

**\*\*Title:\*\*** Restituto Binabay v. People of the Philippines, et al.

**\*\*Facts:\*\***

On June 28, 1969, an information was filed charging Restituto Binabay with the serious illegal detention of a minor, Georgie Malongat. The allegation stated that on June 26, 1969, Binabay kidnapped the one-and-a-half-year-old child from Fort Bonifacio, Rizal, detaining him for about seven hours. The information was amended on July 3, 1969, to specify that Binabay kidnapped the child with threats to kill and with the purpose of separating him from his parents.

The case was called for hearing on August 27, 1969. During the hearing, Binabay's counsel expressed willingness to plead guilty to a lesser offense and requested a lighter penalty. Respondent Judge considered the mitigating circumstances and found Binabay guilty of serious illegal detention under Article 267 of the Revised Penal Code in relation to the third paragraph of Article 268, sentencing him to an indeterminate term of imprisonment plus a fine.

However, it was later discovered that Binabay was re-arraigned under the original, not the amended, information. Consequently, the respondent judge annulled the proceedings and ordered a rearraignment under the amended information.

On September 9, 1969, Binabay was re-arraigned under the amended information and pleaded not guilty. The trial was set for September 29, 1969. Days before the trial, on September 24, Binabay filed a certiorari and prohibition petition with the Supreme Court, arguing double jeopardy, given the August 27th judgment.

**\*\*Issues:\*\***

1. Whether the initial re-arraignment under the incorrect information and subsequent setting aside of proceedings constitutes double jeopardy.
2. Whether the oral judgment announced by the respondent judge on August 27, 1969, could be considered final and executory.

**\*\*Court's Decision:\*\***

1. **\*\*Double Jeopardy:\*\***

- The Court ruled that Binabay's claim of double jeopardy was without merit, given he was rearraigned under the amended information and pleaded not guilty. Double jeopardy claims require a previous valid judgment which wasn't present here:
- When defendant is improperly arraigned under an incorrect information, there is no

“former jeopardy”.

- Pleading not guilty upon arraignment under the amended information effectively waived objections to former jeopardy.

## 2. **Finality of Oral Judgment:**

- The Supreme Court emphasized that a judgment must be in writing, personally and directly prepared by the judge, and duly signed (Rule 120, section 2, Rules of Court). Respondent judge discovered the error before issuance of a written judgment. Therefore, the oral judgment of August 27, 1969, was not final or executory.

- Procedural steps taken rightfully declared the initial arraignment and plea null and void due to non-existence of the original information and a lack of a valid written judgment.

- The Supreme Court dismissed the petition, lifted the restraining order, and classified costs against Binabay.

## **Doctrine:**

- A written and signed judgment is mandatory for it to be considered valid and executory (Rule 120, section 2).

- Pleading guilty under an improper information nullifies the process and cannot establish double jeopardy; a subsequent plea of not guilty waives the right to claim former jeopardy.

## **Class Notes:**

- **Key Concepts in Criminal Law:**

### 1. **Double Jeopardy:**

- **Essential Statute:** Rule 117, sections 2(h) & 10, Rules of Court

- **Application:** There must be an antecedent verdict of acquittal or conviction on a valid charge to invoke double jeopardy.

### 2. **Nature of Judgments:**

- **Essential Statute:** Rule 120, section 2, Rules of Court

- **Application:** Judgments must be written, personally prepared, and signed by the judge to be valid.

## **Historical Background:**

- This case occurred during a tumultuous period in Philippine history marked by civil unrest and political volatility around the late 1960s. It provides insight into procedural robustness within the judiciary in managing claims of double jeopardy and ensuring proper protocol in rendering verdicts, reflecting the continued development of the Philippine legal system in

ensuring just processing and safeguarding defendants' rights.