

CRISANTO MATILDE, JR. Y CRUZ, PETITIONER, VS. HON. RAMON B. JABSON, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH XXVI OF THE COURT OF FIRST INSTANCE OF RIZAL AND THE PEOPLE OF T...

G.R. No. L-38392. December 29, 1975

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ANTONIO, J.:

Certiorari to nullify the judgment of respondent Court of First Instance of Rizal, Branch XXVI, in Criminal Cases Nos. 9552, 9553 and 9554, imposing upon the accused Crisanto Matilde, Jr. y Cruz, for the crime of simple theft, the penalty prescribed in Presidential Decree No. 133[1] instead of that imposed by Article 309, paragraph 3, of the Revised Penal Code.[2]

On December 14, 1973, an Assistant Provincial Fiscal of Rizal filed three (3) informations in Criminal Cases Nos. 9552, 9553 and 9554 against Crisanto Matilde, Jr. y Cruz, Patricio Guiruelajy Luna, Ricardo Abener y San Pascual, Edgardo Cape y Atienza, Servando Calpo y Caballero, and Ireheo Belver y Bale.

Except for the dates of commission and the amounts involved, the aforesaid three (3) informations uniformly stated that said accused were charged with the crime of qualified theft, in relation to Presidential Decree No. 133, committed as follows:

"That on or about the 14th day of November, 1973 in the Municipality of Pasig, Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then laborers working at the Markes Agro-Chemical Enterprises, conspiring and confederating together with one Renato Matuto y Ann, who is still at large, all of them mutually helping and aiding one another, with intent of gain, grave abuse of confidence, and without the knowledge and consent of the said firm, its President and General Manager, Marciano K. Espiritu, did then and there wilfully, unlawfully and feloniously take, steal and carry away the following, to wit: ***"

In Criminal Case No. 9552, the articles allegedly stolen consisted often (10) boxes of Malathion E-57 Insecticide, and eight (8) boxes of Endrin Insecticide, with a total value of P9,414.00, belonging to the Markes Agro-Chemical Enterprises.

Criminal Case No. 9553 involved the qualified theft of thirteen (13) boxes of Malathion Insecticide, valued at P1,802.00, while that of Criminal Case No. 9554 involved five (5) boxes of Susathion Insecticide, valued at P1,116.00, all belonging to the same company.

It appears that the afore-mentioned informations were amended twice — the first, on the value of the article involved in Criminal Case No. 9552, and the second, on the nature and character of the offense, changing it from "qualified theft" to "simple theft" by deleting therefrom the phrase "with grave abuse of confidence." In view of said amendments, petitioner withdrew his previous plea of not guilty to the afore-mentioned amended informations.

On February 18, 1974, respondent court promulgated its judgment, convicting the accused in Criminal Cases Nos. 9552, 9553 and 9554, thus:

"When these cases were called for hearing this morning, Trial Fiscal Francisco C. Rodriguez, Jr., for the reasons cited by him, moved for the amendment of the information from Qualified Theft to Simple Theft and deleting from the body of the Information the phrase "Grave abuse of confidence," which Motion was granted by the Court.

"Accordingly, accused Crisanto Matilde, Jr. y Cruz, thru counsel, Atty. Prudencio Cruz, moved for the withdrawal of his former plea of not guilty in each of the aforesaid cases and to substitute the same with a plea of guilty in the three cases, which was granted by the Court.

"Upon re-arraignment, accused Crisanto Matilde, Jr., assisted by same counsel, voluntarily and spontaneously pleaded guilty to the crime of Simple Theft alleged in each of the three Amended Informations.

"WHEREFORE, the Court renders Judgment as follows:

"Crim. Case No. 9552 — The Court finds accused GUILTY beyond reasonable doubt of the crime of Simple Theft. In the absence of any modifying circumstance but considering the mitigating circumstance of plea of guilty in his favor, in relation with Presidential Decree No. 133, the Court hereby sentences the said accused to suffer an indeterminate penalty ranging from SIX (6) MONTHS and ONE (II) DAY of Prision Correccional as minimum to SIX (6) YEARS and ONE (1) DAY of Prision Mayor as maximum, without any pronouncement as to civil liability it appearing that the articles subject matter of the said case were recovered and to pay the costs.

