

Title: **Pablo Condrada vs. People of the Philippines and Hon. Arnulfo C. Bugtas, Presiding Judge, RTC of Borongan, Eastern Samar (446 Phil. 635 [2003])**

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Facts:

- Initial Filing and Arraignment**: Petitioner Pablo Condrada was charged with the crime of rape in Criminal Case No. 10770, pending before the RTC, Borongan, Eastern Samar, Branch 2. Condrada was arraigned on February 26, 1999, and pleaded not guilty.
  - Prosecution's Postponement Requests**: The prosecution requested a postponement of the initial hearing set for March 31, 1999, due to the absence of the complainant and her witnesses. The trial was rescheduled for April 29, 1999. Again, on April 29, 1999, the prosecution sought another postponement for the same reason. Condrada objected, citing his right to a speedy trial, but the hearing was reset to May 31, 1999, and subpoenas were directed through the National Bureau of Investigation.
  - Temporary Dismissal**: On May 31, 1999, the prosecution requested another postponement due to the complainant's continued absence. Petitioner moved for a temporary dismissal. The court granted this motion and issued an order temporarily dismissing the case, subject to reinstatement within thirty days.
  - Motion for Reinstatement**: On June 22, 1999, the prosecution filed a Motion for Reinstatement, attaching an affidavit from the complainant explaining she did not receive the subpoenas due to a change of residence. The trial court held a hearing on June 25, 1999, and despite Condrada's opposition, reinstated the criminal case on September 29, 1999.
  - Subsequent Legal Actions**: Condrada filed a motion for reconsideration, arguing the reinstatement would place him in double jeopardy. This motion was denied on January 14, 2000. Subsequently, Condrada filed a petition for review on certiorari with the Supreme Court on February 1, 2000.
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Issues:

- Character of the Dismissal**: Whether the dismissal of Criminal Case No. 10770 by the trial court was permanent, thereby acting as an acquittal of the petitioner for the crime charged.

2. **Double Jeopardy**: Whether the reinstatement of Criminal Case No. 10770 placed the petitioner in double jeopardy.

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Court's Decision:

1. **Character of the Dismissal**: The Supreme Court ruled that the dismissal on May 31, 1999, was provisional, not permanent. It was explicit that the case could be revived within thirty days, and the conditional aspect was clearly outlined by the trial court.

2. **Double Jeopardy**: The court found that the reinstatement did not place Condrada in double jeopardy because the dismissal was provisional and made at the petitioner's own instance. Double jeopardy requires a final dismissal without consent, a condition not met in this case. Moreover, the exceptions to the rule, such as insufficient evidence or unreasonable delay, were not applicable as evidence had not yet been presented, and no such delays suggestive of violating the right to a speedy trial occurred.

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Doctrine:

- **Provisional vs. Permanent Dismissal**: A provisional dismissal does not equate to an acquittal and allows for the case to be reinstated within a specified period.

- **Double Jeopardy**: For double jeopardy to attach, there must be an effective termination of the original charge without the consent of the accused or under exceptions like insufficient evidence or unreasonable delays.

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Class Notes:

- **Double Jeopardy Elements**: (1) Valid indictment, (2) Competent court jurisdiction, (3) Arraignment, (4) Valid plea, (5) Termination not expressly consented by the accused.

- **Provisional Dismissal**: Distinguished as subject to reinstatement within allowable periods, unlike permanent dismissals that operate as an acquittal.

- **Key Legal Statutes**:

- Art. III, Sec. 21, 1987 Philippine Constitution.

- Rule 117, Sec. 7, Revised Rules of Court.

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Historical Background:

The case underscores the Philippine jurisprudence approach to upholding the right to a speedy trial while balancing procedural fairness in criminal proceedings. The reinstatement of temporarily dismissed criminal cases reflects judicial prudence in ensuring justice is served without infringing on constitutional protections against double jeopardy.