

**\*\*Title:** Conrado Melo vs. The People of the Philippines and The Court of First Instance of Rizal**\*\***

**\*\*Facts:\*\***

This case began with Conrado Melo being charged with frustrated homicide in the Court of First Instance of Rizal on December 27, 1949, following an incident where Melo allegedly inflicted serious wounds on Benjamin Obillo with a kitchen knife. Two days after Melo's plea of not guilty, Obillo died from the wounds, leading the prosecution to amend the information to charge Melo with consummated homicide on January 4, 1950. Melo filed a motion to quash the amended information, arguing double jeopardy, which was denied by the court. This denial prompted Melo to petition for prohibition to prevent the court from proceeding with the amended information.

**\*\*Issues:\*\***

1. Whether the amendment of the charge from frustrated homicide to consummated homicide constitutes double jeopardy.
2. Whether the prosecution can file an amended information charging a more serious offense after the death of the victim post-first arraignment but before the beginning of the trial.
3. The interpretation and application of the "double jeopardy" clause in relation to the amendment of charges based on supervening events.

**\*\*Court's Decision:\*\***

The Court ruled that the amended information charging Melo with consummated homicide did not put him in double jeopardy for the same offense, based on the principle that a person cannot be placed in jeopardy twice for the same offense. The Court clarified that the rule of identity, which protects against double jeopardy, does not apply when the second offense was not in existence at the time of the first prosecution. Since Obillo's death (leading to the charge of consummated homicide) occurred after the first arraignment for frustrated homicide, the amendment was deemed not to put Melo in double jeopardy. The Court underscored that a new and more severe charge based on supervening facts that change the character of the offense does not constitute double jeopardy, supporting this with precedents from both Philippine and U.S. jurisprudence.

**\*\*Doctrine:\*\***

The doctrine establishes that the amendment of a charge to a more serious one following a supervening event (like the death of a victim) does not constitute double jeopardy, provided

the new fact changes the character of the offense and, combined with the existing facts at the time of the first prosecution, constitutes a new and distinct offense. This aligns with the constitutional protection against double jeopardy, which is meant to prevent multiple prosecutions for the same offense but allows for the escalation of charges if new developments substantively alter the nature of the offense.

**\*\*Class Notes:\*\***

- **\*\*Double Jeopardy:\*\*** Protected under Art. III, section 1 (20) of the Philippine Constitution, it prevents someone from being prosecuted twice for the same offense.
- **\*\*Rule of Identity:\*\*** For double jeopardy to apply, the second offense must either be exactly the same as the first, an attempt to commit the first, a frustration of the first, or necessarily included in the charge of the first offense.
- **\*\*Supervening Events:\*\*** The development of new facts after the first prosecution can lead to a new and distinct charge without violating the principle of double jeopardy.
- **\*\*Key Statutes:\*\***
  - Rule 106, sec.13, 2d paragraph of the Rules of Court regarding correcting a mistake in charging the proper offense.
  - Rule 113, sec. 9; Rule 116, sec. 5; covering the provisions on identity of offenses and double jeopardy considerations.

**\*\*Historical Background:\*\***

The case reflects the court's interpretation of double jeopardy in light of evolving circumstantial realities, highlighting the balance between procedural safeguards against repeated prosecutions and the necessity of ensuring justice in light of new, significant facts (like the death of a victim after initial charges were filed). This reiteration of jurisprudence emphasizes the adaptability and responsiveness of legal principles to the particularities of each case, necessarily evolving to uphold justice while protecting constitutional rights.