THIRD DIVISION

G.R. No. 259277 – SPO2 BADAWI P. BAKAL, Petitioner, **v. PEOPLE OF THE PHILIPPINES,** Respondent.

Promulgated:

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DISSENTING OPINION

SINGH, *J.*,

The Constitution's guarantee against double jeopardy stands as one of the most enduring protections in our criminal justice system.[1] It embodies the State's solemn undertaking that no individual shall be harassed by repeated prosecutions, nor subjected to the anxiety and burden of defending against the same charge more than once.[2] It is, at its core, a promise of restraint, an assurance that the sovereign power to prosecute will be exercised with fairness, finality, and respect for human dignity.

Yet, this promise is not absolute. It rests on a critical and indispensable premise: that the judgment invoked as a bar against double jeopardy is valid.

The Constitution does not protect what is void.

The safeguard against double jeopardy presupposes a judgment rendered in lawful exercise of judicial power, one that reflects a conscientious evaluation of the evidence and a faithful discharge of the court's duty to adjudicate. Where this premise fails, such that the trial court acts with arbitrariness, capriciousness, or gross and patent disregard of material facts, the resulting acquittal is stripped of its legitimacy. It is not entitled to finality and produces no legal effect. Consequently, no jeopardy attaches.

To hold otherwise is to convert a constitutional safeguard into a shield for error so grave that it undermines the integrity of the judicial process itself, a result that the Constitution neither commands nor tolerates.

It is from this perspective that I am constrained to dissent from the Court's Decision acquitting petitioner Senior Police Officer 2 Badawi P.

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1 *See People of the Philippines v. Velasco*, 394 Phil. 517, 535 (2000) [Per J. Belosillo, *En Banc*].

2 *Id.* at 542.

Bakal (**SPO2 Bakal**) of liability as an accessory to the 57 counts of the crime of Murder charged.

Antecedent facts

The present case arises from the Maguindanao Massacre, an atrocity that remains etched in the nation's consciousness.

On November 23, 2009, 57 civilians were killed in Sitio Masalay, Municipality of Ampatuan, Maguindanao Province, while *en route* to the Commission on Elections (**COMELEC**) office in Shariff Aguak.[3] The 57 civilians were members of the media, members, and friends of the Mangudadatu family accompanying Bai Genalin Mangudadatu, who was on her way to file the Certificate of Candidacy of her husband, Datu Esmael "Toto" Mangudadatu (**Datu Toto**), for the position of Governor in Maguindanao.[4]

They were unarmed. They were defenseless. They were exercising a constitutional right.

Yet, they never made it to their destination.

The prosecution's evidence established that the Maguindanao Massacre was the culmination of a coordinated plan among members of the Ampatuan clan and their armed cohorts, involving the setting up of checkpoints, the interception of the Mangudadatu convoy, and the subsequent abduction and killing of the 57 individuals.[5]

SPO2 Bakal, then acting Chief of Police of the Municipality of Ampatuan, was assigned to man a checkpoint along the Ampatuan National Highway.[6] In the course of the events, he was shown to have allegedly participated in the commission of the crimes, and in the prevention of their disclosure.[7] Most notably, he placed a roadblock at his checkpoint that closed the national highway[8] and threatened witnesses who had seen the unfolding of the gruesome killings.[9]

The lower courts' decisions

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3 *Ponencia*, pp. 3–5.
4 *Id.*
5 *Id.* at 2–5.
6 *Id.* at 3.
7 *Id,* at 3–5.
8 *Id.* at 3
9 *Id.* at 5.

Following trial, Branch 221, Regional Trial Court, Quezon City (**RTC**) rendered a Consolidated Partial Decision finding several accused guilty beyond reasonable doubt, while acquitting others.[10] It, however, failed to make a categorical statement about SPO2 Bakal's guilt.[11]

Upon SPO2 Bakal's Motion for Clarification, the RTC issued an Omnibus Order exonerating SPO2 Bakal from the crimes charged.[12] The RTC explained that it made an error in the dispositive portion of its Decision, noting that it listed the name "P/Insp. Bahnarin Kamaong" twice, both under the lists of those convicted and acquitted.[13]

