

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.
DOMINADOR CAMERINO, MANUEL PAKINGAN, CRISANTO SARATAN,
BIENVENIDO OSTERIA, ET AL., DEFENDANTS AND APPELLEES.**

G.R. No. L-13484. May 20, 1960

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

Dominador Camerino and eighty-six others were accused before the Court of First Instance of Cavite of the crime of sedition, said to have been committed on or about and during the period comprised by and between the months of October, 1953, to November 15, 1953 and for sometime prior thereto; under an information charging conspiracy among the said accused in having allegedly perpetrated for political and social ends, insistent, repeated and continuous acts of hate, terrorism and revenge against private persons, leaders, members and sympathizers of the Nacionalista Party in the town of Bacoor, Cavite, and frustrating by force, threats and violence, and intimidation the free expression of the popular will in the elections held on November 10, 1953. The information described in detail the manner in which the alleged seditious acts were performed, specifying the dates and the places where they were committed/and the persons who were victims thereof, under fourteen different overt acts of sedition. Before arraignment, forty-eight of the eighty-seven accused, headed by Dominador Camerino, filed a motion to quash the information on the ground of double jeopardy, claiming in support thereof that they had been previously convicted or been in jeopardy of being convicted and/or acquitted of the offense charged in other cases of the same nature before the court.

The Assistant Provincial Fiscal filed written opposition to the motion, saying that although it was alleged in the information that the accused had been charged with various crimes under different and separate informations, that would not place them in double jeopardy, because those previous charges were being specified in the information only as a bill of particulars for the purpose of describing in detail the offense of sedition, but not to hold the defendants liable for punishment under said separate and different specifications; in other words, the specifications describing separate crimes were alleged in the information merely to complete the narration of facts which constitute the crime of sedition.

Later, all the accused filed a supplemental motion to quash, raising as additional grounds that more than one offense was charged, and that the criminal action or liability of said defendants had been extinguished.

On March 14, 1956, the trial court issued an order sustaining the reasons of the motion to quash and dismissing the information on the grounds: (1) that the information charged more than one offense, (2) that it was vague, ambiguous and uncertain, (3) that it described crimes for which some of the accused had either been convicted or acquitted, and (4) some violation of the election law described in the specification had already prescribed. A motion for reconsideration filed by the Fiscal was denied. The Government is appealing from that order of dismissal, as well as the order denying the motion for reconsideration.

In determining the present appeal, we deem it necessary to discuss only the first ground of the dismissal of the

information by the trial court, namely, multiplicity of offenses, that is to say, that the information allegedly charged more than one offense. We agree with the Provincial Fiscal and the Solicitor General representing the Government that the accused herein were being charged only with one offense, namely, that of sedition, defined in Article 139 of the Revised Penal Code, as amended by Commonwealth Act No. 202, and penalized under Article 140 of the same code. The fourteen different acts or specifications charging some or all of the accused with having committed the offenses charged therein, were included in the information merely to describe and to narrate the different and specific acts the sum total of which constitutes the crime of sedition. Different and separate acts constituting different and separate offenses may serve as a basis for prosecuting the accused to hold them criminally liable for said different offenses. Yet, those different acts of offenses may serve merely as a basis for the prosecution of one single offense like that of sedition. For instance, one may be accused of sedition, and at the same time be prosecuted under another information for murder or homicide as the case may be, if the killing was done in pursuance of and to carry out the acts constituting sedition. In the case of *People vs. Cabrera*, 43 Phil., 64, this Tribunal said:

"The nearest analogy to the two crimes of murder and sedition growing out of practically the same facts, which can be found in the American authorities, relate to the crimes of assault and riot or unlawful assembly. A majority of the American courts have held that the offense of unlawful assembly and riot and the offense of assault and battery are distinct offenses; and that conviction or an acquittal for either does not bar a prosecution for the other offense, even though based on the same acts. (*Freeland vs. People* (1855), 16 Ill., 380; *U. S. vs. Peaco* (1835), 27 Fed. Cas., 477; *People vs. Vasquez* (1905), 9 Porto Rico, 488; contra, *State vs. Lindsay* (1868), 61 N. C., 458.)

