

****Title:** SSGT. Jose M. Pacoy v. Hon. Afable E. Cajigal, People of the Philippines and Olympio L. Escueta**

****Facts:****

1. On March 18, 2002, SSGT. Jose M. Pacoy shot and killed his commanding officer, 2Lt. Frederick Esquita, using an armalite rifle resulting in Esquita's instantaneous death.
2. Information for Homicide with the aggravating circumstance of "disregard of rank" was filed against Pacoy in the Regional Trial Court (RTC), Branch 68, Camiling, Tarlac.
3. During arraignment on September 12, 2002, Pacoy pleaded not guilty to the charge of Homicide. The respondent judge directed the trial prosecutor to amend the Information to Murder due to the aggravating circumstance of disregard of rank.
4. The prosecutor amended the Information, changing the charge from Homicide to Murder and corrected the victim's name from "Escuita" to "Escueta."
5. Pacoy, refusing to enter a plea on the amended Information, had a plea of not guilty entered by the court.
6. On October 28, 2002, Pacoy filed a Motion to Quash the amended Information on the ground of double jeopardy, arguing that the Homicide case had been terminated without his consent.
7. The judge denied the Motion to Quash, stating that the proceeding had not terminated and that the Information for Homicide was insufficient.
8. Pacoy filed a Motion to Inhibit the judge and a Motion for Reconsideration, arguing that disregard of rank was a generic aggravating circumstance and should not qualify Homicide to Murder.
9. On December 18, 2002, the judge denied the Motion to Inhibit but granted the Motion for Reconsideration, reinstating the original Information for Homicide.
10. Pacoy filed a Petition for Certiorari, contesting the orders to amend the Information, deny the Motion to Quash, and reinstate the Information for Homicide.

****Issues:****

1. Whether the judge committed grave abuse of discretion in ordering the amendment of the Information from Homicide to Murder.
2. Whether the denial of the Motion to Quash by the judge constituted grave abuse of discretion, thereby placing the petitioner in double jeopardy.
3. Whether the judge exceeded jurisdiction and violated the law by reinstating the Information for Homicide.

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

1. ****Amendment of Information:**** The Supreme Court held that the amendment of the Information to change the charge from Homicide to Murder was a formal amendment rather than a substantial amendment or substitution. The court found that the change in the caption and preamble without altering the facts constituting the offense or affecting petitioner's substantial rights was permissible. Hence, no grave abuse of discretion was committed.
2. ****Double Jeopardy:**** The Court ruled that no double jeopardy occurred. The judge's order to amend the Information did not dismiss or terminate the case. For double jeopardy to apply, there must be a previous conviction, acquittal, or dismissal without the accused's express consent. Since none of these conditions were met, the petitioner's claim failed.
3. ****Reinstatement of Information for Homicide:**** The reinstatement was a correction after realizing that regard of rank was a generic aggravating circumstance. The original charge of Homicide, thus, stood, and this did not constitute double jeopardy as there has been no acquittal, conviction, or final dismissal of the case.

****Doctrine:****

1. ****Amendment and Substitution of Information:**** According to Section 14, Rule 110 of the Rules of Criminal Procedure, a formal amendment that does not prejudice the substantial rights of the accused can be made without resulting in double jeopardy.
2. ****Double Jeopardy Elements:**** Double jeopardy attaches when an accused has been previously convicted, acquitted, or the case was dismissed without his express consent, on a valid indictment, and when arraignment and plea have occurred.
3. ****Generic Aggravating Circumstance:**** Disregard of rank is a generic aggravating circumstance that does not elevate Homicide to Murder but affects the imposition of penalties.

****Class Notes:****

- ****Elements of Double Jeopardy:**** (1) Valid accusation (Information), (2) Competent court, (3) Arraignment, (4) Plea of the accused, (5) Case adjudicated with acquittal, conviction, or dismissed without the defendant's consent.
- ****Amendment vs. Substitution:**** Amendment (formal vs. substantial), Substitution (after arraignment and plea needs a new plea and potentially another preliminary investigation).
- ****Aggravating Circumstances Classification:**** Generic aggravating circumstances impact the severity of the penalty but do not change the nature of the offense.

****Historical Background:****

The case emerges in the context of established jurisprudence regarding criminal procedure, particularly Section 14, Rule 110 on amendments to Information and the constitutional protection against double jeopardy. This body of law serves to ensure procedural fairness, the right to a speedy trial, and protection against multiple prosecutions for the same offense. This decision reinforces the interpretation of what constitutes substantial versus formal amendments in criminal proceedings and clarifies the application of double jeopardy protections.