

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE Y. SISON, DEFENDANT-APPELLANT.*G.R. No. L-11669. January 30, 1959*

Ponente: PARAS, C.J.

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The defendant was charged in the Municipal Court of Manila with a violation of Ordinance No. 2646, otherwise known as Traffic Rules and Regulations of the City of Manila. He moved to dismiss the case on the ground that the act imputed to him did not constitute an offense. The judge dismissed the case. Later, however, when informed by the defendant himself that he had filed an administrative complaint against the police officer who issued the Traffic Violation Report, the judge forthwith ordered his clerk of court to set the case for trial, after which the defendant was found guilty and sentenced to pay a fine of P50.00, with subsidiary imprisonment in case of insolvency, and to pay the costs. The defendant appealed to the Court of First Instance wherein he asked for the dismissal of the case, alleging among other things that said court had no jurisdiction because of the invalid information. The Court of First Instance denied the motion and proceeded to try the case on the merits. It sustained the judgment of conviction rendered by the Municipal Court, but imposed a reduced fine of P25.00. The defendant has appealed.

The appellant contends that this case was not validly reinstated when the municipal judge *motu proprio* cancelled his signature which attested to the fact that the case had already been dismissed, and that therefore he was convicted on an invalid information. This is clearly meritorious. A cursory glance at Exhibits "1", "2", "3 " and "3A" readily shows that the information was at first in fact dismissed in the Municipal Court on the ground that the act charged did not constitute an offense. The defendant could accordingly no longer be convicted under said information, and only a new and valid information could revive the charge. The municipal judge had no power to reinstate the case by the simple expedience of obliterating his signature below the words "case dismissed" appearing in the aforesaid exhibits. We have ruled time and again that a judgment of acquittal becomes final immediately after promulgation and cannot be recalled for correction or amendment.

Wherefore, the decision appealed from is hereby reversed and the case dismissed with costs de oficio. So ordered Bengzon, Padilla, Montemayor , Reyes, Bautista Angelo, Labrador, Reyes, J.B.L., and Endencia, JJ., concur. Concepcion, J., did not take part.

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