

Title: Office of the Provincial Prosecutor of Zamboanga del Norte v. Court of Appeals, Atico Abordo et al.

Facts:

On August 3, 1993, the Provincial Prosecutor of Zamboanga del Norte filed an information accused named individuals for murder and multiple frustrated murder, for an incident that occurred on May 1, 1988. Allegedly, these individuals, armed and conspiring together, attacked members of the Philippine Army resulting in one death and multiple injuries.

This filing was based on affidavits by five individuals claiming to be former members of the New People's Army (NPA). They stated that their group had an armed encounter with government troops resulting in the casualties. The private respondents did not appear at the preliminary investigation but appealed to the Secretary of Justice, arguing the prosecution disregarded the crime's political nature, which should have classified it as rebellion.

The trial court upheld the charges filed by the prosecutor, citing the prosecution's discretion in determining the prima facie case. The private respondents moved for reconsideration but were denied.

Aggrieved, private respondents sought a writ of certiorari from the Supreme Court to compel the change of charges from murder to rebellion. The Supreme Court referred the case to the Court of Appeals. There, the Appeals Court found the prosecutor to have gravely abused discretion in charging murder instead of rebellion and ordered a new information charging rebellion. The Provincial Prosecutor then petitioned the Supreme Court for review of the Court of Appeals' decision.

Issues:

1. Whether the prosecution can be ordered to change the information filed before the start of the trial based on the evidence from the preliminary investigation.
2. Whether the prosecutor gravely abused his discretion in charging murder and multiple frustrated murder instead of rebellion.

Court's Decision:

The Supreme Court found merit in the Provincial Prosecutor's contentions and reversed the Court of Appeals' decision insofar as it ordered the filing of a substitute information for rebellion. The high court held:

1. It was improper for the Appeals Court to consider evidence from the preliminary investigation not presented before the trial court.

2. The charge of murder with multiple frustrated murder could not be ruled out based solely on the Joint Affidavit. Political motivation must be clearly demonstrated to warrant a charge of rebellion.
3. The prosecutor has discretion in determining what crime to charge, which should be exercised soundly and not interfered with, even by courts.

The Supreme Court maintained that the question of whether the real crime is rebellion must await the presentation of evidence at the trial or bail hearing.

Doctrine:

- The prosecutor has the discretion to determine the crime to be charged based on evidence. Such discretion should be reasonably, responsibly, and fairly exercised.
- The political motive of a crime must be conclusively demonstrated for an act to be considered rebellion instead of common crimes.

Class Notes:

- The discretion of the prosecutor in determining the charge to be filed.
- The need for political motive to be demonstrated for rebellion charges.
- The principle that the preliminary investigation record does not form part of the Regional Trial Court's record, as per Revised Rules of Criminal Procedure Rule 112, §8.
- The concept of grave abuse of discretion by a public official.

Historical Background:

In the historical context, this case highlights the legal challenges faced when crimes committed by militant groups intersect with common crimes. It demonstrates the Philippine government's attempts to address insurgency, the proper classification of politically motivated crimes, and the tensions between law enforcement strategies and the rights of the accused. The case reiterates established doctrines such as those in *People v. Hernandez* regarding the treatment of crimes committed in pursuit of political goals. It also reveals the judicial process's checks and balances on prosecutorial discretion, especially in politically sensitive cases.