTE for a fee or commission; and
2. Whether the Sandiganbayan acted without or in excess of jurisdiction or with grave abuse of discretion effectively denying petitioner its right to due process when it disregarded the whole picture portrayed by the prosecution's evidence clearly showing that Abalos interceded and brokered for and in behalf of ZTE relative to the Philippine Government's NBN Project.

Ruling of the Court

The Petition lacks merit.

Certiorari is not the proper remedy to correct errors of judgment

It is readily discernible that petitioner raises arguments anchored on perceived errors made by the Sandiganbayan in its appreciation of the prosecution's evidence.

The extraordinary remedy of *certiorari* cannot be resorted to in order to correct perceived errors of fact or law by a tribunal exercising judicial or quasi-judicial powers where said tribunal is not shown to have acted without or in excess of its jurisdiction.²⁶ The Court has said:

x x x Jurisprudence instructs that where a petition for *certiorari* under Rule 65 of the Rules of Court alleges grave abuse of discretion, **the petitioner should establish that the respondent court or tribunal acted in a capricious, whimsical, arbitrary or despotic manner in the exercise of its jurisdiction as to be equivalent to lack of jurisdiction.** That an abuse in itself to be "grave" must be amply demonstrated since the jurisdiction of the court, no less, will be affected. **Grave abuse of discretion has a well-defined meaning:**

²⁶ 1997 RULES OF CIVIL PROCEDURE, Rule 65, Section 1.



An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a “capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction.” **The abuse of discretion must be so patent and gross as to amount to an “evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility.”** Furthermore, **the use of a petition for *certiorari* is restricted only to “truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void.”** From the foregoing definition, it is clear that the special civil action of *certiorari* under Rule 65 can only strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross. x x x²⁷ (Citations omitted and emphasis supplied)

Petitioner’s grievances against the Sandiganbayan’s Assailed Decision certainly fail to meet the above threshold. Its protestations that the Sandiganbayan “refused to consider the plain and accepted meaning [of Abalos’ acts]”²⁸ and “disregarded the whole picture portrayed by the prosecution[’s] evidence”²⁹ are essentially disagreements with the Sandiganbayan’s understanding, evaluation and appreciation of the evidence presented. The Petition does not demonstrate that the Sandiganbayan’s conclusions are utterly baseless or arbitrary. In fact, a perusal of the Assailed Decision reveals that the Sandiganbayan exhaustively discussed every testimony offered by the prosecution to support its case.

Evidently, therefore, what are being raised before the Court are not errors of jurisdiction, but alleged errors of judgment by the Sandiganbayan. Errors of judgment are not correctible by *certiorari* since these are not of such magnitude as to effectively deprive the Sandiganbayan of jurisdiction to try the case before it. The Court has said:

Corollary thereto, **the alleged misapplication of facts and evidence, and whatever flawed conclusions of the *Sandiganbayan*, is an error in judgment, not of jurisdiction, and therefore not within the province of a special civil action for *certiorari*. Erroneous conclusions based on evidence do not, by the mere fact that errors were committed, rise to the level of grave abuse of discretion.** For as long as a court acts within its jurisdiction, any supposed error committed in the exercise thereof will amount to nothing more than an error of judgment reviewable and may be corrected by a timely appeal. The rationale of this rule is that, when a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error is committed. Otherwise, every mistake made by a court

²⁷ *Miranda v. Sandiganbayan*, G.R. Nos. 144760-61, August 2, 2017, 833 SCRA 614, 633.

²⁸ *Rollo*, p. 8.

²⁹ *Id.* at 8-9.

will deprive it of its jurisdiction and every erroneous judgment will be a void judgment.³⁰ (Citations omitted and emphasis supplied)

Necessarily, *certiorari* will not lie for the purpose of “reviewing the intrinsic correctness of a judgment of the lower court — on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision.”³¹

The Sandiganbayan’s Assailed Decision and Assailed Resolution cannot be reversed without placing Abalos in double jeopardy

Petitioner’s failure to adequately establish grave abuse of discretion by the Sandiganbayan not only takes this case out of the purview of the extraordinary remedy of *certiorari*; it also makes the reversal of the Assailed Decision — one of acquittal — repugnant to Abalos’ constitutional right against double jeopardy.³²

Section 7, Rule 117 of the Rules of Criminal Procedure provides:

Section 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.

