

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
ARTEMIO M. AGONCILLO, LORENZA Q. AGONCILLO, TEOFISTA
QUIZON, ARTEMIO AGONCILLO, JR., GRACIANO CALICDAN,
WALDEMAR AGONCILLO ...**

G.R. No. L-27257. August 31, 1971

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/63e003fb6cc0/>

FERNANDO, J.:

The basic legal question that has to be resolved in this appeal by the Republic of the Philippines from a lower court decision is whether or not the constitutional right against being twice put in jeopardy[1] may be relied upon, it being shown that defendants had been proceeded against in a pre-vious case, which was provisionally dismissed. Its invocation did suffice to call for an adverse decision in a state action for forfeiture under Republic Act No. 1379,[2] the first of the basic statutes intended to minimize, if not to put an end to, the incidence of graft and corruption in the public service. Such a law, according to this Court, is criminal or penal in character.[3] While the bar against double jeopardy may therefore be invoked by a defendant, still the lower court, as will be shown, was not sufficiently mindful of authoritative precedents. As a result, its decision is vitiated by an infirmity that calls for its reversal.

The complaint by the Republic of the Philippines against the principal defendant, Artemio M. Agoncillo, an official of the Bureau of Customs, was filed on October 18, 1962.[4] There was a detailed account of his total cash receipts from 1950 to 1959 and of his disbursements during such period as well as of the properties allegedly unlawfully acquired during such incumbency, with the ownership thereof concealed by being recorded not only in the name of his wife but likewise of the other defendants, his sons, Waldemar and Artemio Agoncillo, Jr.; his sister-in-law, Teofista Quizon; his sister, Rosario Agoncillo; and her spouse, his brother-in-law, Graciano Calicdan.[5] The prayer was for "a writ command-ing defendants to show cause why the above described properties, presumed prima facie under Republic Act No. 1379 to have been unlawfully acquired by defendant Artemio M. Agoncillo as a public officer, should not be declared property of the State; and after due proceedings, to render judgment declaring said properties valued in the amount of P130,018.08 was un-lawfully acquired but concealed in the names of his co-defendants, and which they may not be able to explain as having been lawfully acquired by them, forfeited in favor of the State; and by virtue thereof, to adjudge that said properties shall belong to the State." [6]

The defendants duly filed their respective answers, denying the unlawful acquisition of the aforesaid properties, the main special defense being the unconstitutionality of Republic Act No. 1379 as an ex post facto law and a bill of attainder. Thereafter, on March 4, 1963, defendants Artemio Agoncillo, Lorenza Q. Agoncillo, Artemio Agoncillo, Jr. and Waldemar Agoncillo filed a manifestation of this tenor: "1. That on December 10, 1962, the above-named defendants filed an Answer in the above-entitled case; 2. That the Answer filed by said defendants alleged grounds for a Motion to Dismiss; 3. That in addition to the ground therein stated the following is further alleged; (a) That the defendants are in danger of being put in jeopardy for the same offense by reason of the

refiling of the instant case. The Supreme Court has made a ruling on the fact that R. A. No. 1379 is a penal law. As such, therefore, all the rights pertaining to an accused in a criminal case are available to defendants charged under said law. In the instant case, the defendants will be placed in jeopardy for the same offense in that: (1) Civil Case No. 52002 is the same as Civil Case No. 44686 which was dismissed pre-viously; (2) The defendants had already pleaded in the original case in the form of an Answer; (3) That the case was dismissed after the plaintiff failed to present evidence on the date of trial which is considered as an adjudication on the merits." [7]

It was on the basis of the above manifestation that the decision of the lower court of September 30, 1966, dismissing the case, was predicated. It stated that defendants having been previously charged with a violation of Republic Act No. 1379, which was held penal in character under a valid complaint filed with a court of competent jurisdiction to which they had thereafter pleaded, with such case having been dismissed without their express consent, the plea of double jeopardy would lie. The lower court then felt it had "no other alternative but to dismiss the instant case, the same having been barred by the dismissal of Civil Case No. 44686." [8] From this decision, the Republic, as noted, appealed.

Unfortunately such a decision failed to take into account that the complaint alleged that the 1960 previous action for forfeiture, docketed as Civil Case No. 44686 of the Court of First Instance, Manila, was "dismissed without prejudice * * *." [9] Such an allegation was expressly admitted in the answer of defendant Teofista Quizon, [10] and of defendants Artemio Agoncillo, Lorenza Q. Agoncillo, Artemio Agoncillo, Jr., and Waldemar Agoncillo. [11] It appeared that in the previous case, the lower court judge taking note that the Solicitor entrusted with the prosecution needed additional time for a more thorough study of the case took such a step, the parties thus being chargeable with knowledge that a new action could thereafter be filed. Such dismissal, being without prejudice, the lower court in the present suit instituted after-wards ought not to have sustained the claim of twice being put in jeopardy. It could not have been the basis of a favorable judgment for defendants. We must, as mentioned, reverse the appealed decision.

