

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. EULOGIO MENCIAS, JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, EDILBERTO M. RAMOS, PEDRO S. BITANGA, PACIANO CAPALONGAN, JUAN J....

G.R. Nos. L-23572-76. July 29, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

What is assailed by petitioner in these proceedings for certiorari and mandamus is an order of the then respondent Judge, now deceased, sustaining a motion to quash ostensibly because of the disregard of the constitutional rights of private respondents ill thirty-five of them, to the protection against being twice put in jeopardy[1] and to be informed of the nature and cause of accusation.[2] Rightly, the attention of this Tribunal is invited by petitioner to the rather in-explicable behavior of the lower court of dismissing five separate criminal informations,[3] a two of which were not even docketed in its sala[4] when such motion to quash was filed only and solely in behalf of one of the accused, now respondent Juan J. Claravall. Considering furthermore that the informations quashed did, on their face, show that the offense charged in each of them, as petitioner made clear to respondent Judge, was not identical with that on which private respondents were then being proceeded against, there is more than sufficient justification for the reversal of the order complained of. What is more, the other ground relied upon by the lower court, the alleged failure to comply with the constitutional requirement that an accused should not be left in the dark as to the charge he has to face, is likewise devoid of support in law. Petitioner, the People of the Philippines, is thus entitled to the writs of certiorari and mandamus prayed for.

The relevant facts are undisputed. Five informations for the crime of malversation through falsification of public, official and commercial documents were filed in the Court of First Instance of Rizal on January 2, 1963. Two of them, criminal cases Nos. 12200 and 12201,[5] were assigned to the sala of its then Judge, now Justice, Cecilia Muñoz Palma of the Court of Appeals, while the rest, criminal cases Nos. 12202, 12203 and 12204,[6] were docketed in the sala of respondent Judge. The then Judge Palma denied motions to quash in the cases which, by lot, fell to her sala.[7] Then, on March 20, 1963, one of the private respondents, Juan J. Claravall, moved to quash the informations in all the above five criminal cases where he was named as one of the accused, the grounds being that the informations, as worded, were not in accordance with the prescribed form and that he was being placed twice in jeopardy for committing the same offense.[8] On April 8, 1963, there was an opposition to such motion to quash on the part of the People of the Philippines based on the allegations that every material fact constituting the offense was set forth with clarity and that the protection against being twice put in jeopardy cannot be invoked because the offenses involved in each information are separate and distinct.[9] Various pleadings were thereafter filed on behalf of both petitioner and respondent Juan J. Claravall, with the parties stressing their respective contentions.

On October 18, 1963 came the order of dismissal now complained of. What immediately calls attention is that the lower court dismissed not only the criminal cases pending in its sala as prayed for in the motion to quash of

respondent Claravall, but also the two other cases assigned to now Justice Palma. As if this unorthodox response were not enough, the lower court went further by dismissing all of the criminal cases without limiting itself to the movant Claravall but extending its benefits to all the other thirty-four accused, now respondents before this Court. The lower court sustained the arguments that the acts or omissions complained of were not recited in such informations with sufficient clarity, thus not informing the accused of the nature and cause of the accusation against them and that, there being only in effect one transaction, already the subject of a pending criminal case, there was a violation of the constitutional right against being placed in double jeopardy.

Insofar as the first point is concerned, the order of dismissal was worded thus: "Upon examination of the informations in the above-entitled cases (Crim. Cases Nos. 12202, 12203 and 12204), the court found that the acts or omissions complained of as constituting the felony charge in each case have not been recited with sufficient clarity as to make clear to the mind of a person of rudimentary intelligence or common understanding as to what it charges the defendant-movant with and informs him of the nature and cause of the accusation against him * * *." As to why there was a risk of the accused being twice put in jeopardy, the assailed order would put the matter thus: "A comparison of the information in the above-entitled cases with that in Criminal Case No. 11440 shows that defendant-movant is in jeopardy of being convicted of the same criminal offense. All the informations charge defendant, in identical language, with having committed the crime of malversation thru falsification of public, official and commercial documents by means of a series of falsification of public, official and commercial documents' with the intent of 'defrauding the Government.' In plain language, all the information allege one transaction committed by a series of connected acts (falsification and malversation) for the single purpose of defrauding the government. * * *." [10] There was a motion for reconsideration, but it was unavailing. [11] Moreover, petitioner tried to appeal, but on March 20, 1964, there was another order issued by the lower court refusing to allow such appeal on the ground that it was filed out of time. [12]

Hence, these petitions. Respondents were required to answer. Afterwards, when the hearing was calendared, both petitioner and private respondents instead sought permission to submit their respective memoranda. The record likewise shows that within the allotted period, such pleadings were duly filed. After a perusal of the respective contentions of both parties, it is the considered judgment of this Court, as set forth at the outset, that the writs of certiorari and mandamus prayed for by the People of the Philippines should be granted.

