

**FIRST DIVISION**

**[ G.R. No. 249121. August 02, 2023 ]**

**FELIX NATHANIEL “ANGEL” VILLANUEVA MANALO II, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

**D E C I S I O N**

**GESMUNDO, C.J.:**

The Court resolves the instant Appeal by *Certiorari*<sup>[1]</sup> filed by petitioner Felix Nathaniel “Angel” Villanueva Manalo II (*petitioner*) seeking to reverse and set aside the August 30, 2019 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 159024, which upheld the November 20, 2017 Joint Resolution<sup>[3]</sup> of Branch 84 and the October 30, 2018 Omnibus Order<sup>[4]</sup> of Branch 216 of the Regional Trial Court (RTC) of Quezon City in the following cases:

1. Criminal Case No. Q-17-03230-CR for Direct Assault with Frustrated Murder;
2. Criminal Case No. Q-17-03231-CR for Violation of Section 28(b) of Republic Act (R.A.) No. 10591 (Illegal Possession of Firearms and Ammunitions); and
3. Criminal Case Nos. Q-17-03232-33-CR for Violation of Sec. 28(g) and (h) of R.A. No. 10591 (Illegal Possession of Firearms and Ammunitions).

Essentially, petitioner disagrees with the November 20, 2017 RTC Joint Resolution which: (1) granted the Motion to Admit Attached Amended Information;<sup>[5]</sup> (2) admitted the Amended Information;<sup>[6]</sup> and (3) denied petitioner’s Motion to Fix Bail,<sup>[7]</sup> and the October 30, 2018 RTC Omnibus Order which denied petitioner’s Motion for Reconsideration.<sup>[8]</sup>

***Antecedents***

On March 2, 2017 at around 6:00 a.m., police officers conducted a search in petitioner’s house located inside the Iglesia Ni Cristo (INC) Compound<sup>[9]</sup> by virtue of a Search Warrant<sup>[10]</sup> issued by then Presiding Judge (*now CA Associate Justice*) Angelene Mary W. Quimpo-Sale

wherein they found several unlicensed firearms and ammunition. As a consequence, the Office of the City Prosecutor (OCP) of Quezon City conducted an inquest and issued a Resolution<sup>[11]</sup> on March 3, 2017 which, due to the finding of probable cause, recommended the filing of an Information for violation of R.A. No. 10591<sup>[12]</sup> against petitioner and other persons who were his companions at the time of the search warrant's implementation. In the same Resolution, petitioner and his companions were ordered to be released "subject to the approval of the Inquest Chief."<sup>[13]</sup>

### ***The RTC Ruling***

The OCP charged petitioner before the RTC with Illegal Possession of Firearms and Ammunition under **Sec. 28(b)**<sup>[14]</sup> of R.A. No. 10591 in an Information,<sup>[15]</sup> the accusatory portion of which reads:

That on or about the **2nd day of March 2017**, in Quezon City, Philippines, the said accused, without any authority of law, did then and there, willfully, unlawfully and knowingly have in his possession and under his custody and control the following small arms or Class A light weapons, to wit:

- a) one (1) M-16 Colt Ar 15 rifle with serial number 4952780
- b) one (1) M1 carbine with serial number 4161809
- c) one (1) 12 gauge Action shotgun with serial number 116534

without first having secured the necessary license/permit issued by the proper authorities.

CONTRARY TO LAW.<sup>[16]</sup>

Here, the OCP made a "no bail recommend[ation]"<sup>[17]</sup> leading the petitioner to file a Motion for Reinvestigation<sup>[18]</sup> on March 15, 2017 wherein he prayed for the RTC to issue an Order referring his case back to the OCP for preliminary investigation and to allow him to adduce evidence in his defense. To reinforce his prayer for reinvestigation, petitioner filed a Motion to Fix Bail on September 5, 2017, praying for the RTC to disregard the prosecution's "no bail" recommendation and to fix the bail amount for his provisional liberty.<sup>[19]</sup>

On September 14, 2017, the OCP - before the RTC could act on petitioner's motions for

reinvestigation and for the fixing of bail – issued another Resolution<sup>[20]</sup> finding no reason to disturb its previous Resolution finding probable cause to charge petitioner with violation of R.A. No. 10591.<sup>[21]</sup>

