

Jovito Canceran vs. People of the Philippines

Facts

Initial Incident

1. On October 6, 2002, Jovito Canceran was at the Ororama Mega Center in Cagayan de Oro City.
2. Canceran, pushing a cart, approached a counter and paid P1,423.00 for two boxes labeled "Magic Flakes."
3. Security guard Damalito Ompoc, suspecting something amiss, inspected the boxes and discovered they contained 14 smaller boxes of Ponds White Beauty Cream worth P28,627.20.
4. Canceran was then chased and apprehended after stumbling near Don Mariano gate as he attempted to board a jeepney.
5. Canceran offered his personal belongings to the security guards in an attempt to settle the issue, which was refused.

Defense Claims

- Canceran stated he was a promo merchandiser and was merely helping an unknown younger man who provided him with money to pay for the items.
- He claimed he did not know the boxes' real contents and that he was subsequently mauled and had his personal effects, including cash and a cellular phone, taken by the security team.

Procedural History

1. An initial Information for theft was filed on October 9, 2002, and was dismissed.
2. In January 2003, a second Information was filed for the same offense.
3. The Regional Trial Court (RTC) of Misamis Oriental, Branch 39, found Canceran guilty of consummated Theft on September 20, 2007, sentencing him to imprisonment.
4. The Court of Appeals (CA), in CA-G.R. CR No. 00559, affirmed with modifications the RTC's decision, reducing the sentence.

Appeals and Supreme Court Proceedings

- Canceran appealed to the Supreme Court on grounds of double jeopardy and improper charge (theft not being properly charged in the information).

Issues

1. **Whether Canceran should be acquitted because theft was not correctly charged in the

information.**

2. **Whether double jeopardy applies because the first criminal case for theft was dismissed.**

Court's Decision

Issue 1: Crime Charged in Information

- **Arguments:**

- Canceran argued the information did not charge him with consummated Theft.
- The OSG contended that the elements of theft were proven.

- **Ruling:**

- The Supreme Court found the information only charged Canceran with "Frustrated Theft," which is not recognized under the Revised Penal Code.
- Therefore, since the elements of consummated Theft were not included, Canceran could only be convicted of Attempted Theft.
- Convicting Canceran of consummated Theft would violate his constitutional right to be informed of the nature and cause of the accusations against him.

Issue 2: Double Jeopardy

- **Arguments:**

- Canceran claimed double jeopardy applied as he was ready to enter a plea in the first case which was dismissed.
- CA held no double jeopardy as the first jeopardy never attached.

- **Ruling:**

- The Supreme Court upheld the CA's ruling that double jeopardy did not apply because Canceran never entered a valid plea in the first case and the dismissal was not based on the merits but was influenced by his posting of bail.
- Legal jeopardy requires a valid indictment, competent court, arraignment, entered plea, and termination without the accused's consent, several of which were missing here.

Doctrine

1. **Frustrated Theft Not Acknowledged:**

- There is no crime of Frustrated Theft under the Revised Penal Code, only attempted or consummated thefts are recognized.

2. **Right to Be Informed:**

- An accused cannot be convicted of a higher offense than that charged without a

substantive description of the offense in the information.

3. ****Double Jeopardy:****

- Does not apply if first jeopardy conditions such as a valid plea do not attach.

Class Notes

- ****Theft (Article 308, RPC):**** Elements include (1) taking of personal property, (2) property belonging to another, (3) intent to gain, (4) without owner's consent, (5) without violence or intimidation.
- ****Attempted Theft:**** Lower penalty, reduction of two degrees from the penalty for consummated theft.
- ****Double Jeopardy Requirements:**** Legal jeopardy attaches upon valid indictment, competent court, arraignment, valid plea, and dismissal without the accused's consent.

Historical Background

- The case reflects the judiciary upholding procedural accuracy and constitutional rights to fair notice in criminal prosecutions.
- The dismissal of charges and re-filing reflects procedural nuances in prosecutorial practice, with an emphasis on the accused's rights throughout the trial process.