However, the conviction of the accused shall not be a bar to another prosecution for an offense which necessarily includes the offense charged in the former complaint or information under any of the following instances:

- (a) the graver offense developed due to supervening facts arising from the same act or omission constituting the former charge;
- (b) the facts constituting the graver charge became known or were discovered only after a plea was entered in the former complaint or information; or

³⁰ *Miranda v. Sandiganbayan*, supra note 27, at 634.

³¹ *Yushi Kondo v. Toyota Boshoku (Phils.) Corporation*, G.R. No. 201396, September 11, 2019, p. 7.

³² 1987 PHILIPPINE CONSTITUTION, Article III, Section 21 states: “No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.”

(c) the plea of guilty to the lesser offense was made without the consent of the prosecutor and of the offended party except as provided in section 1 (f) of Rule 116.

In any of the foregoing cases, where the accused satisfies or serves in whole or in part the judgment, he shall be credited with the same in the event of conviction for the graver offense.

From the above, the requirements for double jeopardy to exist are as follows: (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.³³

The case at hand meets all the foregoing requirements. Abalos was charged with violation of Section 3(h) of R.A. No. 3019 before the Sandiganbayan under an information dated July 15, 2010. He was arraigned and he pleaded not guilty on August 10, 2010.³⁴ On May 11, 2016, the Sandiganbayan Fourth Division issued the Assailed Decision³⁵ acquitting Abalos of the crime charged for failure of the prosecution to establish his guilt beyond reasonable doubt. This was affirmed by the Sandiganbayan Special Fourth Division in its Assailed Resolution³⁶ dated September 29, 2016, which denied petitioner's motion for reconsideration.

The existence of double jeopardy in this case calls for the application of the "finality-of-acquittal" rule, which, as the name implies, makes a judgment of acquittal unappealable and immediately executory upon its promulgation.³⁷ The rationale for this rule was explained by the Court in *People v. Velasco*:³⁸

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

³³ *Chiok v. People*, G.R. No. 179814, December 7, 2015, 776 SCRA 120, 137.

³⁴ *Rollo*, p. 29.

³⁵ *Supra* note 2.

³⁶ *Supra* note 4.

³⁷ *Chiok v. People*, *supra* note 33.

³⁸ G.R. No. 127444, September 13, 2000, 340 SCRA 207.

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.³⁹ (Citations omitted and emphasis supplied)

The “finality-of-acquittal” rule has one exception: it is inapplicable where the Court which rendered the acquittal did so with—

x x x **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.

An example of an exception to the finality-of-acquittal rule is the case of *Galman v. Sandiganbayan* where the Court remanded the case to the trial court because the previous trial conducted was a mockery. The unique facts surrounding the *Galman* case constitute the very narrow exception to the application of the right against double jeopardy. Hence, in order for the CA to take cognizance of the *certiorari* petition, AAA and the prosecution must have clearly demonstrated that the RTC blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.⁴⁰ (Citations omitted and emphasis in the original)

Petitioner relies on this singular limited exception in its prayer for the reversal of the Sandiganbayan's Assailed Decision and Assailed Resolution. It anchors the nullity of Abalos' acquittal on the Sandiganbayan's supposed partiality exhibited by its “gross misapprehension of facts”⁴¹ and its refusal to “consider [Abalos'] act of attending meetings and golf games with ZTE officials as proof that he has financial and pecuniary interest in the subject transaction.”⁴² Due to these, petitioner argues, the Sandiganbayan violated its right to due process.

Petitioner is mistaken.

³⁹ Id. at 240-241.

