

Title: People of the Philippines vs. The Honorable Benjamin Relova and Manuel Opulencia

Facts: In Batangas City, during the period from November 1974 to February 1975, electrical wiring and devices were discovered installed unlawfully within the premises of Opulencia Carpena Ice Plant and Cold Storage, owned by Manuel Opulencia. This activity was allegedly done to defraud the City Government of Batangas by lowering the readings of electric current consumption, causing a loss of P41,062.16. On February 1, 1975, the discovery was made through a search by the police with a warrant, leading to Opulencia's admission of his actions in a written statement.

Subsequently, an Assistant City Fiscal filed an information against Opulencia for violating a Batangas City ordinance, chargeable with a fine or imprisonment, or both. Opulencia pleaded not guilty but later filed a motion to dismiss the case on the grounds of prescription and excess of the court's jurisdiction over the claimed civil indemnity. The municipal court dismissed the case due to prescription.

Afterward, a new information was filed by the Acting City Fiscal before the Court of First Instance of Batangas, for theft of electric power under the Revised Penal Code. Opulencia filed a Motion to Quash on grounds of double jeopardy which was granted by the presiding judge, dismissing the case. A Motion for Reconsideration filed by the prosecution was denied.

Issues: The primary legal issue brought to the Supreme Court was whether the dismissal of the case for violation of the city ordinance, based on prescription, bars a subsequent prosecution for theft of electric power under the Revised Penal Code on grounds of double jeopardy.

Court's Decision: The Supreme Court explained that there are two rules in the application of double jeopardy: one that applies when offenses charged are under different sections of the same law or different laws, focusing on the identity of offenses, and another when one is under a municipal ordinance and another under a national statute, focusing on the identity of acts committed. The Court found that although the offenses in the municipal ordinance and the Revised Penal Code have different elements, they were both derived from the same set of acts committed by Opulencia. Therefore, the constitutional protection against double jeopardy applied. Thus, the Supreme Court denied the petition for certiorari and mandamus filed by the People of the Philippines and remanded the civil aspect of the case for determination of compensatory damages.

Doctrine: Conviction or acquittal under either a law or an ordinance for an act punishable by both shall constitute a bar to another prosecution for the same act. The constitutional protection against double jeopardy applies even if the offenses charged are not the same.

Class Notes:

- Double Jeopardy: Protection against being prosecuted twice for the same act under both a law and an ordinance.
- Elements of double jeopardy: 1) a valid complaint or information, 2) a court of competent jurisdiction, 3) the defendant has pleaded to the charge, 4) the defendant was acquitted or convicted, or the case was dismissed without his express consent.
- Prescription: A ground for the extinction of criminal liability under Article 89 of the Revised Penal Code.
- Elements of theft in the Revised Penal Code: Taking of personal property that belongs to another, with intent of gain, done without the consent of the owner, and accomplished without using violence against or intimidation of persons, or force upon things.

Historical Background: The Philippine Constitution incorporates American principles of double jeopardy, laid out in the 1935, 1973, and 1987 Constitutions. The case of *People vs. Relova and Oplencia* showcases the application of the constitutional protection against double jeopardy in a Philippine setting, emphasizing the distinct treatment when a municipal ordinance and a national statute are involved.