Meanwhile, on October 6, 2017, Police Chief Inspector Jun G. Fortunato, one of the prosecution’s witnesses and the officer primarily previously authorized by the RTC to implement the subject Search Warrant,<sup>[22]</sup> filed a Motion for Partial Reconsideration (of the Resolution dated 14 September 2017)<sup>[23]</sup> before the OCP to issue a Resolution: (1) finding the existence of conspiracy between petitioner and his companions; (2) charging petitioner and his companions of Violation of Sec. 28(e)<sup>[24]</sup> in relation to Sec. 28(b) of R.A. No. 10591; (3) charging petitioner and his companions with the complex crime of Direct Assault with Frustrated Murder under the Revised Penal Code; and (4) directing the trial prosecutor to cause the amendment of all Informations filed pursuant to the OCP’s March 3, 2017 Resolution.<sup>[25]</sup>

On October 9, 2017, the OCP filed with the RTC a Motion to Admit Attached Amended Information together with an Amended Information which added the phrase “IN REL. TO **SEC. 28(e)**” to the original “**Section 28(b)**” charge of R.A. No. 10591 as well as the phrase “**Loaded with seven (7) live ammunitions**” after the phrase “one (1) 12 gauge Action shotgun with serial number 116534.”<sup>[26]</sup>

On November 20, 2017, the RTC, Branch 84, through Presiding Judge Luisito G. Cortez (*Judge Cortez*) promulgated Joint Resolution (*Motion to Fix Bail and Motion to Admit Amended Information*) which, among others, denied petitioner’s Motion to Fix Bail and admitted the prosecution’s Amended Information. The dispositive portion of the Joint Resolution reads:

**WHEREFORE**, in the light of the forgoing considerations, the Court **resolves** as follows:

1. **DENIES** the “Motion to Fix Bail” filed by accused Felix Nathaniel “Angel” Villanueva Manalo II and Victor Era[ñ]o Manalo Hemedes, through counsel, dated September 4, 2017;
2. **GRANTS** the “Motion to Admit Attached Amended Information” filed by the public prosecutor dated October 9, 2017;
3. **ADMITS** the Amended Information filed by the public prosecutor dated October 9, 2017; and [sic]

4. **SET** the arraignment and [p]re-trial of accused JONATHAN S. LEDESMA, FELIX NATHANIEL VILLANUEVA MANALO II a.k.a. “ANGEL” and VICTOR ERA[Ñ]O “JEM” MANALO HEMEDez on **December 6, 2017** at **10:00 o’clock in the morning** to be conducted at Metro Manila District Jail Courtroom at Camp Bagong Diwa, Taguig City[;]
5. **ORDERS** the Jail [W]arden, **Jose Gemeb C. Taol** of MMDJ, Camp Bagong Diwa, Taguig City to prepare the court room for trial on said date and time[; and]
6. **ORDERS** the Branch Clerk of Court of this court to notify all parties, their counsels and witnesses of the venue of trial of these cases.

SO ORDERED.<sup>[27]</sup>

In the said Joint Resolution, the RTC reasoned that: (1) Sec. 14,<sup>[28]</sup> Rule 110 of the Rules of Court allows the prosecution to amend or substitute a complaint or information already filed with the trial court, either in form or in substance, at any time before the accused enters his or her plea; unless the amendment will downgrade or drop the accused in the new complaint or information;<sup>[29]</sup> (2) the Amended Information shows that the same bears City Prosecutor Donald T. Lee’s (*City Prosecutor Lee*) signature indicating his approval of petitioner’s indictment; and that Office Order No. 44,<sup>[30]</sup> which delegated the approving authority to Deputy City Prosecutor/Chief Inquest Division Rogelio A. Velasco (*Deputy City Prosecutor Velasco*) is valid;<sup>[31]</sup> and (3) petitioner is not entitled to bail as a matter of right as he is charged with a capital offense.<sup>[32]</sup>

On November 21, 2017, petitioner filed a Manifestation<sup>[33]</sup> that the prosecution had allegedly tampered and altered the original October 9, 2017 Amended Information which did not contain the signature and approval of City Prosecutor Lee and therefore, the same amended initiatory pleading is void pursuant to *People v. Garfin*<sup>[34]</sup> which is the prevailing doctrine. He pointed out that the new Amended Information which now bears City Prosecutor Lee’s signature and approval was only submitted to the RTC on October 9, 2017.<sup>[35]</sup>

On December 4, 2017, petitioner filed a Motion for Reconsideration (Re: *Joint Resolution* dated November 20, 2017) seeking to reverse the RTC’s November 20, 2017 Joint Resolution, deny the prosecution’s Amended Information, and grant his Motion to Fix Bail.