⁴⁰ *Erwin Torres v. AAA*, G.R. No. 248567, November 10, 2020, pp. 4-5. See also *Philippine Savings Bank v. Bermoy*, G.R. No. 151912, September 26, 2005, 471 SCRA 94, citing *People v. Sandiganbayan*, 426 Phil. 453 (2002).

⁴¹ See petitioner's Reply, *rollo*, p. 135.

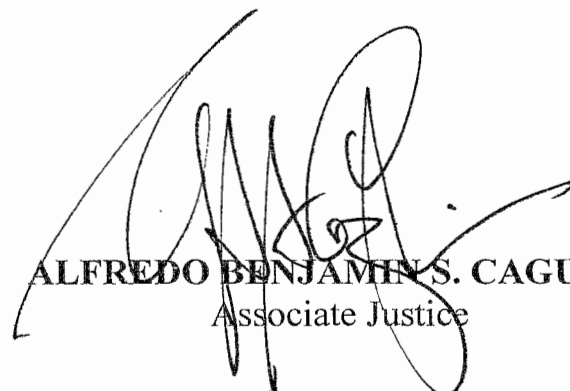
⁴² Id.

As already discussed, the Sandiganbayan committed no grave abuse of discretion which stripped it of jurisdiction to decide the criminal case against Abalos. In the conduct of trial, petitioner, through the prosecution, was able to present and formally offer evidence in support of its case. The Sandiganbayan noted, evaluated, and considered each and every piece of evidence, and the Assailed Decision painstakingly discussed the same before making conclusions which are far from being offensive to reason or logic. This is not the sham trial sought to be avoided by the limited exception to the “finality-of-acquittal” rule. Just because petitioner disagrees with how the Sandiganbayan weighed the prosecution’s evidence does not mean that it was deprived of due process. No party to litigation has a vested right in a favorable decision.

There being no grave abuse of discretion by the Sandiganbayan and no violation of petitioner’s right to due process, the Court must uphold Abalos’ acquittal, lest he be unjustly subjected to double jeopardy.

WHEREFORE, premises considered, the Petition for *Certiorari* is **DISMISSED**. The Decision dated May 11, 2016 of the Sandiganbayan Fourth Division and the Resolution dated September 29, 2016 of the Sandiganbayan Special Fourth Division in SB-10-CRM-0098 are hereby **AFFIRMED**.

SO ORDERED.

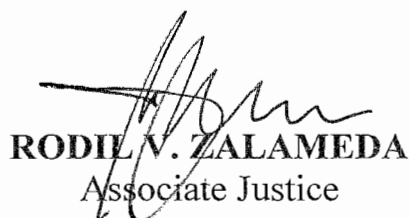


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

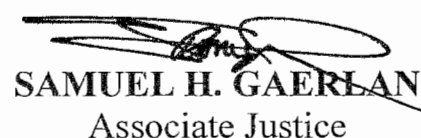
WE CONCUR:



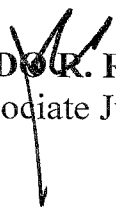
ROSMARI D. CARANDANG
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

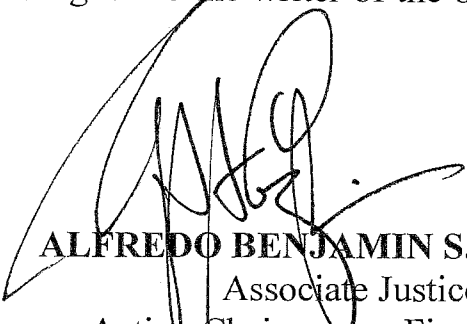


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice

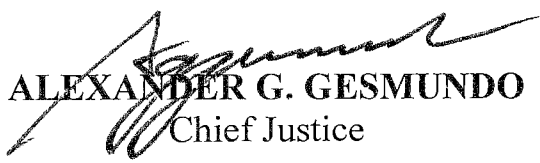
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson, First Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice