

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. POTENCIANO MATONDO, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 12873. February 24, 1961

Ponente: PAREDES, J.

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PAREDES, J.:

On March 11, 1955, Potenciano Matondo and twenty nine (29) others were charged, upon complaint of the Philippine Women's Educational Association, before the Court of First Instance of Davao, with an alleged violation of Republic Act No. 947, in an information which reads:

"That during the period commencing January, 1955, up to the present, in the municipality of Panabo, Province of Davao, Philippines, and within the jurisdiction of this Court, the abovementioned accused, conspiring and confederating together and helping one another, with deliberate intent and without proper permit from any competent authority, in violation of said Act No. 947, did then and there willfully, maliciously and unlawfully enter and occupy, through force, strategy and stealth, several portions of public agricultural land situated in the Municipality of Panabo, Province of Davao, and comprise within the area covered by Sales application No. 19010 of the Philippine Women's Educational Association, a corporation duly registered under the laws of the Philippines, and which has been granted an entry permit thereto by the Bureau of Lands."

On March 14, 1955, the defendants therein filed a Motion to Suspend the Issuance of the Warrant of Arrest against them on the ground that they have been in possession of the land, subject matter of the above information, before June 20, 1953, the effectivity date of Act 947. The motion was set for hearing in the course of which, the defense, thru the testimony of Potenciano Matonda and by the documentary evidence presented, established the following facts:

That the defendants were members of the Magsilang Magsasaka Ng Davao at Cooperativa, which have caused the filing of at least three (3) petitions with the Office of the President of the Philippines, urging the segregation of some 282 hectares of land, part of the Davao Penal Colony Reservation, situated in the municipality of Panabo, Davao (Exhibits B, Q.). From the time of the original petition, which was May 10, 1953, they have been in possession of the property and out of the 282 hectares, 51 hectares have been cultivated to coffee, corn, palay, abaca, beans and coconuts. The said petitions were coursed to different offices, firstly, to the Department of Justice for comment and recommendation (Exhibit C) then to the Secretary of Agriculture and Natural Resources (Exh. J), who was instructed by the Office of the President to draft the necessary proclamation for the exclusion of the parcel of land in question from the operation of Proclamation No. 414, series of 1931, and from the Davao Penal Colony Reservation and to declare it open for disposition under the Public Land law. The members of the association, by the request of its President Potenciano Matondo, were given passes by the officers concerned of the Davao Penal Colony, to enter the land (Exhibit L, dated Oct. 17, 1953).

In compliance with the instructions of the President, the corresponding proclamation was drafted and on June 30, 1954, Proclamation No. 39, excluding 282 hectares from the Davao Penal Colony Reservation was promulgated. In said Proclamation, however, the land was referred to and described as "S1-V-19010-D" (Philippine Women's

Educational Association). It appears that while the petitions filed by the defendants with the office of the President were being coursed to the different offices, the Philippine Women's Educational Association learned of the impending proclamation and applied for the same land. The permit of the Educational Association to enter the land was issued on August 21, 1954, long after the defendants had taken possession of the premises and had introduced improvements thereon.

After the hearing on the motion, the lower court rendered judgment, the pertinent portions of which are reproduced hereunder:

"A la vista do los hechos expuestos, es evidente que antes del 20 de junio de 1953, fecha en que entro en vigor la ley No. 947, los acusados entraron y ocuparon 50 hectareas, poco mas o menos, del terreno solicitado por la ofendida, quienes hasta la fecha continuan en posesion de la porcion indicada, introduciendo algunas mejoras en ella, contraria a las alegaciones de la querella de autos, que los acusados en enero de 1955, ilegalmente y mediante fuerza entraron y ocuparon una porcion del terreno solicitado por la referida ofendida.

En su virtud, el Juzgado considerando que la ley No. 947, que entro en vigor el 20 de junio de 1953, on tiene efecto retroactive, y considerando que los acusados entraron y ocuparon la porcion de terreno indicado antes de que la ofendida solicitase el terreno en concepto de compra, por insuficiencia de pruebas, ordena el sobreseimiento de esta causa, con las costas de oficio."

The State appealed and the Solicitor General, in his brief, assigned four (4) errors supposedly committed by the lower court in dismissing the information, all of which converge on the singular proposition, to wit: the propriety and legality of the dismissal, in spite of the fact that the hearing had, was only on the motion to suspend the issuance of the warrant of arrest against the defendants. No brief was submitted by the appellees.

The appeal taken by the State refers principally to the procedural aspect of the case. It is argued that the procedure followed by the lower court is not that which the Rules prescribed. We agree with the Solicitor General that the regular procedure was not followed. This notwithstanding, the motion filed by the defendants, could be considered as a Motion to Quash the information. For one thing, it is not the caption of a pleading, but the allegations contained therein, that should prevail. In the Motion to suspend the issuance of warrant of arrest, the defendants claimed that "their possession of the land, subject matter of the information, dates back before the effectivity of the law punishing the acts". The motion, objectively considered, therefore, was virtually a motion to quash on the ground that the information does not charge an offense or that the facts charged do not constitute an offense, as in fact, with respect to the accused, the offense did not then exist.

The fact that no evidence was presented by the prosecution to substantiate the allegations of the information, does not warrant the conclusion that the State was deprived of its day in court. The prosecution did not object to any of the documentary evidence submitted, which were official communications from the proper authorities. It cross-examined the sole witness for the defense. Having reached the conclusion that the entry to and occupation of the land, by the accused, took place before the, effectivity of the law, under which they were charged, because the evidence on record showed it, proving the lack of authority to enter would not alter the fact that the acts complained of occurred when said acts were not yet punishable. As far as the criminal aspect of the case is concerned, it did not matter whether it was the complainant educational association or the defendants that entered the land first. It is enough that the entry and occupation of the defendants was shown to have taken place before the law became effective.

The decision appealed from should, therefore be, as it is hereby affirmed, and the appeal of the State is dismissed. Without costs.

Bengzon, Acting C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, and Dizon, JJ., concur.

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