On even date, petitioner also filed a Motion to Inhibit<sup>[36]</sup> against Judge Cortez for allegedly being selective in the appreciation of evidence.<sup>[37]</sup>

On December 20, 2017, the RTC, through Judge Cortez, issued a Joint Order<sup>[38]</sup> granting petitioner's Motion to Inhibit.

On February 23, 2018, petitioner filed another Motion to Inhibit<sup>[39]</sup> against Presiding Judge Juris S. Dilinila-Callanta (*Judge Dilinila-Callanta*) as she allegedly posted a copy of *Pasugo* (a magazine maintained and published by *Iglesia ni Cristo* whose Executive Minister is petitioner's sibling) outside the court's door.<sup>[40]</sup>

On April 12, 2018, the RTC, through Judge Dilinila-Callanta, promulgated a Resolution<sup>[41]</sup> granting petitioner's Motion to Inhibit causing the case to again be re-raffled to Presiding Judge Alfonso C. Ruiz II (*Judge Ruiz*).<sup>[42]</sup>

On October 30, 2018, the RTC, Branch 216, through Judge Ruiz, issued an Omnibus Order with the decretal portion which reads:

WHEREFORE, the court rules as follows:

1. deny the **Motion for Reconsideration (Re: Joint Resolution dated November 20, 2017)** dated December 4, 2017 filed by accused Felix Nathaniel "Angel" Villanueva Manalo II;
2. grant the **Motion to Disqualify Private Prosecutor** dated July 27, 2018 filed by accused Felix Nathaniel "Angel" Villanueva Manalo II and Victor Era[ñ]o Manalo Hemedez. The law firm of Angara Abella Concepcion Regala & Cruz and/or any of its lawyers is disqualified to act as private prosecutors in the present case, and is prohibited from further prosecuting the present criminal cases; and
3. deny the **Motion to Disqualify Private Prosecutor** dated September 11, 2018 filed by accused Jonathan Ledesma, Felix Nathaniel "Angel" Villanueva Manalo II, and Victor Era[ñ]o "Jem" Manalo Hemedez.

Set this case for arraignment on November 23, 2018 at 2:00 o'clock in the afternoon at Quezon City Jail Annex Courtroom at Camp Bagong Diwa, Taguig City.

SO ORDERED.<sup>[43]</sup>

Here, the RTC ratiocinated among others that: (1) the belated submission of the Amended

Information bearing the City Prosecutor's signature does not invalidate the same pleading reiterating that "the prosecution was well within their [sic] right to amend the information before a plea is entered;"<sup>[44]</sup> (2) petitioner was no longer entitled to bail as a matter of right in view of the admission of the valid Amended Information charging him of a capital offense;<sup>[45]</sup> (3) this Court, in *People v. Bon*,<sup>[46]</sup> had held that the amendatory effect of R.A. No. 9346<sup>[47]</sup> only extends "to the application of death penalty but not to the definition or classification of crimes."<sup>[48]</sup>

### ***The CA Ruling***

On January 7, 2019, petitioner filed a Petition for *Certiorari*<sup>[49]</sup> before the CA seeking to: (1) set aside the RTC's November 20, 2017 Joint Resolution, which denied petitioner's Motion to Fix Bail and admitted the prosecution's Amended Information; and (2) modify the October 30, 2018 Omnibus Order, insofar as it granted the prosecution's October 9, 2017 Motion to Admit Amended Information.<sup>[50]</sup>

On August 30, 2019, the CA rendered a Decision, the *fallo* of which reads:

**WHEREFORE**, in view of the foregoing, the instant Petition is **DISMISSED**. The assailed Joint Resolution dated November 20, 2017 and the Omnibus Order dated October 30, 2018, issued by the Quezon City Regional Trial Court (RTC), Branch 84, and Branch 216, respectively, in Criminal Case No. Q-17-03230-CR for Direct Assault with Murder; Criminal Case No. Q-17-03231-CR for Violation of Sec. 28 (b) of RA 10591 (Illegal Possession of Firearms and Ammunition); and Criminal Case No. Q-17-03232-33-CR for Violation of Sec. 28 (g) and (h) of RA 10591 (Illegal Possession of Firearms and Ammunition) are hereby **AFFIRMED**.

