

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. AURELIO BALISACAN, DEFENDANT AND APPELLEE.

G.R. No. 26376. August 31, 1966

Ponente: BENGZON, J.P., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-26376/>

BENGZON, J.P., J.:

This is an appeal by the prosecution from a decision of acquittal.

On February 1, 1965, Aurelio Balisacan was charged with homicide in the Court of First Instance of Ilocos Norte. The information alleged:

"That on or about December 3, 1964, in the municipality of Nueva Era, province of Ilocos Norte, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one, Leonicio Bulaoat, inflicting upon the latter wounds that immediately caused his death.

"CONTRARY TO LAW."

To this charge the accused, upon being arraigned, entered a plea of guilty. In doing so he was assisted by counsel. At his de officio counsel's petition, however, he was allowed to present evidence to prove mitigating circumstances.

Thereupon the accused testified to the effect that he stabbed the deceased in self-defense, because the latter was strangling him. And he further stated that after the incident he surrendered himself voluntarily to the police authorities.

Subsequently, on March 6, 1965, on the basis of the abovementioned testimony of the accused, the court a quo rendered a decision acquitting the accused. As stated, the prosecution appealed therefrom.

This appeal was first taken to the Court of Appeals. Appellant filed its brief on September 9, 1965. No appellee's brief was filed. After being submitted for decision without appellee's brief, the appeal was certified to Us by the Court of Appeals on July 14, 1966, as involving questions purely of law (Sec. 17, Republic Act 296). And on August 5, 1966, We ordered it docketed herein.

The sole assignment of error is:

"THE TRIAL COURT ERRED IN ACQUITTING THE ACCUSED OF THE OFFENSE CHARGED DESPITE THE LATTER'S PLEA OF GUILTY WHEN ARRAIGNED."

Appellant's contention is meritorious. A plea of guilty is an unconditional admission of guilt with respect to the offense charged. It forecloses the right to defend oneself from said charge and leaves the court with no alternative but to impose the penalty fixed by law under the circumstances. (People vs. Ng Pek, 81 Phil. 563) In this case, the defendant was only allowed to testify in order to establish mitigating circumstances, for the purpose of fixing the penalty. Said testimony, therefore, could not be taken as a trial on the merits, to determine the guilt or innocence

of the accused.

In view of the assertion of self-defense in the testimony of the accused, the proper course should have been for the court a quo to take defendant's plea anew and then proceed with the trial of the case, in the order set forth in Section 3 of Rule 119 of the Rules of Court:

"SEC. 3. Order of trial.- The plea of not guilty having been entered, the trial must proceed in the following order:

"(a) The fiscal, on behalf of the People of the Philippines, must offer evidence in support of the charges.

"(b) The defendant or his attorney may offer evidence in support of the defense.

"(c) The parties may then respectively offer, rebutting evidence only, unless the court, in furtherance of justice, permit them to offer new additional evidence bearing upon the main issue in question.

"(d) When the introduction of evidence shall have been concluded, unless the case is submitted to the court without argument, the fiscal must open the argument, the attorney for the defense must follow, and the fiscal may conclude the same. The argument by either attorney may be oral or written, or partly written, but only the written arguments, or such portions of the same as may be in writing, shall be preserved in the record of the case."

In deciding the case upon the merits without the requisite trial, the court a quo not only erred in procedure but deprived the prosecution of its day in court and right to be heard.

This Court now turns to Section 2, Rule 122 of the Rules of Court, which provides that: "The People of the Philippines can not appeal if the defendant would be placed thereby in double jeopardy." The present state of jurisprudence in this regard is that the above provision applies even if the accused fails to file a brief and raise the question of double jeopardy (*People v. Ferrer*, L-9072, October 23, 1956; *People v. Bao*, L-12102, September 29, 1959; *People v. de Golez*, L-14160, June 30, 1960).

The next issue, therefore, is whether this appeal placed the accused in double jeopardy. It is settled that the existence of a plea is an essential requisite to double jeopardy (*People v. Ylagan*, 58 Phil. 851; *People v. Quimsing*, L-19860, December 23, 1964). In the present case, it is true, the accused had first entered a plea of guilty. Subsequently, however, he testified, in the course of being allowed to prove mitigating circumstances, that he acted in complete self-defense. Said testimony, therefore - as the court a quo recognized in its decision - had the effect of vacating his plea of guilty and the court a quo should have required him to plead anew on the charge, or at least direct that a new plea of not guilty be entered for him. This was not done. It follows that in effect there having been no standing plea at the time the court a quo rendered its judgment of acquittal, there can be no double jeopardy with respect to the appeal herein. [[1]]

Furthermore, as afore-stated, the court a quo decided the case upon the merits without giving the prosecution any opportunity to present its evidence or even to rebut the testimony of the defendant. In doing so, it clearly acted without due process of law. And for lack of this fundamental prerequisite its action is perforce null and void. The acquittal, therefore, being a nullity for want of due process, is no acquittal at all, and thus can not constitute a proper basis for a claim of former jeopardy (*People v. Cabero*, 61 Phil. 121; 21 Am. Jur. 2d, 235; *McCleary v. Hudspeth*, 124 Fed. 2d, 445).

It should be noted that in rendering the judgment of acquittal, the trial judge below already gave credence to the testimony of the accused. In fairness to the prosecution, without in any way doubting the integrity of said trial judge, We deem it proper to remand this case to the court a quo for further proceedings under another judge of the same court, in one of the two other branches of the Court of First Instance of Ilocos Norte sitting at Laoag.

WHEREFORE, the judgment appealed from is hereby set aside and this case is remanded to the court a quo for further proceedings under another judge of said court, that is, for plea by the defendant, trial with presentation of evidence for the prosecution and the defense, and judgment thereafter. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, JBL, Barrera, Dizon, Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Regala, and Makalintal, JJ., no part.

[[1]] Sec. 9, Rule 117, Rules of Court.

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.