

**Case Title:** Ong Siu, et al. vs. Hon. Antonio P. Paredes, in his capacity as Judge of Branch II of the Municipal Court of Manila, Charlie Fung, and Benjamin Lu

**Facts:**

- Initial Charges:** In August 1961, Ong Siu and Sy So Ty faced charges of slight physical injuries (Crim. Case No. F-038479), while Francisco Ong and Lucio Ong were accused of light threats (Crim. Case No. F-038480) in the Municipal Court of Manila. Conversely, Charlie Fung and Benjamin Lu were charged with serious and slight physical injuries in Crim. Cases Nos. F-038477 and F-038478.
- Trial and Initial Judgment:** The cases were jointly tried by Judge Andres Sta. Maria who issued a single decision on July 7, 1962. However, this decision was not promulgated because Judge Sta. Maria, on July 9, 1962, was appointed as a judge of the Court of First Instance of Mindoro.
- Petition to Nullify Decision:** Fung and Lu petitioned to nullify the unpromulgated decision, and Judge Milagros German, who succeeded Sta. Maria, declared it null and void on August 14, 1962.
- Promulgation Attempt by Acting Judges:** Acting Judge Lauro C. Maiquez scheduled the decision's promulgation for August 29, 1962. However, Judge Antonio P. Paredes was appointed on August 23, 1962, and also set the date for the promulgation. Yet, Fung and Lu were absent during the promulgation, leading to their ordered arrest for non-appearance.
- Certiorari and Prohibition Petition by Fung and Lu:** Fung and Lu challenged the capability to promulgate Sta. Maria's judgment since he was no longer serving as the Municipal Judge. Judge Jose N. Leuterio ruled in their favor, declaring such promulgation invalid.
- Retrial Order:** After this decision became final, Judge Paredes ordered a retrial for all cases, setting the date for March 15, 1963.
- Appellants' Petition Against Retrial:** Ong Siu and co-appellants filed a petition to prevent the retrial, claiming double jeopardy, given that the decision acquitting them was already promulgated with respect to them.
- Dismissal of Petition by CFI:** Judge Arsenio Santos dismissed the petition, asserting that the wrongful promulgation couldn't invoke double jeopardy.

9. **Present Appeal:** The appeal dismisses the decision's validity concerning defendants so that retrial is justified.

**Issues:**

1. Whether a judgment can be promulgated when the judge who rendered it is no longer in office.
2. Whether the invalid promulgation of a decision can invoke double jeopardy.

**Court's Decision:**

1. **Invalid Promulgation:** The Supreme Court ruled that Judge Sta. Maria's decision could not be promulgated since he was no longer the judge of the court at the time of promulgation. The physical presence needed refers to absenteeism due to location, not to cessation from the office.
2. **No Double Jeopardy:** The Court held there was no lawful judgment of acquittal or conviction applicable, as the promulgated decision was invalid. Double jeopardy requires valid finality in judgment, which wasn't met here, thus retrial was proper.

**Doctrine:**

1. **Promulgation Requirement:** A judgment is only valid if promulgated during the judge's incumbency. Absenteeism exceptions do not apply to termination from judicial office.
2. **Elements of Double Jeopardy:** For double jeopardy, there must be a valid, existing judgment of acquittal or conviction or a proper case termination.

**Class Notes:**

- **Key Concepts:** Promulgation of Judgment, Double Jeopardy.
- **Elements:** Validity of Incumbency in Judgment, Existence of Final Judgment.
- **Relevant Provisions:** Section 6, Rule 120; Section 9, Rule 117, Rules of Court.
- **Principles:** Physical absence allows promulgation, but termination from judicial office invalidates such acts.

**Historical Background:**

During the early 1960s, the procedural rigor of the Philippine judiciary system was

undergoing tests involving fundamental principles such as double jeopardy, which protect a person from being tried twice for the same offense. This case reflected the judiciary's context of clarifying judicial procedures vital to ensure the fair administration of justice amidst post-war governmental and structural shifts.