**SO ORDERED.**<sup>[51]</sup>

In its Decision, the CA explained that: (1) the Amended Information's defect - lack of City Prosecutor Lee's signature and approval - was cured when the prosecution submitted a cured version before petitioner's arraignment as it is allowed by the Rules of Court;<sup>[52]</sup> and (2) petitioner is not entitled to bail as a matter of right because the prescribed penalty under the offense for which he was charged - Sec. 28(e) of R.A. No. 10591 - is *reclusion perpetua* to death.<sup>[53]</sup>

### ***Parties' Arguments***

Petitioner essentially argues that: (1) he is entitled to bail as a matter of right because the *prescribed penalty* under the original Information charging him with Illegal Possession of Firearms and Ammunition under Sec. 28(b) of R.A. No. 10591 is *reclusion temporal to reclusion perpetua* – a divisible penalty below the threshold of what constitutes a capital offense;<sup>[54]</sup> (2) he is entitled to bail as a matter of right since even under the Amended Information, the imposable penalty cannot be qualified anymore in view of R.A. No. 9346 which suspended the penalty of death;<sup>[55]</sup> (3) the Amended Information – which charged him for violation of Sec. 28(e) of R.A. No. 10591 with the penalty of *reclusion perpetua* to death – is defective for lack of prior written authority or approval of City Prosecutor Lee;<sup>[56]</sup> (4) Deputy City Prosecutor Velasco had no authority to approve, disapprove or modify the original Information because City Prosecutor Lee merely delegated such power to him only insofar as the conduct of inquests is concerned;<sup>[57]</sup> (5) the prosecution allegedly removed and tampered with the Amended Information surreptitiously as its original version only contained Deputy City Prosecutor Velasco's signature, which was eventually replaced with another version containing City Prosecutor Lee's signature;<sup>[58]</sup> and (6) the lack of a prior written authority in the Amended Information cannot be cured by the belated signing of City Prosecutor Lee as such requirement is mandatory and jurisdictional in nature.<sup>[59]</sup>

The prosecution, through the Office of the Solicitor General, counter-argues that: (1) the prosecution is allowed to make substantial amendments to an Information already filed with the courts as a matter of right pursuant to Sec. 14, Rule 110 of the Rules of Court;<sup>[60]</sup> (2) the first version of the Amended Information signed and approved by Deputy City Prosecutor Velasco – before its second version containing City Prosecutor Lee's signature – is valid in view of Office Order No. 44;<sup>[61]</sup> (3) City Prosecutor Lee signed and approved the second version of the Amended Information prior to petitioner's arraignment;<sup>[62]</sup> (4) the RTC correctly denied petitioner's Motion to Fix Bail as he was validly charged with violation of Sec. 28(b) in relation to Sec. 28(e) of R.A. No. 10591 – a non-bailable offense for having the prescribed penalty of *reclusion perpetua* to death;<sup>[63]</sup> (5) the original Information charging petitioner with a non-bailable offense is no longer applicable as it had been superseded by the Amended Information;<sup>[64]</sup> (6) modifying circumstances are not considered in *mala prohibita* crimes "because the law intends to discourage the commission of the act specially prohibited;"<sup>[65]</sup> (7) R.A. No. 9346 does not prevent the penalty from being raised a degree higher;<sup>[66]</sup> (8) the ruling in *People v. Valdez*<sup>[67]</sup> – wherein aggravating circumstances should not be considered for purposes of bail – does not apply because the presence of live



ammunition in an unlicensed firearm is a qualifying circumstance;<sup>[68]</sup> and (9) the rule of lenity does not apply since the provisions of R.A. No. 10591 regarding the prescribed penalties are free from ambiguity and do not need to be interpreted.<sup>[69]</sup>

## ***Issues***

### **I.**

Whether the CA erred in not finding grave abuse of discretion on the RTC's part for upholding the validity of the Amended Information charging petitioner with a capital offense.