1. The constitutional protection is against being twice put in jeopardy of punishment for an identical crime. [13] There cannot be any misconception. The fundamental law specifies that for this provision to be rightfully invoked, the prosecution must be "for the same offense." As was explained in the sponsorship address of the then Delegate Laurel: "Finally, it is one of the universal maxims of Anglican liberty that [no person for the same offense shall be twice put in jeopardy of punishment]. This provision now found in the Jones Law corresponds to the second clause of the Fifth Amendment to the American Federal Constitution. It descended from the days when sanguinary punishments were frequently resorted to by despots." [14] It is obvious then that the controlling doctrine as it stood at the time of the framing of the 1934 Constitution was adhered to. It was aptly summarized by Justice Malcolm thus: "The prohibition is against a second jeopardy for the same offense. To entitle a defendant to plead successfully former jeopardy, the offense charged in the two prosecutions must be the same in law and in fact. The test is not whether the defendant has already been tried for the same act, but whether he has been put in jeopardy for the same offense. The same acts may violate two or more provisions of the criminal law. When they do, a prosecution under one will not bar a prosecution under another." [15]

There is manifest by virtue of this constitutional provision a repugnance to a person being exposed to the risk of punishment more than once. It is easy to understand why. If it were allowed, its arbitrary character becomes obvious. For this constitutional provision, however, to come into play, the subsequent indictment must be for the

same offense. Except in the case then of an act being punished by a law and an ordinance in which event a conviction or acquittal under either constitutes a bar to another prosecution,[16] there must be a showing of the crimes charged being identical. It is not enough that the complaint or information is based on the same act. To such a view, this Court in line with the Constitution has consistently been committed.

The lower court apparently was of a different mind. It dismally failed to abide by the plain and explicit language of the Constitution as authoritatively interpreted. As made apparent in the petition: "It has been contended by counsel for the accused in these criminal cases that in view of the precedence of Crim. Case No. 11440 which is attached hereto and marked as Annex M now being tried before Judge Guillermo Tones (Branch VIII of the Court of First Instance of Rizal) where some of the accused herein are also included as defendants, that they are now in danger of being placed in double jeopardy if these five (5) cases will be given due course before respondent Judge. * * * Of the thirty-five (35) accused in Crim. Cases Nos. 12200 to 12204 only seventeen (17) were defendants in Crim. Case No. 11440. The rest * * * [had] nothing to do whatsoever in the transactions which are subject of Crim. Case No. 11440. It could be said therefore in all sincerity that there is no 'substantial identity of defendants' if one is to compare the defendants included in Crim. Case No. 11440 with that of the instant cases." [17] Further, it was likewise made clear by petitioner: "Moreover, the transactions involved in Crim. Case NO. 11440 were ghost purchases of lumber by the 501st Engineer Combat Group from a non-existent firm carrying the name of United Lumber. While in Crim. Cases Nos. 12200 to 12204 the purchasing Army units were the Post Engr. Detachment, Hqs & Hqs Battalion Army involving ghost purchases from the Vicentina Enterprises and Long Time Lumber and others which were different and distinct from that of United Lumber. The supposed materials purchases from the firms involved in Criminal Cases Nos. 12200 up to 12204 comprised mostly of electrical, plumbing and hardware supplies while in Criminal Case No. 11440 nothing else but lumber were the materials supposedly purchased." [18] Then came this portion: "It will be noted therefore that the units of the Philippine Army concerned are different and therefore the corresponding personnel who are charged in these six (6) cases are also different. It must also be noted that besides the difference in the contracting firms involved in Crim. Case No. 11440 and that of Crim. Cases Nos. 12200 to 12204, the objects even of the requisitions and subject of vouchers in question are different also, in none of said cases is there identity of supplies or materials supposedly delivered and paid and therefore must be treated, as they are, distinct and separate purchases. Clearly the vouchers and other supporting documents used or to be used in Crim. Case No. 11440 can never be used as evidence in the instant case now under consideration. Although these transactions involving the six (6) cases occur during the Fiscal Year 1960-61, payment of each and every voucher of the alleged supplies delivered by the United Lumber to the 501st Engineer Combat Group, Philippine Army which is the subject of Crim. Case No. 11440 amounting to P135,805.48 were made in cash by Captain Claudio V. Abon, the Disbursing Officer of the Finance Service of the Philippine Army on different dates as can be seen from a comparative study of the dates of payments in these cases which are separate and distinct from the dates of payments of the vouchers in Crim. Cases Nos. 12200 to 12204. It must be noted that Captain Claudio V. Abon, the Disbursing Officer of Finance Service of Philippine Army paid P437,939.71 to the dealers and firms involved in the five (5) cases in separate and independent payments and on different dates from that of the payments he made to the United Lumber now subject to inquiry in Crim. Case No. 11440. It is important to note also that these alleged series of transactions occurred on different dates." [19] There is much force, therefore, in the assertion of petitioner that it could not have rightfully concluded, as the lower court did, "that the offenses now subject of the five (5) cases in consideration as compared to that of Crim. Case No. 11440 is motivated by a single criminal impulse and much less can it be considered one and the same offense." [20]

