



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Violation of Complainant's right against double jeopardy

An order granting an accused's demurrer to evidence is a resolution of the case on the merits, and it amounts to an acquittal, and any further prosecution of the accused after an acquittal would violate his constitutional right against double jeopardy.

Complainant was acquitted when her demurrer to evidence was granted by the first judge who tried her case. However, when her case was re-raffled to respondent's sala after the inhibition of the trial judge she was required to present her evidence.

The Court, however, ruled that there is no double jeopardy because the demurrer to evidence was granted before the prosecution's formal offer of evidence. The prosecution has not yet rested its case when the Demurrer to Evidence was filed and was granted by the first judge that tried her case. Hence, there was no acquittal and the case against respondent judge was dismissed for lack of merit.

Spread the word, tell the passers-by that our judges know the law. **(A.M. No. RTJ-12-2336, November 12, 2014)**

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