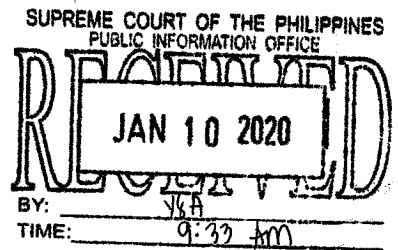




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila



SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **25 November 2019** which reads as follows:

**G.R. No. 249922 (Michelle Marie Therese Teoxon and Gaile Marie Therese Teoxon v. The Honorable Court of Appeals [20<sup>th</sup> Division], Virginia Datan, Maribel Abellanosa, and Paul Abellanosa)**

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> and **AFFIRM** the August 14, 2019 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 02856 for failure of petitioners Michelle Marie Therese Teoxon and Gaile Marie Therese Teoxon (petitioners) to sufficiently show that the CA gravely abused its discretion in acquitting private respondents Virginia Datan, Maribel Abellanosa, and Paul Abellanosa (respondents) of the crime charged.

At the outset, it is settled that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation, as this is grounded on the accused's right against double jeopardy. Notably, while the rule against double jeopardy is not without exceptions, namely: (a) where there has been a deprivation of due process and a finding of mistrial; or (b) where there has been a grave abuse of discretion under exceptional circumstances,<sup>3</sup> none of which obtain in this case. As such, respondents' acquittal can no longer be overturned.

Moreover, the Court also notes that petitioners, as private complainants, have no legal personality to appeal the criminal aspect of the case filed against respondents as the same belongs to the Office of the Solicitor General, as representative of the People of the Philippines.<sup>4</sup>

Further, the Court resolves to **INFORM** petitioners that they or their authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱700.00 under OR No. 0267405 dated November 8, 2019.

<sup>1</sup> Rollo, pp. 3-19.

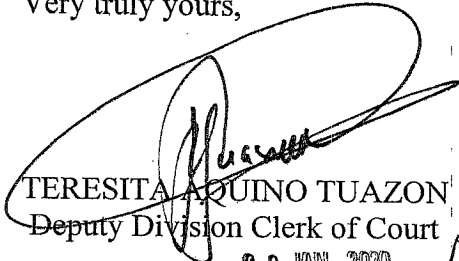
<sup>2</sup> Id. at 25-43. Penned by Associate Justice Emily R. Aliño-Geluz with Associate Justices Pamela Ann Abella Maxino and Carlito B. Calpatura, concurring.

<sup>3</sup> *Villareal v. Aliga*, 724 Phil. 47, 64 (2014).

<sup>4</sup> See Unsigned Resolution in *People v. Malayan Insurance Company, Inc.*, 740 Phil. 616, 622 (2014).

**SO ORDERED.** (REYES, A., Jr., J., on leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)<sup>2</sup>

Very truly yours,

  
 TERESITA AQUINO TUAZON  
 Deputy Division Clerk of Court  
 08 JAN 2020 p118

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HON. PRESIDING JUDGE (reg)  
 Regional Trial Court, Branch 6  
 Cebu City  
 (Crim. Case Nos. CBU-87402 and 87450)

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 Supreme Court, Manila

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COURT OF APPEALS (reg)  
 Visayas Station  
 Cebu City  
 CA-G.R. CEB-CR No. 02856

\*for this resolution only  
 Please notify the Court of any change in your address.  
 GR249922. 11/25/19(90)URES