1. This Court adheres to its pronouncement in *Cabal v. Kapunan*, [12] Speaking through the then Associate, now Chief Justice, Concepcion, it was categorically held: "As a consequence, proceedings for forfeiture of property are deemed criminal or penal, and, hence, the exemption of defendants in criminal case from the obligation to be witnesses against themselves are applicable thereto." [13]

2. Nor can there be any difference of view as to the significance to be attached to the jeopardy clause of the Constitution on which insistence is laid by defendants. The assumption is that after a trial, the accused is either found guilty or freed of the criminal charge against him. If the former, he should expiate for his offense. If the latter, the law leaves him alone to enjoy the liberty that is his by right. In its solicitude for the welfare of every human being, there is the further protection that this constitutional provision affords. He is safeguarded from the risk entailed by a new prosecution upon his being acquitted or convicted to follow the express language of the Constitution or upon the case against him being terminated in any other manner without his consent. Thus he is spared from the anguish and anxiety as well as the expense unavoidable in any new indictment for that offense. The constitutional mandate is thus a rule of finality. A single prosecution for any offense is all the law allows. It protects an accused from harassment, enables him to treat what had transpired as a closed chapter in his life, either to exult in his freedom or to be resigned to whatever penalty is imposed, and is a bar to unnecessary litigation, in itself time-consuming and expense-producing for the state as well. It has been referred to as "res judicata dressed in prison grey." [14] The ordeal of a criminal prosecution is inflicted only once, not whenever it pleases the state to do so.

It is the peril of being twice put in jeopardy of punishment for the same offense that the Constitution guards against, not for the same act, except where it is punishable by law or ordinance in which case, conviction or

acquittal under either bars another prosecution thereof. As to when such is the case, the answer as supplied by the then Chief Justice Moran speaking for the Supreme Court in *Melo v. People*.^[15] The rule is that "not only [must] the second offense charged [be] exactly the same as the one alleged in the first information, but also that the two offenses are identical."^[16] He went on to state: "There is identity between the two offenses when the evidence to support a conviction for one offense would be sufficient to warrant a conviction for the other."^[17] So the "same-evidence" test requires. That criterion has been restated and expanded in the Rules of Court with the express mention of "any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information."^[18]

3. Nonetheless, the reliance by defendants, now appellees, on this constitutional right is misplaced. It is true jeopardy had attached with a valid complaint having been filed in a court of competent jurisdiction and defendants having been thereafter arraigned and pleaded.^[19] It had not terminated, though. There was neither conviction nor acquittal. There was thereafter a dismissal without prejudice. Defendants knew, or ought to have known, that the complaint could thus be filed again. They could have objected; they did not. Had they stood fast on what they conceived to be their rights as defendants, things might have been different. Matters could have definitely ended then and there. The jeopardy clause could have been thereafter appropriately invoked. The dismissal would have been unconditional in character.^[20] That is not however how things developed. What transpired instead was a dismissal clearly without prejudice. At the very least, defendants were in estoppel.^[21]

So it has been held repeatedly by this Court. In *Jaca v. Blanco*,^[22] Justice Ozaeta, who penned the opinion, after setting forth Sec. 9 of Rule 113, now Sec. 9 of Rule 117, stated: "We hold that the dismissal contemplated in the above-quoted section of the rule is a definite or unconditional dismissal which terminates the case, and not a dismissal without prejudice as in the present case. In the absence of any statutory provision to the contrary, we find no reason why the court may not, in the interest of justice, dismiss a criminal case provisionally, i.e., without prejudice to rein-stating it before the order becomes final or to the subsequent filing of a new information for the same offense. If the accused should deem such conditional or provisional dismissal to be unjust and prejudicial to him because he has been deprived of his right to a speedy trial, as for instance where the case has dragged on for an unreason-ably long time without his fault, he could and should object to such dismissal and insist that the case be heard and decided on the merits. Upon such objection and insistence of the accused, if the prosecution does not present its evidence and if its failure to do so is unjustified, the court should dismiss the case for failure to prosecute. Such dismissal would come under the purview of section 9, Rule 113."^[23] Then came *Co Te Hue v. Encarnacion*,^[24] where this Court, through Justice Bautista Angelo, after referring to *People v. Romero*,^[25] declared: "There is more weighty reason to uphold the theory of reinstatement in the present case than in that of *Romero* considering the particularity that the dismissal was provisional in character. In our opinion that is not the dismissal contemplated by the rule that has the effect of barring a subsequent prosecution."^[26]