In a Petition for *Certiorari* under Rule 65 of the Rules of Court, the People of the Philippines (the **People**), through the Office of the Solicitor General (**OSG**), challenged the acquittal of SPO2 Bakal as an accessory to the Maguindanao Massacre.[14] The People argued that the RTC committed grave abuse of discretion amounting to lack or excess of jurisdiction and acted in an arbitrary and despotic manner in acquitting SPO2 Bakal, resulting in the People's deprivation of due process.[15] Noting that SPO2 Bakal manned the checkpoint in front of the Municipal Hall of Ampatuan, Municipality, a short distance away from the checkpoint at Crossing Masalay, the People argued that the RTC overlooked the fact that the said checkpoint was part and parcel of the bigger plot to kill Datu Toto.[16]

In the assailed Decision, the Court of Appeals (**CA**) reversed the RTC insofar as it acquitted SPO2 Bakal.[17] It found that the RTC gravely misapprehended the facts and disregarded relevant evidence demonstrating SPO2 Bakal's liability as an accessory.[18] It emphasized that SPO2 Bakal's presence at the checkpoint, coupled with his acts of threatening the witnesses and attempting to suppress information about the crime, evinced knowledge of the commission of the murders and a deliberate effort to prevent their discovery.[19]

Upon the denial of his Motion for Reconsideration before the CA, SPO2 Bakal filed a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court before this Court.[20] He argues that the CA violated his constitutional protection against double jeopardy.[21]

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10 *Id.* at 5–7.
11 *Id.* at 5.
12 *Id.* at 7.
13 *Id.*
14 *Id.* at 8–9.
15 *Id.*
16 *Id.*
17 *Id.* at 9.
18 *Id.*
19 *Id.* at 9–10.
20 *Id.* at 10.
21 *Id.*

The acquittal is not the product of genuine adjudication; it rests on the RTC's gross misapprehension of facts

The *ponencia* agrees with SPO2 Bakal.[22]

It concludes that the acquittal of SPO2 Bakal bars further review under the constitutional proscription against double jeopardy.[23] It emphasizes that the formal requisites of double jeopardy are present, and that, absent a showing that the prosecution was deprived of the opportunity to present its evidence, any error committed by the trial court constitutes a mere error of judgment beyond the reach of *certiorari*.[24]

I cannot subscribe to this view.

I agree that *certiorari* is an extraordinary remedy, narrow in scope, and unavailable to correct mere errors in the appreciation of evidence.[25] It likewise stands unquestioned that the constitutional protection against double jeopardy occupies a preferred place in our legal system.

These, however, merely frame the inquiry and do not definitively resolve the present controversy.

The decisive question in this case is not whether the prosecution was heard, but whether the judgment of acquittal was rendered in the lawful exercise of judicial power.

I submit that it was not.

The *ponencia*'s analysis proceeds from the premise that the exception to the rule against double jeopardy may only be invoked when the prosecution is denied due process, as when it is denied the opportunity to present its evidence or cross-examine the witnesses.[26]

This formulation, in my view, constricts the meaning of due process.

Due process is not satisfied by the mere opportunity to be heard. It requires a meaningful evaluation of the evidence presented and a judgment

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22 *Id.*
23 *Id.* at 14.
24 *Id.* at 17.
25 *See Cruz v. People of the Philippines*, 812 Phil. 166, 171 (2017) [Per J. Leonen, Second Division].
26 *Ponencia*, p. 11.

anchored on the record as a whole. A trial is not rendered fair simply because it was conducted. It must also be adjudicated with reason, discernment, and fidelity to the record. When a court deliberately or capriciously disregards material, relevant, and outcome-determinative evidence already on record, the proceeding becomes hollow. The resulting judgment, though cloaked as an acquittal, is not the product of genuine adjudication. It is, instead, an illusion of process. In such cases, the infirmity lies not in the absence of a hearing, but in the virtual abdication of the court's duty to adjudicate according to law and evidence.

Thus, the distinction between an error of judgment and grave abuse of discretion does not turn solely on whether evidence was admitted, but on whether judicial discretion was exercised reasonably, conscientiously, and within the bounds of law.

Here, the RTC's acquittal of SPO2 Bakal rested almost entirely on a single circumstance: that the Mangudadatu convoy did not pass through the checkpoint he manned.[27]

From this narrow premise, the RTC concluded that SPO2 Bakal had no knowledge of the murder plot and no participation in the crime.

This conclusion cannot withstand scrutiny.

The evidence established that prior to the November 23, 2009 Massacre, the principals had devised a plan to hijack the filing of Datu Toto Mangudadatu's certificate of candidacy and to kill any person transporting his candidacy papers. The installation of checkpoints along the routes leading to Sharif Aguak was an integral component of this plan, and the heads of these checkpoints were to be compensated.

