

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.
PEDRO PETILLA, DEFENDANT AND APPELLEE.***G.R. No. L-5070. December 29, 1952*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d640e3306ad5/>**BAUTISTA ANGELO, J.:**

This is an appeal from an order of the Court of First Instance of Quezon dated August 8, 1951, sustaining the motion to quash interposed by the accused in criminal case No. 10758 and dismissing the case with costs de oficio and the cancellation of the bond filed by him for his provisional release.

On August 31, 1949, an information charging Pedro Petilla with the crime of slight physical injuries was filed in the Justice of the Peace Court of Gumaca, Quezon province. Upon petition of both parties, this case was heard by the Justice of the Peace jointly with another for frustrated homicide tiled against the same accused. During the hearing, the Justice of the Peace found that the injuries suffered by the offended party would require more than thirty (30) days to heal and so, believing that the case was beyond his jurisdiction, he forwarded said case, together with that of frustrated homicide, to the Court of First Instance for further proceedings. On December 17, 1949, the provincial fiscal amended the information charging the accused with serious physical injuries and praying that the Justice of the Peace be ordered to conduct the corresponding preliminary investigation (criminal case No. 10620). This petition was favorably acted upon. The accused having waived his right to preliminary investigation, the case was returned to the Court of First Instance where on February 22, 1950, the accused filed a motion to quash alleging, among other grounds, that if the case be continued he would be placed in jeopardy. On February 28, 1950, the court granted the motion to quash and dismissed the case with costs de oficio.

His motion for reconsideration having been, denied, the provincial fiscal, on March 22, 1950, moved that the case be returned to the Justice of the Peace Court of Gumaca for trial on the merits on the original information contending that said Justice of the Peace committed a mistake in failing to act upon the erroneous belief hat he had no jurisdiction over the offense charged. This motion was favorably acted upon and the record of the case was sent back to the Justice of the Peace. On June 17, 1950, however, the provincial fiscal asked for the provisional dismissal of the case alleging that on that same date he was filing in the Court of First Instance an information for serious physical injuries, and accordingly the Justice of the Peace dismissed the case provisionally and forwarded the record to the Court of First Instance.

On June 17, 1950, as above stated, a new case was initiated in the Court of First Instance of Quezon with the filing of a new information for serious physical injuries (criminal case No. 10758). On July 7, 1950, the case was sent to the Justice of the Peace for preliminary investigation. After this was held the record was forwarded to the Court of First Instance, and on July 6, 1951, the accused again filed a motion to quash on the following grounds:

"1. That the above-entitled case has already been quashed by this Honorable Court in its order dated February 28, 1950 (Annex A) ;

"2. That if the prosecution has not been satisfied with the order of the Court of 28 February 1950, he should

have appealed from said order within the time allowed by law;

"3. That the prosecution has exceeded and gravely abused its discretion in reviving once again a case that has already been quashed by the Court thereby initiating" and encouraging what the court abhors, that of multiplicity of suits and endless litigations; and

"4. That it is submitted that rulings and orders of this Honorable Court must at least be binding upon itself," (Page 36, criminal case record No. 10758.)

On August 8, 1951, the court sustained the motion and dismissed the case holding in part as follows:

"It is the opinion of the court that the order of February 28, 1950, has become final and executory. If the prosecution in criminal case No. 10620 believed that this court had committed an error in ordering that the information in said case be quashed, with costs de oficio, it should have appealed from said order within the period prescribed by the Rules of Court. Not having done so, this court now is absolutely powerless to disregard said final order and proceed with this criminal case No. 10758 for the same crime which is charged in criminal case No. 10620. There is res adjudicata." (Page 48, criminal case record No. 10758.)

The case is now before us by virtue of the appeal interposed by the Solicitor General.

This case is unfortunate in view of a series of mistakes committed by the officials who intervened in its prosecution. The first error committed refers to the order of dismissal entered by the lower court on February 28, 1950, wherein the court quashed the case on the ground that the filing of the amended information charging the accused with serious physical injuries constituted double jeopardy which barred the Government from prosecuting it. This is a mistake. The charge contained in the original information was for slight physical injuries because at that time the fiscal believed that the wound suffered by the offended party would require medical attendance only for a period of eight days, but when the preliminary investigation was conducted the Justice of the Peace found that the wound would not heal until after a period of thirty days, and so he forwarded the case to the Court of First Instance for further action. It, therefore, appears that the act which converted the crime into a more serious one had supervened after the filing of the original information. And this supervening event can still be the subject of amendment or of a new charge without necessarily placing the accused in double jeopardy, as held by this court in the recent case of *People vs. Manolong* [*] G. R. No. L-2288. Said the court:

"The Constitution enjoins that no person shall be twice put in jeopardy or punished for the same offense. (Art. III, section 120.) In an attempt to implement this constitutional mandate, the Rules of Court (Rule 113, section 9) make conviction or acquittal of the accused a bar to his subsequent prosecution, not only for the same offense, but also for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information. In the present case there is no question that the offense of serious physical injuries charged in the last information necessarily includes the lesser offense charged in the first complaint and of which the accused was convicted in the justice of the peace court, , and there should likewise be no question that, were we to follow the doctrine laid down by this court in *People vs. Tarok*, 40 Off. Gaz., 3488, and reiterated in *People vs. Villasis*, 46 Off. Gaz., 268 we would have no alternative but to dismiss the present appeal. However, this court in its recent decision in the case of *Melo vs. People et al.*, 47 Off. Gaz., 4631, has already repealed the doctrine laid down in the *Tarok* case as contrary to the real meaning of double jeopardy as intended by the Constitution and the Rules of Court and 'obnoxious to the administration of justice,' and has reverted to the rule that 'where after the first prosecution a new fact supervenes for which the defendant is responsible, which changes the character of the offense and, together with the facts existing at the time, constitutes a new and distinct offense' (15 Am. Jur. 66), the accused cannot be said to be in second jeopardy if indicted for the new offense." That rule applies to the present case where, after the first prosecution for a lesser crime, new facts have supervened which together with those already in existence at the time of the first prosecution, have made the offense graver and the penalty first imposed legally inadequate."

But the mistake which in the opinion of the court has thwarted the chance of the prosecution is the failure of the provincial fiscal to appeal from the order of the lower court of February 28, 1950. Had he done so the error committed would have been remedied. Instead, he asked for the return of the case to the Justice of the Peace Court for trial on the merits under the original information. Such a step was of no useful purpose, a fact which he later realized when he filed a motion for provisional dismissal. Another mistake he committed was to file a new information for the same offense (criminal case No. 10758) which was properly dismissed on the ground of res judicata. It is true that the order of February 28, 1950, was erroneously entered for reasons which perhaps, might be ascribed to the conflicting decisions that had been rendered regarding the application of the principle of double jeopardy, but the failure of the fiscal to appeal was. unfortunate as it rendered said order final and executory.. Whether rightly or wrongly, said order stands and cannot now be set aside or rendered ineffective. That order is binding upon the parties. That order has the effect of res judicata upon the Government.

Wherefore, the order appealed from is affirmed, without. costs.

Paras, C. J., Pablo, Bengzon, Padilla, Jugo, and Labrador, JJ., concur.

* 85 Phil., 829.

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.