

### Title: Roberta S. Saldariega vs. Hon. Elvira D.C. Panganiban and People of the Philippines

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### Facts:

1. **Initial Filing and Charges**

- On November 8, 2011, the Office of the City Prosecutor, Quezon City, filed two (2) Informations against Roberta S. Saldariega for violation of Sections 5 and 11, Article 2, Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002).
- The cases were docketed as Criminal Case Nos. Q-11-173055 and Q-11-173056 and were raffled to Branch 227, Regional Trial Court (RTC), Quezon City, presided by Hon. Judge Elvira D.C. Panganiban.

2. **Prosecution Failures and Provisional Dismissal**

- Court hearings were scheduled, but the key prosecution witness, PO2 Nelson Villas, failed to appear on October 22 and October 25, 2012.
- During the hearing on May 16, 2013, Judge Panganiban provisionally dismissed the cases due to the non-appearance of the key witness, coupled with the Public Prosecutor's lack of objection, provided the dismissal was provisional.

3. **Motion to Re-open Cases**

- On June 5, 2013, PO2 Villas filed a motion to re-open the cases, explaining his absences were due to the death of his father-in-law.
- The disputed order dated June 14, 2013, granted the motion to re-open and scheduled for continuation of hearings.

4. **Petitioner's Motion for Reconsideration**

- The petitioner moved for reconsideration arguing the provisional dismissal should be considered an acquittal and PO2 Villas had no standing to file the motion.
- The motion for reconsideration was denied on February 18, 2014.

5. **Petition to Supreme Court**

- On April 21, 2014, petitioner filed a special civil action for certiorari under Rule 65 at the Supreme Court, claiming the lower court's orders were made with grave abuse of discretion.
- The Supreme Court required comments from respondents on April 29, 2014. The Office of

the Solicitor General filed its comment on June 11, 2014.

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**### Issues:**

1. **\*\*Standing of PO2 Villas to File the Motion\*\***

- Whether PO2 Villas could file a motion to reopen a provisionally dismissed case without the participation of a public prosecutor.

2. **\*\*Validity of the Motion Filed Without Notice of Hearing\*\***

- Whether the Branch Clerk of Court could accept a motion to reopen that lacked a notice of hearing and proof of serving the other party.

3. **\*\*Authority of the Respondent Judge\*\***

- Whether Judge Panganiban had the authority to grant the motion to reopen the cases favorably.

4. **\*\*Double Jeopardy\*\***

- Whether the provisional dismissal of the cases granted with the consent of the accused, equating to acquittal, invokes double jeopardy upon revival of the cases.

5. **\*\*Absence of Principal Witness\*\***

- Whether the absence of PO2 Villas for four consecutive hearings constituted a waiver under A.M. No. 11-6-10-SC.

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**### Court's Decision:**

**\*\*Standing of the PO2 Villas:\*\***

- The Court found that ideally, the prosecutor should have filed the motion. However, the issue was rectified by the public prosecutor's later active involvement and her opposition to the accused's motion for reconsideration.

**\*\*Validity of the Motion Filed Without Notice of Hearing:\*\***

- Any procedural defects in PO2 Villas' motion were cured when the public prosecutor later joined the proceedings.

**\*\*Authority of the Respondent Judge:\*\***

- The Court ruled that Judge Panganiban acted within her authority in granting the motion to reopen since the dismissal was provisional, with the public prosecutor eventually endorsing the motion to reopen.

**\*\*Double Jeopardy:\*\***

- The provisional dismissal does not amount to an acquittal; hence, no double jeopardy was invoked as the revival of the case was within the statutory period and with express consent.

**\*\*Absence of Principal Witness:\*\***

- The Court found no grounds for waiver due to the absence of the principal witness since the delays were justified with acceptable reasons.

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**### Doctrine:**

**\*\*Provisional Dismissal and Double Jeopardy:\*\***

- A case provisionally dismissed with the accused's express consent can be revived within the statutory periods and does not constitute double jeopardy. (Sec. 8, Rule 117, Rules of Criminal Procedure)

**\*\*Right to Speedy Trial:\*\***

- The right to a speedy trial must be balanced with a reasonable opportunity for the prosecution to present its case. Mere delays, unless attended by malice or unreasonable conduct, do not per se violate the right.

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**### Class Notes:**

- **\*\*Certiorari (Rule 65):\*\*** Judicial remedy to review lower court's decision alleged to have been made with grave abuse of discretion.

- **\*\*Double Jeopardy:\*\***

- Requisites: Valid indictment, competent court, valid plea, arraignment, dismissal/acquittal/conviction without consent.

- Exceptions: Insufficiency of evidence, unreasonable delay infringing on the right to a speedy trial.

- **\*\*Provisional Dismissal (Rule 117, Sec. 8):\*\*** Can be revived within specific periods, barring prosecutor's explicit dismissal.

- **\*\*Right to Speedy Trial:\*\*** Flexible concept considering the entirety of the proceedings, last delay due to valid reasons doesn't violate this right.

**### Historical Background:**

The case highlights procedural issues in criminal prosecutions, particularly under the Comprehensive Dangerous Drugs Act amid judicial expectations on prosecutorial diligence and confluent duty in upholding the accused's rights against prolonged trial delays and unfair prosecution practices. This encapsulates judicial balancing in contentious prosecutions within the Philippine context while ensuring procedural formality, constitutional safeguards, and jurisprudential consistency.