

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. MARIA DEL CARMEN ET AL., DEFENDANT AND APPELLEES.

G . R. No. 3459. January 09, 1951

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cf4bdb351075/>

PARAS, J.:

The defendants were prosecuted in the municipal court of Manila for the crime of malicious mischief under the following information:

"That on or about the 16th day of March, 1949, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, and actuated by feelings of hate and resentment towards one Felix Verzosa, did then and there wilfully, unlawfully, and feloniously remove and destroy the 'Banguera' and 'Media Agua' of the house of the latter at 406 G. Tuazon St., this City, valued at P150, to the the damage and prejudice of the said Felix Verzosa in the aforesaid sum of P150, Philippine Currency."

After the presentation of the evidence for the prosecution, the municipal court, upon motion of counsel for the defendants, dismissed the case on the ground that the prosecution failed to prove that the removal or destruction of the property in question had been inspired by resentment, rancor or desire for revenge. Thereafter, the same fiscal who filed the information in the municipal court, filed the following information for coercion in the Court of First Instance of Manila against the defendants:

"That on or about the 16th day of March, 1949, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, without authority of law, and by means of violence, force and intimidation, did then and there wilfully, unlawfully, and feloniously prevent one Felix Verzosa from leaving intact the 'Banguera' and 'Media Agua' of his house located at 406 G. Tuazon Street, in said City, and instead forcibly removed the same against his will and consent by means of crow-bars, hammers, and other tools and throwing them on the ground or otherwise violently depositing them elsewhere, thereby causing as a consequence damages in the total sum of P150, to the damage and prejudice of said Felix Verzosa in the aforementioned sum of P150, Philippine currency."

Counsel for defendants filed a motion to quash this second information on the grounds of double jeopardy and insufficiency of allegations. The motion was sustained by the Court of First Instance of Manila in its order dated October 7, 1949, on the ground of double jeopardy. From this order the prosecution has appealed.

It is contended for appellant that there is no double jeopardy because the second information charges an offense different from that included in the information filed in the municipal court, the rule against double jeopardy protecting the accused not against the second punishment for the same act but against being tried for the same offense.

It is quite clear, even from a cursory comparison of the two informations, that the act complained of in the case for coercion is the same act which formed the basis of the information for malicious mischief. In straight language, the defendants were first charged with malicious mischief for having removed and destroyed the

"banguera" and "media agua" of Felix Verzosa. In straight language too, if the latter was prevented, as alleged in the information for coercion, from leaving intact his house, it is because the defendants had removed therefrom the "banguera" and "media agua."

While the rule against double jeopardy prohibits prosecution for the same offense, it seems elementary that an accused should be shielded against being prosecuted for several offenses made out from a single act. Otherwise, an unlawful act or omission may give rise to several prosecutions depending upon the ability of the prosecuting officer to imagine or concoct as many offenses as can be justified by said act or omission, by simply adding or subtracting essential elements. Under the theory of appellant, the crime of rape may be converted into a crime of coercion, by merely alleging that by force and intimidation the accused prevented the offended girl from remaining a virgin.

The case at bar is an occasion for reminding prosecuting officers to be careful and comprehensive in criminal investigations with the view to determining definitely, before filing the necessary information, the offenses in fact and in law committed, in order to avoid situations smacking of persecutions.

Wherefore, the appealed order is affirmed, with costs de oficio. So ordered.

Moran, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes and Jugo, 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.