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. * * *"[21] 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." [22] 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. To paraphrase Justice Holmes, speaking for the American Supreme Court in a case of Philippine origin, *Paraiso vs. United States*, [23] this constitutional provision is satisfied by a pleading that leaves no doubt in the mind of any person of rudimentary intelligence as to what the charge is and does not require one that will exclude every misinterpretation capable of occurring to intelligence fired with a desire to pervert. Surprisingly enough, the lower court referred to the *Paraiso* doctrine in its challenged order. It was however deaf to its compelling logic. Whatever else may be said against the five-paged, single-spaced informations filed, it cannot be truthfully asserted that private respondents, after reading them, would not be cognizant of why they were filed. There certainly was no paucity as to the facts. It is not too much to say that had the lower court paid heed to what could not have been alien to the normal experience of trial judges, it would not have concluded that the questioned informations suffered from the infirmity of disregarding this constitutional right.

3. The appearance of partiality for the claims of private respondents exhibited by the lower court is even more marked when, on March 20, 1964, it issued an order dismissing the appeal sought to be taken by petitioner against the challenged order. The grave abuse of discretion is once again in evidence. It would justify what it did by imputing tardiness to petitioner. In thus ruling, it would not exclude from the computation the time a motion for reconsideration was pending, when the controlling doctrine is that, if based on an error of law, it is equivalent to a motion for new trial. [24] Ordinarily of course, the appeal should be allowed to take its due course. What cannot be ignored though is that the challenged order quashing the five informations is, as duly noted, so vulnerable, not only because of its glaring misinterpretation of the scope of the constitutional rights of an accused to be informed of the nature and cause of accusation against him, and of his not being twice put in jeopardy or punishment for the same offense, but also because of its being made applicable to all thirty-five private respondents when the notion to quash came from only nine of them, not to mention that two of such cases were pending before another judge. It is the considered opinion of this Court then that to avoid any further loss of time, these cases having been started as far back as 1963, the order quashing such order of dismissal should be set aside so that the cases could properly be tried. Any other solution would be to expose the administration of justice to disrepute.

WHEREFORE, the writ of certiorari is granted, declaring null and void the order of respondent Judge of October 18, 1963 quashing the informations in Criminal Case Nos. 12200, 12201, 12202, 12203 and 12204 of the Court of First Instance of Rizal as well as the order of respondent Judge of February 3, 1964 denying the motion for reconsideration filed by petitioner. Branch I of the Court of First Instance of Rizal is hereby ordered to proceed forthwith with the continuation of the hearing of Criminal Case Nos. 12200 and 12201 and likewise Branch II of the same court to proceed forthwith to hear Criminal Case Nos. 12202, 12203 and 12204. Costs against private respondents.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[1] According to the Constitution: "No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal, under either shall constitute a bar to another prosecution for the same act." Art. III, Sec. 1, par. 20.

[2] According to the Constitution: "In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf." Art. III, Sec. 1, par. 17.

[3] Criminal cases Nos. 12200 to 12204 of the Court of First Instance of Rizal.

[4] Criminal cases Nos. 12200 and 12201.

[5] In criminal case No. 12200, the accused are private respondents Edilberto M. Ramos, Paciano Capalongan, Juan J. Claravall, Claudio V. Abon, Quintin Bardilas, Victorino B. Reyes, Maximo Padlan, Elpidio C. Carbajosa, Consorcia Joven, Josefina Coloma, Jose S. Joaquin, Hilary Tigno, Andres Ascueta, Orlando Cariño, Tan Lion Ching, Jose Tan, Feliciano Hugo and Juanita Dizon, while in criminal case No. 12201, the accused are private respondents Juan J. Claravall, Quintin C. Bardilas, Elpidio C. Carbajosa, Orlando Cariño, Tan Lion Ching, Jose Tan, and Feliciano Hugo.