### **II.**

Whether the CA erred in not finding grave abuse of discretion on the RTC's part for holding that petitioner is not entitled to bail as a matter of right.

## ***Our Ruling***

### ***Preliminary Considerations:***

Under Rule 45 of the Rules of Court, jurisdiction is generally limited to the review of errors of law committed by the appellate court and this Court is not obliged to review all over again the evidence which the parties adduced in the court *a quo*.<sup>[70]</sup> Although jurisprudence has provided several exceptions to this rule, exceptions must be alleged, substantiated, and proved by the parties so this court may evaluate and review the facts of the case.<sup>[71]</sup>

Verily, it is essential to characterize the questions raised in a petition under Rule 45 in order to determine whether an appeal through this mode deserves the attention of this Court. A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts.<sup>[72]</sup>

In this case, petitioner did not dispute the RTC's factual findings in the latter's November



20, 2017 Joint Resolution and October 30, 2018 Omnibus Order. What he assails are: (1) the validity of the Amended Information for being previously filed without City Prosecutor Lee's approving signature; and (2) his supposedly wrongful denial to post bail as a matter of right – both issues which involve only the application of law and pertinent jurisprudence. With the aforementioned adjudicative parameters in place, the Court now proceeds to determine whether the CA erred in not finding grave abuse of discretion on the part of the RTC for: (1) admitting and upholding the validity of the Amended Information; and (2) declaring that petitioner is not entitled to bail as a matter of right.

### ***Substantive Considerations:***

Before the Court can determine whether petitioner is entitled to bail as a matter of right, there is a need to determine whether the Amended Information could be valid basis for indictment. In this regard, the Court evinces its observation that both the original Information<sup>[73]</sup> and the original copy of the Amended Information<sup>[74]</sup> do not contain City Prosecutor Lee's approval and signature. It was only when Prosecutor Nilo A. Peñaflor filed his Reply (to the Accused's Opposition Re: Motion to Admit Amended Information Dated 19 October 2017)<sup>[75]</sup> that a second copy of the Amended Information<sup>[76]</sup> bearing City Prosecutor Lee's conformity in the form of a signed approval was submitted to the RTC. To determine the Amended Information's validity, there is a need to re-examine Sec. 14, Rule 110 of the Rules of Court which reads:

**Section 14. Amendment or substitution.** — A complaint or information may be amended, in form or in substance, without leave of court, at any time **before** the accused **enters** his **plea**. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or

information upon the filing of a new one charging the proper offense in accordance with [S]ection 19, Rule 119, provided the accused shall not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial. (Emphasis and underscoring supplied)

Since the arraignment had not yet been conducted by the RTC as shown in the records, petitioner's insistence of invalidity as regards the second copy of the Amended Information containing City Prosecutor Lee's approval and signature is an exercise in futility. Both formal and substantial amendments to a Complaint or Information may be done by the prosecution "at any time before the accused enters his plea" even "without leave of court." Before arraignment, no substantive right of petitioner had been violated as he is yet to be informed of the nature and cause of the accusation against him. It is only when he has been informed of such nature and cause of accusation during arraignment that substantial amendments to the Complaint or Information cannot be done. Thus, the prosecution is given the right to amend the Information, regardless of its nature, so long as the amendment is sought before the accused enters his plea.<sup>[77]</sup>

More importantly, the Court *en banc* had already ruled in *People v. Villa Gomez*<sup>[78]</sup> (*Villa Gomez*), that the lack of signature and approval on the part of the chief state, provincial or city prosecutor only amounts to a formal - not substantial - defect, as it does not affect the trial court's jurisdiction of either the nature of the case or the person of the accused. Understandably, petitioner had relied on previous pronouncements of this Court to support his arguments that the Amended Information was invalid as those were the doctrines controlling at that time. And although judicial decisions (such as *Villa Gomez*) may only be applied prospectively,<sup>[79]</sup> petitioner cannot rely on this Court's previous rulings treating the lack of a city prosecutor's approval and signature on the face of the Information as a substantial jurisdictional defect. Jurisprudence, in our system of government, cannot be considered as an independent source of law — it cannot create law.<sup>[80]</sup> Consequently, petitioner cannot rely on past rulings as it is not a matter of substantive law which creates substantive rights.

