

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. BIENVENIDO VILLARIN, DEFENDANT AND APPELLEE.*G.R. No. L-19795. July 30, 1964*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/858ad0f9ce48/>**BAUTISTA ANGELO, J.:**

On August 11, 1959, Florentina Hanohan, a girl 15 years of age, filed a complaint against Bienvenido Villarin before the Justice of the Peace Court of Malimono, Surigao, for acts of lasciviousness with consent of the offended party. After trial, the court found Villarin guilty as charged, and, taking into account the aggravating circumstances of disregard of respect due the offended party and of dwelling, sentenced him to suffer 4 months and 15 days of *arresto mayor*, to be served in the provincial jail of Surigao, and to pay P5.00 as costs. Villarin appealed to the court of first instance.

After conducting a preliminary investigation, the provincial fiscal filed with said court an information against Villarin for corruption of minor in violation of Article 340 of the Revised Penal Code, and upon being arraigned under said information he pleaded not guilty. Before the case could be heard, his counsel filed a motion to quash on the ground that the information does not allege facts constituting the crime charged, which motion was opposed by the fiscal. In an order of March 22, 1960, the court resolved to dismiss the case, whereupon, after his motion for reconsideration was denied, the fiscal took the present appeal.

The government argues that this case having originated in the Justice of the Peace Court of Mali mono, Surigao upon a complaint filed by the offended party and having been tried therein on the merits, resulting in the conviction of the accused, the filing of an information on appeal is not necessary for the same could have been prosecuted on the strength of the same information. Nevertheless, the fiscal filed a new information changing the nature of the crime charged from acts of lasciviousness with consent to that of corruption of minor which, it is argued, the fiscal cannot do. Yet, the court *a quo* allowed the filing of a new information, only to dismiss the case later upon motion of the accused. The government finally contends that the accused cannot now set up the plea of double jeopardy for the reason that such plea is based upon an invalid information.

We find correct this observation of the government for the rule is well-settled that when an appeal is perfected from a judgment of the justice of the peace or municipal court the judgment is vacated and the case is tried *de novo* in the court of first instance as if it were there originally instituted. No new information need be filed in the latter court in order that it may acquire jurisdiction to try and decide the case. True, the prosecution may choose to stand on the information filed in the justice of the peace court, or file a new information in the court of first instance, but if it chooses to file a new information it cannot change the nature of the offense charged in the information filed with the justice of the peace court, for if the prosecution file a new case unrelated to the appeal the court could not act on the strength of its appellate jurisdiction.^[1] It could only proceed to act if it has the approval or consent of both the prosecution and the accused. This consent not having been obtained, the court *a quo* erred in acting on the new information filed herein, and more so in dismissing it after the accused had given a plea of not guilty.

But this error cannot now be remedied by setting aside the order of dismissal of the court a quo and by remanding the case to it for further proceedings as now suggested by the prosecution considering that the case was dismissed without the express consent of the accused even if it was upon the motion of his counsel, for to do so would place the accused in double jeopardy. The only exception to the rule on the matter is when the dismissal is with the consent of the accused, and here this consent has not been obtained.[2]

It should, however, be stated here that the complaint filed by the offended party before the Justice of the Peace Court of Malimono, Surigao, for acts of lasciviousness with consent does not substantially disagree with the new information filed by the fiscal before the court a quo even if it added allegations showing that the offense could also be considered as one of corruption of minor as defined in Article 340 of the Revised Penal Code, for in both said complaint and information the essential allegations constituting acts of lasciviousness clearly appear. Thus, in both said complaint and information it is alleged that the accused with lewd designs or to satisfy his own lust induced the offended party to massage his private part to the annoyance of said offended party, which clearly indicate that, while the information charges the accused with the offense of corruption of minors, it likewise charges him with acts of lasciviousness as to which he could have been tried by the court a quo on appeal without need of dismissing the Case, as was erroneously done by it. Verily, with this dismissal, the court a quo committed a mistake which could have been avoided had it exercised more diligence in the performance of its duties. But, as already stated, this error is now beyond relief.

Wherefore, this appeal is hereby dismissed. No costs.

Bengzon, C.J., Padilla, Concepcion, Reyes, J. B. L., Paredes, Regala and Makalintal, JJ., concur.

[1] People vs. Carreon, L-17920, May 30, 1962; People vs. Co Hiok, 62 Phil, 501; Crisostomo vs. Director of Prisons, 41 Phil., 368; Andres vs. Wolfe, 5 Phil., 60.

[2] People vs. Tacneng, et. al., L-12052, April 30, 1959; People vs. Robles, 105 Phil., 1016; People vs. Bao, 106 Phil, 243.

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.