

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. CONRADO LADISLA, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-18011. August 31, 1963

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e4e26f5f4c11/>

PAREDES, J.:

On April 27, 1960, Asst. Fiscal Emilio Cecilio of Nueva Ecija, filed an Information before the Court of First Instance of said province, charging Conrado Ladisla, Eulogio Encarnacion, Pedro Batalla, and Pablo Batalla, with violation of Sec. 39, Rep. Act No. 1199, as amended by Rep. Act No. 2263, to wit—

"That on or about the period from the 17th to the 19th inclusive of February, 1960, in the municipality of Sta.' Rosa, Province of Nueva Ecija, Republic of the Philippines and within the jurisdiction of this Honorable Court the above named accused Conrado Ladisla, Eulogio Encarnacion, Pedro Batalla and Pablo Batalla being farm tenants of Gonzalo I. Guevarra, without notifying their said landlord or his representative, and previous to the date mutually set by them for the threshing of the harvest, did then and, there wilfully feloniously and criminally pre-thresh from their respective harvest the following cavans of palay, valued as follows:

1. Conrado Ladisla — 11 bundles or one cavan of palay valued at

P8.00

2. Eulogio Encarnacion — 28 bundles or 2 1/2 cavans valued at

P20.00

3. Pablo Batalla — 62 bundles or 6 cavans of palay valued at

P48.00

4. Pedro Batalla — 68 bundles or 6 1/2 cavans of palay valued at

P52.00

TOTAL

P128.00

Thus prejudicing and damaging Gonzalo I. Guevarra the total amount of P64.00, his half share of the total pre-threshed palay by the said accused."

The accused were arraigned on November 4, 1960 and all pleaded "not guilty" to the charge. Hearing of the case was scheduled for November 18 and December 22, 1960.

On November 16, 1960, Fiscal Cecilio filed a motion to amend the original information, alleging:

- "1. That at the time we filed the criminal information of this case, the attention of the undersigned was called to the fact that the crime alleged herein was discovered in February 17 to 19 at the time of the threshing of the palay;
2. That this representation later found out that the actual date of the commission of the crime by the accused thru their own admission and some eye-witnesses, was in the middle part of December, 1959;
3. That there is no substantial variance between the original information and the attached information inasmuch as the crime charged in both cases remain the same that it can be said that there is such a substantial amendment as to prejudice the interest of the accused;
4. That they will not appear now as accused persons with the crime which carries heavier penalty such that this representation considered that the amendment herein to be made is not substantial in nature."

Attached to the motion was the amended information which was a reproduction of the allegations in the original, only the date of the commission of the offense was changed from "that on or about the period from the 17th to the 19th inclusive of February, 1960" to "that on or about the middle part of December, 1959".

On November 18, 1960, the date set for hearing, the lower court promulgated an Order, to wit—

"When this case was called for hearing this morning, Assistant Provincial Fiscal Julius Sarmenta filed a motion for the admission of an amended information. The amendment consists of a change in the date of the commission of the violation of Section 39, Republic Act No. 1199, as amended by Republic Act No. 2263, because in the original information it was alleged that the violation was perpetrated on February 17-19, 1960, inclusive, whereas the new information alleges that it was committed in December, 1959.

The accused were already arraigned on the original information. Counsel for the accused objected to the admission of the amended information on the ground that the amendment sought is fundamental. The court sustained the objection of counsel for the accused for which reason the motion for the admission of the amended information was denied. Forthwith, Assistant Provincial Fiscal Sarmenta submitted the case.

Wherefore, the Court hereby dismisses the case with costs de ofido and the bonds posted for the provisional liberty of the herein accused are cancelled."

A motion for reconsideration was presented by the Fiscal, alleging that the amendment was not substantial. He argued that the rules even provide that it is not necessary to state in the complaint or information the precise time at which the offense was committed, except when time is a material ingredient of the offense (Sec. 10, Rule 106).

Cited in support of this argument is the case of *U.S. vs. Smith*, 3 Phil. 20. The motion was opposed by the accused on various grounds, among which was that the reconsideration of the order of dismissal of the case, would place them in jeopardy. On December 8, 1960, the trial court denied the motion for reconsideration for not being well taken. The Order of Dismissal of the case and the denial of the motion for reconsideration are now before Us on appeal by the State. The Solicitor General claims that it was error for the court a quo to consider the amendment fundamental and in dismissing the case. The accused took the contrary view.

It appears that the appeal at bar, is directed against the Order of dismissal of the case, and not from the order denying the admission of the amended information. We also find that after the denial of the admission of the amended information, the Fiscal submitted the case, which was dismissed unconditionally, and that the appeal was not from the denial to admit amendment to the information, but from the order of the court dismissing the case. This being true, it would seem that double jeopardy had already set in, since it is provided that legal jeopardy exists when, among others, the case against the accused is dismissed or otherwise terminated without his

express consent, by a court of competent jurisdiction, upon a valid complaint or information, and after the defendant had pleaded to the charge (Rule 113, sec. 9; See *People vs. Ylagan*, 58 Phil. 851; *Mendoza vs. Almeda Lopez*, 64 Phil. 820). All the above requisites appear in the case at bar. The accused opposed the admission of the amended complaint. The Court not only denied the admission thereof, but dismissed the case *motu proprio*. This is a dismissal without the express consent of the accused. In a case, the Solicitor General claimed that the order of dismissal was null and void because it was entered *motu proprio*. This Court, resolving the point said: "We do not believe that this circumstance alters the legal effects of the order of dismissal.

The fact is that the case was dismissed without the petitioner's consent, after a valid and sufficient complaint was filed which conferred jurisdiction upon the court and before final judgment was entered therein (*Esguerra vs. Hon. S. De La Costa*, 6 Phil. 134, and cases cited therein).

In view of the above conclusions, it becomes immaterial and unnecessary to pass upon the question of whether or not the proposed amendment in the information was substantial. The trial court might have been wrong in dismissing the case, instead of merely denying the motion to amend, but such error could not be corrected in order to disregard the defense of double jeopardy, which will result in the impairment of the substantial rights of the accused appellees. Perhaps, had the Fiscal not submitted the case, but directed his appeal to the order denying the petition to amend the information, this Court could and/ or may have intervened and make a ruling regarding the proposed amendment.

Wherefore, the Order appealed from should be, as it is hereby affirmed, same being in conformity with the law on the matter. Costs de oficio.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Conception, Reyes, J. B. L., Barrera, Dizon, Regala, and Makalintal, 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.