As to the issue of bail, petitioner is not entitled to the same remedy as a matter of right. The ruling in *Valdez*<sup>[81]</sup> - where bail was granted as a matter of right for a complex crime charge because the "prescribed" penalty ranges from *reclusion temporal* in its maximum period to *reclusion perpetua* - does not apply to petitioner's case. *Valdez* applied the *in dubio pro reo* principle because *reclusion temporal* - the lowest imposable penalty in the range of the

prescribed penalty – is a bailable offense. Since the Information charging him with violation of Sec. 28(b) in relation to Sec. 28(e) of R.A. No. 10591 – a “non-bailable”<sup>[82]</sup> offense having the prescribed penalty of *reclusion perpetua* to death – is **not** invalid, petitioner may only be entitled to bail if he satisfactorily presents evidence that the evidence of guilt against him is not strong.

As a result, the determination in this case as to whether the evidence of guilt is strong is a matter of judicial discretion. The trial court has the prerogative to exercise judicial discretion, unless, such discretion is laced with grave abuse.<sup>[83]</sup> By grave abuse of discretion is meant, such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction.<sup>[84]</sup> In other words, mere abuse of discretion is not enough – it must be grave.<sup>[85]</sup> In this case, the CA did not err in concluding that the RTC did not abuse its discretion in allowing the prosecution to amend the Information before petitioner had entered his plea.

**WHEREFORE**, in view of the foregoing, the petition is **DENIED**. Accordingly, the August 30, 2019 Decision of the Court of Appeals in CA-G.R. SP No. 159024 is **AFFIRMED**.

No pronouncement as to costs.

**SO ORDERED.**

*Hernando, Zalameda, Rosario, and Marquez, JJ., concur.*

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<sup>[1]</sup> *Rollo*, pp. 11-57.

<sup>[2]</sup> *Id.* at 59-75; penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Pablito A. Perez and Tita Marilyn B. Payoyo-Villordon.

<sup>[3]</sup> *Id.* at 179-186; penned by Presiding Judge Luisito G. Cortez.

<sup>[4]</sup> *Id.* at 378-384; penned by Presiding Judge Alfonso C. Ruiz II.

<sup>[5]</sup> *Id.* at 133-134.

<sup>[6]</sup> *Id.* at 135-136; signed by Senior Assistant City Prosecutor Nilo A. Peñaflor.

<sup>[7]</sup> *Id.* at 88-104.

<sup>[8]</sup> *Id.* at 187-216.

<sup>[9]</sup> Located along Tandang Sora Avenue, Barangay New Era, Quezon City; *id.* at 60.

<sup>[10]</sup> *Id.* at 76-77.

<sup>[11]</sup> *Id.* at 78-79.

<sup>[12]</sup> Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.” Approved: May 29, 2013.

<sup>[13]</sup> *Rollo*, p. 79.

<sup>[14]</sup> **Sec. 28. Unlawful Acquisition, or Possession of Firearms and Ammunition.** – The unlawful acquisition, possession of firearms and ammunition shall be penalized as follows:

(b) The penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed if three (3) or more small arms or Class-A light weapons are unlawfully acquired or possessed by any person[.]

<sup>[15]</sup> *Rollo*, pp. 80-81; Information dated March 6, 2017, signed by Senior Assistant City Prosecutor Nilo A. Peñaflor and approved by Deputy City Prosecutor Rogelio A. Velasco.

<sup>[16]</sup> *Id.*

<sup>[17]</sup> *Id.* at 81.

<sup>[18]</sup> *Id.* at 82-87.

<sup>[19]</sup> *Id.* at 100.

<sup>[20]</sup> *Id.* at 105-114.

<sup>[21]</sup> *Id.* at 113.

<sup>[22]</sup> *Id.* at 76-77.

<sup>[23]</sup> *Id.* at 115-132.

<sup>[24]</sup> (e) The penalty of one (1) degree higher than that provided in paragraphs (a) to (c) in this section shall be imposed upon any person who shall unlawfully possess any firearm under any or combination of the following conditions:

- (1) Loaded with ammunition or inserted with a loaded magazine;
- (2) Fitted or mounted with laser or any gadget used to guide the shooter to hit the target such as thermal weapon sight (TWS) and the like;
- (3) Fitted or mounted with sniper scopes, firearm muffler or firearm silencer;
- (4) Accompanied with an extra barrel; and
- (5) Converted to be capable of firing full automatic bursts.