At any rate, the authoritative pronouncement in the relatively recent case of *People v. Obsania*,^[27] with Justice Castro as ponente, had made clear beyond doubt that for a dismissal to be a bar under the jeopardy clause of the Constitution, it must have the effect of an acquittal. Thus: "The appealed order of dismissal in this case now under consideration did not terminate the action on the merits, whereas in *Cloribel* and in the other related cases the dismissal amounted to an acquittal because the failure to prosecute presupposed that the Government did not have a case against the accused, who, in the first place, is presumed innocent."^[28]

WHEREFORE, the decision of the lower court of September 30, 1966 dismissing this complaint, is hereby reversed and the case is remanded to it for appropriate proceedings in accordance with law. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Zaldivar, and Castro, JJ., concur.

Makalintal, Teehankee, and Villamor, JJ., in the result.

Barredo and Makasiar, JJ., did not take part.

Dizon, J., on official leave.

[1] According to the Constitution: "No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act." Art. III, Sec. 1, par. 20.

[2] Enacted in 1955, Republic Act No. 1379 decrees forfeiture in favor of the state of any property found to have been unlawfully acquired by any public officer or employee. Thereafter, Congress, in 1960, enacted Republic Act 3019, the Anti-Graft and Corrupt Practices Act, specifying certain acts of public officers and private persons alike that can be so characterized.

[3] Cabal v. Kapunan, L-19052, Dec. 29, 1962, 6 SCRA 1059.

[4] His wife, Lorenza Q. Agoncillo, was likewise named as one of the defendants.

[5] Complaint, Record on Appeal, pp. 12-13.

[6] Ibid, pp. 13-14.

[7] Ibid, p. 30.

[8] Ibid, p. 49.

[9] Ibid, p. 13.

[10] Answer of Teofista Quizon, par. 8, Ibid, p. 16.

[11] Answer of aforesaid defendants, par. 22, Ibid, p. 23.

[12] L-19052, Dec. 29, 1962, 6 SCRA 1059.

[13] Ibid, p. 1064. The concluding paragraph of the opinion of the Chief Justice reads: "We are not unmindful of the doctrine laid down in *Almeda v. Perez*, L-18428 (August 30, 1962), in which the theory that, after the filing of respondents' answer to a petition for forfeiture under Republic Act No. 1379, said petition may not be amended as to substance pursuant to our rules of criminal procedure, was rejected by this Court upon the ground that said forfeiture proceeding is civil in nature. This doctrine refers, however, to the purely procedural aspect of said proceeding, and has no bearing on the substantial rights of the respondents therein, particularly their constitutional right against self-incrimination." Ibid, p. 1067.

[14] Cf. *Twice in Jeopardy*, 75 Yale Law Journal 262, 277 (1965).

[15] 85 Phil. 766 (1950). This decision is authority for the view that an amended information for homicide may be filed after the death of the victim, even if in the mean while the accused had already pleaded not guilty to a frustrated homicide charge.

[16] Ibid, p. 768.

[17] Ibid.

[18] Rule 117, Sec. 9, Rules of Court. There is this further clarification in the Rules: "An offense charged necessarily includes that which is proved, when some of the essential elements or ingredients of the former, as this is alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in

the offense proved, when the essential ingredients of the former constitute or form a part of those constituting the latter." Rule 120, Sec. 5.

[19] Cf. *People v. Ylagan*, 58 Phil. 851 (1933).

[20] According to Sec. 9 of Rule 117, Rules of Court: "When a defendant shall have been convicted or acquitted, or the case against him dismissed or otherwise terminated without the express consent of the defendant, by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction, and after the defendant had pleaded to the charge, the conviction or acquittal of the defendant or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration there-of, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information."

[21] Cf. *People v. Acierto*, 92 Phil. 534 (1953). The said Acierto ruling, according to Justice Castro in *People v. Obsania*, L-24447, June 29, 1968, 23 SCRA 1249, "was reiterated in *People v. Amada Reyes, et al.* (96 Phil. 827, April 30, 1955); *People v. Reyes, et al.* (98 Phil. 646, March 23, 1956); *People v. Casiano* (L-15309, February 16, 1961), and *People v. Archilla* (L-15632, February 28, 1961)." *Ibid*, p. 1261.

[22] 86 Phil. 452 (1950).

[23] *Ibid*, pp. 454-455.

[24] 94 Phil. 258 (1954).

[25] 89 Phil. 672 (1951).

[26] 94 Phil. 258, 261 (1954).

[27] L-24447, June 29, 1968, 23 SCRA 1249.

[28] *Ibid*, p. 1273.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.