[6] The accused in criminal case No. 12202 are private respondents Edilberto M. Ramos, Juan J. Claravall, Claudio V. Abon, Victorino B. Reyes, Consorcia Joven, Josefina Coloma, Jose S. Joaquin, Helary Tigno, Andres Ascueta, Orlando Cariño, Tan Lion Ching, Jose Tan and Feliciano Hugo. In criminal case No. 12203, the accused are private respondents Pedro Bitanga, Juan J. Claravall, Felimon Lacsí, Claudio V. Abon, Quintin C. Bardilas, Maximo Padlan, Mariano Baltazar, Alberto S. Cruz, Simeon Ver, C. Carbajosa, Manuel S. Canda, Benjamin Zabat, Perfecto Arribas, Felixberto Canoy, Jose S. Joaquin, Susano Rasay, Mamerto Bondad, Orlando Cariño, Tan Lion Ching, Jose Tan, Feliciano Hugo, Juanita Dizon, Milagros Escobar, Lydia Cagnia, Florencio Bona, Antonio Peralta, and Luciano D. Punzalan. Lastly, in criminal case No. 12204, the accused are private respondents Paciano Capalongan, Juan J. Claravall, Felimon Lacsí, Claudio V. Abon, Maximo Padlan, Mariano Baltazar, Alberto S. Cruz, Elpidio C. Carbajosa, Benjamin Zabat, Perfecto Arribas, Felixberto Canoy, Jose S. Joaquin, Susano Rasay, Mamerto Bondad, Orlando Cariño, and Amparo V. Cinco.

[7] Petition, par. 4(h).

[8] Ibid, par. 4(m).

[9] Ibid, par. 4(n).

[10] Ibid, par. 4 and Annex K.

[11] Ibid. par. 4(t) and (aa).

[12] Ibid, par. 4(bb) and (ff).

[13] According to the Constitution: "No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act." Art III, Sec. 1, par. 20.

[14] 111 S. Laurel, Proceedings of the Philippine Constitutional Convention, 667 (1966).

[15] 15 People vs. Cabrera, 43 Phil. 82, 97 (1922). Cf. U.S. vs. Bayona Vitog, 37 Phil. 42 (1917). As a matter of fact, two earlier decisions of Justice Carson spoke to the same effect in U.S. vs. de los Santos, 7 Phil. 580 (1907) and U.S. vs. Infante, 36 Phil. 146 (1917). The subsequent cases follow: People vs. Segovia, 54 Phil. 75 (1929);

People vs. Garcia, 63 Phil. 296 (1936); People vs. Tumlos, 67 Phil. 320 (1939); People vs. Espino, 69 Phil. 471 (1940); People vs. Estipona, 70 Phil. 513 (1940); People vs. Schneckenburger, 73 Phil. 413 (1941); People vs. Guanco, 85 Phil. 639 (1950); Melo vs. People, 85 Phil. 766 (1950); People vs. Bacolod, 89 Phil. 621 (1951); People vs. Balboa, 90 Phil. 5 (1951); People vs. Magat de Soriano, 94 Phil. 188 (1953); People vs. Quedes, 100 Phil. 663 (1956); People vs. Foster, 105 Phil. 46 (1959); People vs. Blaza, L-13899, Sept. 29, 1961, 3 SCRA 133; People vs. Silva, L-15974, Jan. 30, 1962, 4 SCRA 95; Culanag vs. Director of Prisons, L-27206, Aug. 26, 1967, 20 SCRA 1123; People vs. Cervera, L-26395, Nov. 21, 1969, 30 SCRA 344; People vs. Fernando, L-24781, May 29, 1970, 33 SCRA 149.

[16] Cf. Art. III, Sec. 1, par. 20 of the Constitution.

[17] Petition, p. 31.

[18] Ibid, p. 32.

[19] Ibid, pp. 33-34.

[20] Ibid, p. 34.

[21] Act. III, Section 1, par. 17 of the Constitution.

[22] S. Laurel, op cit., p. 665.

[23] 207 US 368 (1907).

[24] Cf. People vs. Romero, 89 Phil. 672 (1951) citing Guerrero vs. De la Cuesta, 59 Phil. 464 (1934); Blouse vs. Moreno, 60 Phil. 741 (1934); Levett vs. Sy Quia, 61 Phil. 847 (1935) and Rodriguez vs. Rovira, 63 Phil. 476 (1936). Also 4 Moran, Comments on the Rule of Court, 1970 ed., p. 364.

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