

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. AGRIPINA MAGAT DE SORIANO AND RODRIGO MIRANDA, DEFENDANTS AND APPELLEES.

G.R. No. L-6080. December 29, 1953

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/198e77cb21d4/>

BENGZON, J.:

Double jeopardy is the issue in this appeal coming from the Court of First Instance of Rizal.

Tried for theft and acquitted for insufficiency of evidence, the defendants were subsequently booked for estafa under an information alleging that they,

"* * * unlawfully and feloniously and with intent to defraud, thru false pretense, represented and made it appear that Agripina Magat de Soriano is the person of Paulina Belches Vda. de Orbina, the payee of U. S. Treasury Check No. 43,388,834, in the amount of \$1,327.50, to the Municipal Treasurer of Makati, Rizal, and the latter because of such false pretense and representations and believing that it was true, cashed said check and paid the amount of P2,655 to the above-named accused, to the damage and prejudice of the real payee, Paulina Belches Vda. de Orbina in the said amount of P2,655."

Before the arraignment defendants moved to quash the prosecution, pointing to their former acquittal and arguing they had already been in jeopardy of punishment for the same offense, the previous information for theft having asserted that they,

"* * * willfully, unlawfully and feloniously, with intent of gain and without the consent and knowledge of the owner thereof, take, steal and carry away one (1) U. S. Treasury Check No. 43,388,834 payable to the order of Paulina Belches Vda. de Orbina in the amount of \$1,327.50, to the damage and prejudice of said Paulina Belches, the owner thereof, in the sum of \$1,327.50 or P2,655, Philippine currency, the said accused having succeeded to cash the said check and collected and received the aforesaid amount."

The court denied the motion; but, upon petition to reconsider, it dismissed the proceedings, holding that since "both informations have identical facts and they involved the same persons and the same amount of money, there is (double) jeopardy in this case".

The fiscal appealed.

For the purpose of determining whether the second prosecution would place the defendants in a second jeopardy, the point to consider is whether under the information for theft they could have been convicted of the estafa described in the second information. Well-known, of course, is the rule that the offense charged is not the name given to it by the fiscal, but that described by the facts alleged in the information.

The crucial allegations of the estafa charge, besides the collection of the money, were these:

"* * * thru false pretense, represented and made it appear that Agripina Magat de Soriano is * * * Paulina Belches Vda. de Orbina * * * to the Municipal Treasurer * * * and the latter because of such false pretense * *

* cashed said check * * *".

Such allegations of false pretense and representations were totally lacking in the first information. It is true such first information said "the accused having succeeded to cash the said check and collected the amount", and it might be contended that this impliedly alleged the same false representations included in the second information. However, such theory would tolerate implied allegations in a criminal information, to the utter disadvantage of the accused whose constitutional right to be informed of the nature of the accusation might thereby be undermined. Besides, such allegation (of false representations) is not necessarily deducible from the fact that, being payable to another person, the check was paid to these accused, the reason being that the treasurer might have acted with full knowledge of facts, without having been misled, even thru connivance with the said accused.

The appellee maintains that the offense described in the information for estafa is the same crime proved at the trial for theft. But the test as to jeopardy is the crime alleged in the information—not the crime proved thereafter. The accused could not be convicted of such proved crime if it was not sufficiently described in the information. They were not therefore in danger of being punished for such proved crime.

From the foregoing it follows the trial judge erred in dismissing the second information.

Judgment reversed. The record will have to be returned for further proceedings. So ordered.

Paras, C. J., Pablo, Padilla, Tuason, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.