

Title:

****Esmeña and Alba vs. Judge Pogoy: Double Jeopardy and the Right to a Speedy Trial****

Facts:

The case revolves around the petitioners, Generoso Esmeña and Alberto Alba, alongside their co-accused, charged with grave coercion for allegedly compelling Reverend Father Tomas Tibudan to withdraw PHP 5,000 due to a card game loss. The initial hearing set for October 4, 1978, was postponed to December 13, 1978, upon Tibudan's request, but Esmeña and Alba were uninformed and thus absent. At their arraignment on January 23, 1979, they pleaded not guilty, and subsequent hearings were postponed or canceled, leading to the scheduled trial on August 16, 1979, to be voided due to Tibudan's reported sickness. Insisting on a speedy trial, the petitioners' counsel demanded the case be dismissed if not heard, leading the respondent judge to provisionally dismiss the case due to the fiscal's unreadiness.

After 27 days, the fiscal motioned to revive the case, citing the lack of finality in the provisional dismissal. The petitioners countered with a motion to dismiss based on double jeopardy grounds, arguing their non-consent to the provisional dismissal. The fiscal contested, emphasizing Tibudan's appearances and the previous cancellations not due to his absence. The respondent judge dismissed their motion, leading to this certiorari action challenging the revival of the case as double jeopardy.

Issues:

1. Whether the provisional dismissal of the grave coercion case, due to the absence of the complainant and the fiscal's unreadiness, without the explicit consent of the accused, constituted an acquittal.
2. If the issuance of an order reviving the case against the petitioners places them under double jeopardy.

Court's Decision:

The Supreme Court held that the petitioners were indeed placed in jeopardy by the provisional dismissal, ruling it should have required their consent to avoid this scenario. The Court stressed that the use of "provisional" in the dismissal does not alter its effect as an acquittal. The insistence on a speedy trial and the prosecution's failure to proceed led to a dismissal akin to an acquittal, barring further prosecution for the same offense under the principle of double jeopardy. Consequently, the Court reversed and set aside the order reviving the case and the one denying the motion to dismiss.

Doctrine:

The case reiterates the doctrine that the dismissal of a criminal case, prompted by the accused's motion for a speedy trial due to the prosecution's unreadiness, equates to an acquittal and thus invokes the protection against double jeopardy.

Class Notes:

- ****Double Jeopardy****: A person cannot be tried twice for the same offense, ensuring the finality of acquittal or conviction. Conditions include a valid complaint, court jurisdiction, and the accused's plea.
- ****Speedy Trial****: The constitutional right to a prompt adjudication, meant to prevent undue delays that compromise defense integrity.
- ****Provisional Dismissal****: Even if termed "provisional," a dismissal at the accused's request for a speedy trial, without prosecution readiness, amounts to an acquittal, protecting against further prosecution.

****Legal Statutes****:

- Philippine Constitution, Article III, Section 21: "No person shall be twice put in jeopardy of punishment for the same offense..."
- Rule 117, Section 9 of the Revised Rules of Court: Outlines conditions and implications of former conviction, acquittal, or jeopardy.

Historical Background:

This case is set against the backdrop of evolving Philippine jurisprudence regarding the right to a speedy trial and the application of double jeopardy. It underscores the judiciary's role in balancing the state's interest in prosecuting criminal conduct with protecting individual rights from procedural lapses.