

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
GUILLERMO MANANTAN, DEFENDANT-APPELLEE.**

G.R. No. L-14129. August 30, 1962

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SUMMARY

Appellee, moved for the reconsideration of the ruling of the Court in the main case setting aside the order of dismissal by the trial court and remanding the case for trial on the merits, contending that such remand amounted to double jeopardy since the charge against him had already been dismissed by the lower court. Such plea was not, however, been put in issue by way of resisting the appeal of the state or argued in his brief. The Court dismissed the motion.

RULING

The accused cannot now invoke the defense of double jeopardy since he failed to raise the issue when the state appealed the order of dismissal. The matter was not even argued in his brief. He is, therefore, deemed to have waived his constitutional right.

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