

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLE, VS. MARIO ESTEBAN, ET AL., DEFENDANTS; ERNESTO CAMARAO, DEFENDANT-APPELLANT.*G.R. No. L-7629-32. November 29, 1954*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0a25e1af47e6/>**PARAS, C.J.:**

The defendant-appellant, Ernesto Camarao, was charged, with others, in the Court of First Instance of Rizal in criminal case No. 4153, with a violation of Article 166 in relation to Article 169 of the Revised Penal Code, in that during the period between January to September, 1952, in the municipality of Caloocan, province of Rizal, and continuously elsewhere in other places within the Philippines, said appellant and his co-accused, conspiring and confederating together, unlawfully made, forced, falsified and counterfeited certain obligations or securities of the Government of the United States, specifically enumerated in the information. After trial, the case was dismissed against the appellant for insufficiency of the evidence. Subsequently, the appellant and his co-accused were charged in the Court of First Instance of Ilocos Sur in our separate informations docketed as criminal cases Nos. 1674, 1675, 1676 and 1677, with a violation of Article 166 of the Revised Penal Code, the subject of said informations being respectively Treasury Warrant No. 28055510, dated June 25, 1952, for \$918.55; Treasury Warrant No. 28035477, dated June 25, 1952, for \$950.60; Treasury Warrant No. 28035500, dated June 25, 1952, for \$915.63; and Treasury Warrant No. 28035480, dated June 24, 1952, for \$914.35. the appellant filed a motion to quash these informations on the ground of double jeopardy, but the same was denied by the Court of First Instance of Ilocos Sur in its order dated January 4, 1954. From this order the present appeal was taken by the appellant.

The appellant contends that the offense charged in the four informations filed in the Court of First Instance of Ilocos Sur are the same as and included in the offense charged in criminal case No. 4153 of the Court of First Instance of Rizal, in which the appellant was acquitted, it being argued in the latter case that (1) the place of the commission of the offense was alleged to be Caloocan, Rizal, and “continuously elsewhere in other places within the Philippines”, while in the subsequent four criminal cases the offenses were alleged to have been committed in Vigan, Ilocos Sur, and also elsewhere within the Philippines; and (2) the dates of the commission of the offenses in the four criminal cases filed in the Court of First Instance of Ilocos Sur are embraced within the period designated in criminal case No. 4153 of the Court of First Instance of Rizal, the offenses charged in the later four informations having been allegedly committed on or about August 11, 1952; August 13, 1952; July 25, 1952; and July 28, 1952, whereas the offense charged in criminal case No. 4153 of the Court of First Instance of Rizal was allegedly committed between January to September, 1952.

It appears that the subject matters of criminal case No. 4153 of the Court of First Instance of Rizal were obligations or securities of the Government of the United States bearing Serial Nos. 28035461, 29035488, 28035470, 28035480, 29100700, 29100600, 2835479, 28039537, 29100800, 29357051, 28039529, 29100760, and 28039531; whereas the obligations or securities of the Government of the United States alleged to have been

forged, falsified or counterfeited in three of the four information's filed in the Court of First Instance of Ilocos Sur are different and bear the Serial Nos. 28035510, 38035477 and 38035500. On the other hand, the place of the commission of the offenses charged in the information in criminal case No. 4153, namely, Caloocan, Rizal. In the latter case, therefore, the appellant did not run the risk of being tried for or convicted of having forged or counterfeited the treasury warrants referred to in at least three of the information's filed in the Court of First Instance of Ilocos Sur. It is true that Treasury Warrant No. 28035480, dated June 24, 1952 for \$913.35, involved in criminal case No. 1677 of the Court of First Instance of Ilocos Sur, is one of the several obligations or securities involved in criminal case No. 4152; but as no evidence has as yet been presented which may determine whether or not there is in fact double jeopardy, the motion to quash as regards said case (No. 1677) is premature.

Wherefore, the appealed order is affirmed and it is so ordered with costs against the appellant.

Pablo, Montemayor, Reyes, A., Jugo, Bautista Angelo, Concepcion, and Reyes, J.B.L., JJ., concur.

Bengzon, J., in the result.

DISSENTING

PADILLA, J.:

The appeal taken in this case is against an interlocutory order denying a motion to quash an information. The point raised by the defendant in the appeal should not be decided. The case should be remanded to the court below for further proceedings.

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