"Crim. Case. 9553 — The Court finds accused GUILTY beyond reasonable doubt of the crime of Simple Theft. In the absence of any modifying circumstance but considering the mitigating circumstance of plea of guilty in his favor, in relation with Presidential Decree No. 133, the Court hereby sentences the said accused to suffer an indeterminate penalty ranging from SIX (6) MONTHS and ONE (1) DAY of Prision Correccional as minimum to SIX (6) YEARS and ONE (1) DAY of Prision Mayor as maximum, to indemnify the offended party in the sum of P-2,808.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

"Crim. Case No. 9554 — The Court finds accused GUILTY beyond reasonable doubt of the crime of Simple Theft. In the absence of any modifying circumstance but considering the mitigating circumstance of plea of guilty in his favor, in relation with Presidential Decree No. 133, the Court hereby sentences the said accused to suffer an indeterminate penalty ranging from SIX (6) MONTHS and ONE (1) DAY of Prision Correccional as minimum to SIX (6) YEARS and ONE (1) DAY of Prision Mayor as maximum, to indemnify the offended party in the sum of P2,226.00, without subsidiary imprisonment in case of insolvency and to pay the costs.

"Considering that the accused is a detention prisoner, he shall be credited with the preventive imprisonment he has already suffered in accordance with law.

"SO ORDERED."

Petitioner sought from the court a quo a reconsideration of its judgment, contending that in the absence of any allegation in the body of the information alleging specifically all the elements of the offense defined and penalized under Presidential Decree No. 133, he cannot be convicted and penalized under the aforesaid decree. This was, however, denied by said court on March 5, 1974, hence, petitioner instituted the present petition. Raised in issue by the petitioner is — whether on the basis of the averments of the aforementioned informations, the respondent court can validly impose upon petitioner the penalty prescribed by Presidential Decree No. 133.

The Constitution guarantees that in all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him.[3] To give substance to this constitutional guarantee, Section 8 of Rule 110

of the Rules of Court requires that the acts or omissions complained of as constituting the offense must be stated in an ordinary and concise language so as (a) to enable a person of common understanding to know what offense is intended to be charged; and (b) to enable the court to pronounce proper judgment. The rule states that the statement need not necessarily be in the language of the statute. What is important is that the crime is described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged. In other words, the crime is stated in such a way that a person of ordinary intelligence may immediately know what is meant, and the court can decide the matter according to law.[4] Inasmuch as "not only the liberty but even the life of the accused may be at stake, it is always wise and proper that the accused should be fully apprised of the true charges against them, and thus avoid all and any possible surprises which may be detrimental to their rights and interests." [5] The main purpose of this requirement is to enable the accused to suitably prepare his defense. He is presumed to be innocent and has, therefore, no independent knowledge of the facts that constitute the offense with which he is charged.[6] As aptly explained by Justice Fernando in *People v. Mencias*: [7]

"2. Nor was the lower court any more justified in quashing the five informations on the ostensible ground that private respondents had been denied the constitutional right 'to be informed of the nature and cause of the accusation against him. ***' Here again its process of ratiocination is difficult to follow. Certainly it ought to have been aware that all that this constitutional right signifies is that an accused should be given the necessary data as to why he is being proceeded against. He should not be left in the unenviable state of speculating why he is made the object of a prosecution. As was so aptly pointed out in the same sponsorship speech of Delegate Laurel: 'It is the right of a person accused of crime to demand the nature and cause of the accusation against him. He should know for what cause and of what crime he is being charged. The Petition of Rights denounced the former practice in England of imprisoning freeman by the King's special command, without any charge.' The act or conduct imputed to him must be described with sufficient particularity so that he would be in a position to defend himself properly. If it were not so, then there is an element of unfairness. Due process is in fact denied him. ***"