"It is merely stating the obvious to say that sedition is not the same offense as murder. Sedition is a crime against public order; murder is a crime against persons. Sedition is a crime directed against the existence of the State, the authority of the government, and the general public tranquility; murder is a crime directed against the lives of individuals. (*U. S. vs. Abad* [1902], 1 Phil. 437.) Sedition in its more general sense is the raising of commotions or disturbances in the state; murder at common law is where a person of sound mind and discretion unlawfully kills any human being, in the peace of the sovereign, with malice aforethought, express or implied.

"The offenses charged in the two informations for sedition and murder are perfectly distinct in point of law however nearly they may be connected in point of fact. Not alone are the offenses essentially different, but the allegations in the body of the informations are different. The gist of the information for sedition is the public and tumultuous uprising of the constabulary in order to attain by force and outside, of legal methods the object of inflicting an act of hate and revenge upon the persons of the police force of the city of Manila by firing at them in several places in the city of Manila; the gist of the information in the murder case is that the Constabulary, conspiring together, illegally and criminally killed eight persons and gravely wounded three others. The crimes of murder and serious physical injuries were not necessarily included in the information for sedition; and the defendants could not have been convicted of these crimes under the first information."

In the case of *U. S. vs. Cernias*, 10 Phil., 682, this Court held that while it is true that each of those acts charged against the conspirators was itself a crime, the prosecutor in setting them out in the information did no more than to furnish the defendants with a bill of particulars of the facts which it intended to prove at the trial, not only as a basis upon which to found an inference of guilt of the crime of conspiracy but also as evidence of the extremely dangerous and wicked nature of that conspiracy.

"The charge is not defective for duplicity when one single crime is set forth in the different modes prescribed by law for its commission, or the felony is set forth under different counts specifying the way of its perpetuation, or the acts resulted from a single criminal impulse. Neither is there duplicity when the other offense described is but an ingredient or an essential element of the real offense charged nor when several acts

are related in describing the offense." (Padilla: Criminal Procedure Annotated, 1959 ed., p. 101).

In the case of *People vs. Bacolod*, 89 Phil., 621, the defendant therein was convicted on a plea of guilty of physical injuries through reckless imprudence. Based on the same facts, he was also accused of having caused public disturbance. The plea of double jeopardy interposed by the accused was rejected on the ground that the two offenses were not the same, although they arose from the same act.

Following the reasoning of the trial court that more than one offense was charged, the trial court should have ordered that the information be amended, or if that was not possible, that a new information be filed.

"Under section 2 of this Rule, the Court may deny or sustain the motion to quash but may not defer it till the trial of the case on the merits. In sustaining the motion, the court may order the filing of a new information or may dismiss the case. In the new information, the defects of the previous information may be cured. For instance, if a motion to quash is sustained on the ground that more than one offense is charged in the information, the court may order that another information be filed charging only one offense. But the court may or may not issue such order in the exercise of its discretion. The order may be made if the defects found in the first information may be cured in a new information. If the order is made, the accused, if he is in custody, should not be discharged, unless otherwise, admitted to bail. But if no such order is made, or, having been made, the prosecuting attorney fails to file another information within the time specified by the court, the accused, if in custody must be discharged, unless he is also in custody for another charge, or if he is out on bail, the bail must be exonerated. In such event, however, the fiscal is free to institute another criminal proceeding since such ground of objection is not a bar to another prosecution for the same offense." (Moran, *Comments on the Rules of Court*, 1957 ed., Vol. II, pp. 778-7779).

In conclusion, we hold that the information filed in this case did not charge more than one offense but only that of sedition; that in specifying the separate and different criminal acts attributed to the defendants, it was not the purpose or intention of the Government to hold them criminally liable in the present proceedings, but merely to complete the narration of facts, though specifying different offenses which as a whole, supposedly constitute the crime of sedition. Consequently, we believe that the information is valid.

We deem it unnecessary to discuss the other points raised in the appeal.

In view of the foregoing, the appealed orders are hereby set aside and the case is hereby remanded to the trial court for further proceedings, without pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

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