

**MATEO SANTOS, MATEO SABALLA AND EULOGIO HIPOLITO,
PETITIONERS, VS. THE PEOPLE OF THE PHILIPPINES, RESPONDENT.***G. R. No. 45419. January 19, 1937*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45419/>**DIAZ, J.:**

This certiorari proceeding was instituted in the name of the three petitioners for the review of the decision rendered by the Court of Appeals in case G. R. No. 43008 of said court, finding them guilty of illegal detention and sentencing each of them to an indeterminate penalty of from two years, four months and one day of prison correctional to eight years and one day of prison mayor.

It appears from the allegations contained in the petitioners' pleading that after they had been charged with and prosecuted for forcible abduction in the above cited case, while the case was yet in the Court of First Instance of origin, they were convicted only of the crime of illegal detention, the essential element of lewd designs not having been established in the opinion of the court.

Before the judgment finding them guilty of illegal detention became final, the petitioners sought and obtained a new trial wherein other evidence was presented, in addition to that adduced during the former trial.

After the new trial, the court which tried the case rendered judgment against the petitioners finding them guilty this time of the crime of forcible abduction and not merely of illegal detention.

Upon appeal from the sentence rendered against the petitioners at the second trial, the Court of Appeals found them guilty not of forcible abduction but only of illegal detention, having imposed upon them the above-stated indeterminate sentence.

The ground upon which the petitioners based their petition for certiorari is their belief that there was committed against them a violation of the constitutional provision prohibiting a person from being twice put in jeopardy of punishment for the same offense (Article III, section 1, paragraph 20, of the Constitution), alleging that as they had been acquitted of the crime of illegal detention in the first instance, they could not be found guilty of the same offense in the second instance.

The effect of the granting of a new trial is not to acquit the accused of the crime of which the judgment finds him guilty, but precisely, to set aside said judgment so that the case may be tried *de novo* as if no trial had been had before, for the purpose of rendering a judgment in accordance with the law, taking into consideration the evidence to be presented during the second trial. (*Del Rosario vs. Villegas*, 49 Phil., 634; *U. S. vs. Dacir*, 26 Phil., 503; *U. S. vs. Singuimuto*, 5 Phil., 176.)

Once the new trial is granted, the case reverts to its original status and naturally the prosecution and the defense, or the petitioners herein, are placed in the same position as they were prior to the first trial, it being their duty, therefore, to present evidence so that the court may terminate the case, rendering the judgment which, in its opinion, is in accordance with the law.

A question similar to that raised by the petitioners was adversely decided by the Supreme Court of the United

States which held that where upon the indictment of a greater offense (murder) the one accused is found not guilty thereof but guilty of a lower offense included therein (assault), and upon appeal from that judgment a new trial is granted by the appellate court, the accused can, on the new trial, be tried for the greater offense in the indictment, and such new trial does not amount to placing him in jeopardy a second time for the same offense within the meaning of the Federal Constitution or of the provisions of the Philippine Act of July 1, 1902, of which the provision of the Constitution of the Philippines invoked by the petitioners is a substantial copy. (*Trono vs. United States*, 11 Phil., 726; 199 U. S., 521.)

It cannot be reasonably stated that the petitioners have been twice put in jeopardy of punishment for the same offense because if it were so, we would arrive at the absurdity that whenever a new trial is granted, the only resolution to be rendered is to afford to the petitioner the benefits of the constitutional provision invoked; and we would likewise arrive at the absurdity that in all cases in which an accused appeals from the sentence imposed upon him, there can be no other resolution than to also grant him the same privilege, which has never been the intention of the legislator.

This court resolves to hold, and it is hereby held, that the petitioners' petition is without merit, and consequently, this case is ordered dismissed, without special pronouncement as to costs. So ordered.

Avancena, C. J., Villa-Real, Abad Santos, Imperial, Laurel, and Concecion, JJ., concur.

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