SPO2 Bakal was the acting Chief of Police of the Municipality of Ampatuan and manned the checkpoint along the Ampatuan national highway pursuant to his official authority. His checkpoint was not an incidental or peripheral installation; it was part of a coordinated security grid designed to control movement within the area. The RTC's conclusion that SPO2 Bakal had no prior knowledge of the plan is not merely implausible; it is contrary to reason and common human experience.

Equally critical is the fact that the checkpoint manned by SPO2 Bakal was situated within the plain view of the checkpoint at Crossing Masalay, where the killings occurred. The RTC's failure to account for this proximity reflects a gross misapprehension of the factual *milieu*. For a police officer,

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[27] *Id.* at 9.

much less the acting Chief of Police, to be unaware of a Massacre unfolding within sight of his assigned post strains credulity beyond acceptable judicial inference.

Moreover, on the very day of the Massacre, SPO2 Bakal installed a road blockade along the national highway. Viewed in relation to the other road blockades erected within the municipality, this act demonstrates a concerted effort to delay discovery of the crime and to ensure that the perpetrators could carry out their plan without interference from law enforcement authorities. The RTC's failure to appreciate the legal significance of this conduct constitutes a patent disregard of material evidence.

SPO2 Bakal's actions after the Massacre further undermine any claim of ignorance. He denied the existence of any abduction and warned prosecution witnesses not to disclose what they had witnessed, threatening harm to them and their families. These acts are irreconcilable with innocence. A police officer who is truly unaware of a crime has no reason to suppress information or intimidate witnesses.

The RTC's omission to meaningfully address these facts is not a mere lapse in reasoning; it is an abdication of its duty to render true and meaningful justice.

The *ponencia* characterizes the RTC's omissions as mere errors of judgment.[28] With due respect, they amount to more.

This is not a case where the trial court weighed conflicting evidence and chose one version over another. This is a case where material facts that strike at the heart of SPO2 Bakal's liability were simply disregarded. Such disregard is not a mere lapse in judgment. It is a refusal to perform the duty enjoined by law.

To be sure, not every misapprehension of facts or erroneous appreciation of evidence rises to the level of grave abuse of discretion. Errors of judgment, however serious, remain within the trial court's jurisdiction and are ordinarily insulated by the rule on the finality of acquittals.

What takes the case out of that category is not the correctness of the conclusions reached by the trial court, but the manner by which they were reached. Jurisprudence has long recognized that grave abuse of discretion exists where a court's findings are grounded on a manifest misapprehension of facts or where it arbitrarily ignores evidence that would compel a different

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[28] *Id.* at 17.

result.[29] In such instances, the court does not merely err; it acts beyond the bounds of its authority. Where relevant evidence is ignored rather than weighed, the resulting judgment, even if it be an acquittal, is rendered with grave abuse of discretion amounting to lack or excess of jurisdiction, and thus, falls within the recognized exception to the rule on the finality of acquittals. Indeed, as held in *Galman v. Sandiganbayan*,[30] an acquittal rendered in a capricious or despotic manner, where the court deliberately ignores evidence that would have compelled a different result, is void and does not terminate jeopardy.[31] In such cases, *certiorari* does not operate as an appeal from an acquittal; rather, it serves as a corrective mechanism to annul a jurisdictionally infirm judgment.

Thus, I disagree with the *ponencia*'s decision that the RTC's Omnibus Order constituted a valid termination of jeopardy. While labeled an "acquittal," the Order was issued in excess of jurisdiction because it rested on a grossly distorted appreciation of the record. Being void, it produced no legal effect and could not give rise to double jeopardy.

To uphold the RTC's acquittal of SPO2 Bakal is to declare that a judgment, once labeled an acquittal, is beyond scrutiny even when born from a distorted appreciation of the record.

Such a ruling sets a dangerous precedent.

The double jeopardy clause was never intended to shield arbitrary adjudication. It was meant to protect the innocent, not to immunize flawed decisions from correction.

To apply it mechanically, without regard to the validity of the underlying judgment, is to risk eroding public confidence in the administration of justice.

The Constitution demands vigilance, not complacency.

It demands that courts remain faithful to their duty, not only to safeguard the rights of the accused, but also to ensure that justice is not defeated by the very processes designed to uphold it.

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[29] *See People of the Philippines v. Ampatuan, Sr.*, G.R. No. 258710, January 27, 2025 [Per J. Rosario, First Division] at 6. This pinpoint citation refers to the copy of the Decision uploaded in the Supreme Court website.

[30] 228 Phil. 42 (1986) [Per C.J. Teehankee, *En Banc*].