Concomitant with the foregoing is the rule "that an accused person cannot be convicted of a higher offense than that with which he is charged in the complaint or information on which he is tried. It matters not how conclusive and convincing the evidence of guilt may be, an accused person cannot be convicted in the Courts of these Islands of any offense, unless it is charged in the complaint or information on which he is tried, or necessarily included therein. He has a right to be informed as to the nature of the offense with which he is charged before he is put on trial, and to convict him of a higher offense than that charged in the complaint or information on which he is tried would be an authorized denial of that right." [8]

The informations in these cases charge the accused simply with the crime of theft. Thus, while alleging that the accused were laborers working in the Markers Agro-Chemical Enterprises, these informations charge them with having conspired and confederated with one Renato Matuto, and having mutually aided one another, with intent of gain and without the knowledge and consent of said Company, in taking, stealing and carrying away the articles mentioned therein belonging to said Company. Nowhere is it alleged in the body of the aforementioned informations that the articles stolen were materials or products which the accused-petitioner was "working on or using or producing" as employee or laborer of the complainant. The clear import of Presidential Decree No. 133 on the basis of its recitals is to eradicate "graft and corruption in society, and promote the economic and social welfare of the people" by placing a strong deterrent on workers and laborers from sabotaging the productive efforts of the industry where they are employed, through the imposition of heavier penalties for the theft of "any material, spare part, product, or article that he is working on, using or producing." It is obvious that the averment of those facts in the body of the complaint or information is essential and necessary to qualify the offense and to justify the imposition of the heavier penalty prescribed by Presidential Decree No. 133. It is true that in the

preamble of the aforesaid informations, the petitioner is charged with the crime of simple theft "in relation to Presidential Decree No. 133." This is, however, insufficient for the purpose envisioned by the aforementioned constitutional guarantee, considering that it is well-settled that the real nature of the criminal charge is determined not from the caption or preamble of the information nor from the specification of the provision of law alleged to have been violated, they being conclusions of law, but by the actual recital of facts in the complaint or information.[9]

The appropriate penalty that should have been imposed is that prescribed by Article 309, paragraph 3, of the Revised Penal Code, which provides for the "penalty of prision correccional in its minimum and medium periods, if the value of the property stolen is more than 200 pesos but does not exceed 6,000 pesos." Considering the plea of guilty, the court a quo should have imposed the aforesaid penalty in its minimum period (SIX [6] MONTHS and ONE [1] DAY to ONE [1] YEAR, EIGHT [8] MONTHS and TWENTY [20] DAYS) for each of the aforesaid three (3) criminal cases.

ACCORDINGLY, the writ of certiorari is granted and the questioned judgment should be, as it is hereby set aside and another one should be rendered in accordance with the foregoing. No pronouncement as to costs.

Fernando, Barredo, Aquino, and Concepcion Jr., JJ., concur.

[1] Presidential Decree No. 133. regardless of the value of the stolen article, imposes a penalty of imprisonment ranging from prision correccional to prision mayor.

[2] Article 309. paragraph 3. of the Revised Penal Code imposes a penalty of prision correccional in its minimum and medium periods, if the value of the property stolen is more than two hundred pesos but does not exceed six thousand pesos.

[3] Article IV, Section 19. 1973 Constitution.

[4] U.S. v. Go Chaunc, 23 Phil. 641; U.S. v. Gatmaitan, 4 Phil. 265.

[5] People v. Abad Santos, 76 Phil. 744, 747.

[6] People v. Fuski (Cal. A) 192 P. 552, 553.

[7] 46 SCRA 88. 98.

[8] U.S. v. Ocampo, 23 Phil. 396.

[9] People v. Cosare, 95 Phil. 656; People v. Arnault, 92 Phil. 252; People v. Oliveria, 67 Phil. 427.

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