<sup>[25]</sup> *Rollo*, p. 129.

<sup>[26]</sup> *Id.* at 135.

<sup>[27]</sup> *Id.* at 186.

<sup>[28]</sup> **SEC. 14. *Amendment or substitution.*** — A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

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<sup>[29]</sup> *Rollo*, p. 183.

<sup>[30]</sup> Office Order No. 44 is a written prior authority by the City Prosecutor – an officer listed in Sec. 4, Rule 112 – validly delegating his authority to approve the filing or dismissal of the Information to the Chief of Inquest Division; see OSG Comment, p. 486.

<sup>[31]</sup> *Rollo*, p. 184.

[32] *Id.* at 184-186.

[33] *Id.* at 169-174.

[34] 470 Phil. 211 (2004).

[35] *Rollo*, p. 170.

[36] *Id.* at 234-247.

[37] *Id.* at 240.

[38] *Id.* at 253-257.

[39] *Id.* at 258-266.

[40] *Id.* at 260.

[41] *Id.* at 285-289.

[42] *Id.* at 290-291.

[43] *Id.* at 383-384.

[44] *Id.* at 381.

[45] *Id.*

[46] 536 Phil. 897 (2006).

[47] Entitled “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.” Approved: June 24, 2006.

[48] *Rollo*, pp. 381-382.

[49] *Id.* at 385-423.

[50] *Id.* at 421.

[51] *Id.* at 74-75.

[52] *Id.* at 67-68.

<sup>[53]</sup> *Id.* at 68-74.

<sup>[54]</sup> *Id.* at 20-28.

<sup>[55]</sup> *Id.* at 28-35.

<sup>[56]</sup> *Id.* at 35-39.

<sup>[57]</sup> *Id.* at 39-41.

<sup>[58]</sup> *Id.* at 41-45.

<sup>[59]</sup> *Id.* at 45-49.

<sup>[60]</sup> *Id.* at 480-483.

<sup>[61]</sup> *Id.* at 483-487.

<sup>[62]</sup> *Id.* at 487-490.

<sup>[63]</sup> *Id.* at 490-493.

<sup>[64]</sup> *Id.* at 494-496.

<sup>[65]</sup> *Id.* at 496, citing Boado L.D., *Notes and Cases on the Revised Penal Code* (2012), pp. 18-19.

<sup>[66]</sup> *Id.* at 497-499.

<sup>[67]</sup> 774 Phil. 723 (2015).

<sup>[68]</sup> *Id.* at 745; see also *rollo*, pp. 499-503.

<sup>[69]</sup> *Rollo*, p. 503.

<sup>[70]</sup> **Lopez v. Saludo, Jr., G.R. No. 233775**, September 15, 2021; citations omitted.

<sup>[71]</sup> **Pascual v. Burgos**, 776 Phil. 167, 169 (2016).

<sup>[72]</sup> **Republic v. Caraig, G.R. No. 197389**, October 12, 2020; citation omitted.



<sup>[73]</sup> *Rollo*, pp. 80-81.

<sup>[74]</sup> *Id.* at 135-136.

<sup>[75]</sup> *Id.* at 149-163.

<sup>[76]</sup> *Id.* at 167-168.

<sup>[77]</sup> **People v. Sandiganbayan**, 857 Phil. 817, 824 (2019).

<sup>[78]</sup> **G.R. No. 216824**, November 10, 2020.

<sup>[79]</sup> See **Co v. Court of Appeals**, 298 Phil. 221, 228 and 230 (1993).

<sup>[80]</sup> **Philippine International Trading Corporation v. Commission on Audit**, 821 Phil. 144, 156 (2017).

<sup>[81]</sup> *Supra* note 67.

<sup>[82]</sup> RULES OF COURT, Rule 114, Sections 4 and 5.

<sup>[83]</sup> **People v. Cabral**, 362 Phil. 697, 709 (1999).

<sup>[84]</sup> **Jarabelo v. Household Goods Patrons, Inc., G.R. No. 223163**, December 2, 2020.

<sup>[85]</sup> **Intec Cebu, Inc. v. Court of Appeals**, 788 Phil. 31, 42 (2016).

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