[31] *Id.* at 86–88.

Assessment of SPO2 Bakal's accountability

Once it is recognized that the RTC's acquittal is void, the constitutional proscription against double jeopardy necessarily falls. The Court is, thus, not precluded from examining the evidence on its merits. Indeed, it becomes incumbent upon this Court to do so, to confront the record as it stands, and to determine whether liability attaches under the law.

Article 19 of the Revised Penal Code defines an accessory as one who had knowledge of the commission of the crime and did not participate in its commission as principal or accomplice, yet took part subsequent to its commission in any of the following manners: (1) by profiting themselves or assisting the offender to profit by the effects of the crime; (2) by concealing or destroying the body of the crime, or the effects or instruments thereof, in order to prevent its discovery; and (3) by harboring, concealing, or assisting in the escape of the principals of the crime, provided the accessory acts with abuse of his public functions or whenever the author of the crime is guilty of treason, parricide, murder, or an attempt to take the life of the Chief Executive, or is known to be habitually guilty of some other crime.[32] To convict an accused as an accessory, the following elements must be proven: (1) knowledge of the commission of the crime; and (2) subsequent participation in it by any of the aforementioned modes.[33]

The aforementioned elements were proven in this case.

SPO2 Bakal's installation of a road blockade along the national highway and his denial of the abduction when queried by authorities were not isolated or innocuous acts. His actions actively aided the perpetrators of the crime by ensuring that the authorities would not discover the incident in time to prevent the perpetrators' escape.

Further, through the threats he directed against the prosecution witnesses, he contrived that material witnesses would not come forward, resulting in obstruction of justice and the delay of the prosecution of the crimes. In *People v. Talingdan*,[34] the Court held that a person who threatened a witness to prevent disclosure of a crime may be held liable as an accessory, as such conduct constitutes concealment or assistance in the escape of the principal offender. As the Court explained:

> But this is not saying that she is entirely free from criminal liability. There is in the record morally convincing proof that she is at the very least an accessory to the offense committed by her co-accused xxx *When Corazon Identified appellants Talingdan, Tobias, Berras and Bides as the*

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32 REV. PEN. CODE, art. 19.

33 *People v. Tolentino*, 429 Phil. 701, 725–726 (2002) [Per J. Panganiban, Third Division].

34 173 Phil. 237 (1978) [*Per Curiam, En Banc*].

> *culprits, Teresa did not only enjoin her daughter not to reveal what she knew to anyone, she went to the extent of warning her, "Don't tell it to anyone. I will kill you if you tell this to somebody."* Later, when the peace officers who repaired to their house to investigate what happened, instead of helping them with the information given to her by Corazon, she claimed she had no suspects in mind xxx *These subsequent acts of her constitute "concealing or assisting in the escape of the principal in the crime" which makes her liable as an accessory after the fact under paragraph 3 of Article 19 of the Revised Penal Code.*[35] (Emphasis supplied)

The parallel here is unmistakable. SPO2 Bakal's threats against witnesses served the same purpose, that is, to silence those who could expose the crime and to shield its perpetrators from prosecution.

Taken together, the evidence establishes beyond reasonable doubt that SPO2 Bakal, with knowledge of the Massacre, engaged in acts that concealed its commission and facilitated the escape of those responsible. His liability as an accessory is thus clearly borne out by the record.

A final word

This case transcends legal doctrine. At its core lies a far deeper question: whether the law may still remain faithful to its constitutional purpose when confronted with injustice of the gravest kind.

It calls upon the Court to determine whether the trial court's conclusions truly rest upon a complete and faithful consideration of the evidence. More than this, it asks whether the voices silenced in the Maguindanao Massacre will be met with silence from the law.

To affirm SPO2 Bakal's acquittal is to allow a void judgment to stand beyond correction. It is to accept a fragmented view of the facts as sufficient, and a hollow process as complete.

I cannot agree.

Justice must be pursued not merely in form, but in substance. Faced with crimes of this magnitude, the law cannot retreat into passivity. It must respond with moral clarity, disciplined rigor, and an unwavering fidelity to the truth.

ACCORDINGLY, I vote to **DENY** the Petition for Review on *Certiorari*, **AFFIRM** the Decision of the Court of Appeals, and find petitioner

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[35] *Id.*

Senior Police Officer 2 Badawi P. Bakal **GUILTY** beyond reasonable doubt as an accessory to the 57 counts of Murder charged.

MARIA FILOMENA D. SINGH
Associate Justice