

SUSAN FRONDA-BAGGAO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 151785. December 10, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is the instant Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision^[1] dated August 29, 2001 and Resolution dated January 15, 2002 of the Court of Appeals in CA-G.R. SP No. 58270.

The facts are:

Sometime in 1989, the Provincial Prosecutor of Abra filed with the Regional Trial Court, Branch 1, Bangued, same province, four separate Informations for illegal recruitment against Susan Fronda-Baggao, petitioner, and Lawrence Lee, docketed as Criminal Cases Nos. 744, 745, 746 and 749.

Petitioner eluded arrest for more than a decade; hence, the cases against her were archived. On July 25, 1999, petitioner was finally arrested.^[2]

On July 26, 1999, the prosecutor filed with the trial court a motion to amend the Informations. He prayed that the four separate Informations for illegal recruitment be amended so that there would only be one Information for illegal recruitment in large scale. On the same day, the trial court denied the motion for lack of merit.

On August 6, 1999, the prosecutor filed a motion for reconsideration. In its Order dated January 26, 2000, the trial court granted the motion and admitted the Information for Illegal Recruitment in Large Scale, thus:

Accordingly, the Order dated July 26, 1999 denying the motion to amend Information is hereby set aside and the Information for Illegal Recruitment in Large Scale is hereby admitted in substitution of the other four Informations.

Moreover, considering that illegal recruitment when committed by a syndicate or in a large scale shall be considered an offense involving economic sabotage, let this case be forwarded to RTC, Branch 2, a Special Criminal Court.

SO ORDERED.

Petitioner filed a motion for reconsideration, but it was denied by the trial court in its Order dated March 21, 2000.

On April 11, 2000, petitioner filed with the Court of Appeals a petition for certiorari and prohibition with prayer for the issuance of a preliminary injunction and/or temporary restraining order, docketed as CA-G.R. SP No. 58270.

In its Decision dated August 29, 2001, the Court of Appeals denied the petition. Likewise, in its Resolution dated

January 15, 2002, petitioner's motion for reconsideration was denied.

Hence, the present petition.

The issue for our resolution is whether the four Informations for illegal recruitment could be amended and lumped into one Information for illegal recruitment in large scale.

Petitioner contends that (a) Section 14, Rule 110 of the Revised Rules on Criminal Procedure refers to an amendment of one Information only, not four, which cannot be joined in only one Information; and that (b) the amendment of the four Informations for illegal recruitment into a single Information for a graver offense violates her substantial rights.

Respondent, on the other hand, prays that the petition be denied for lack of merit.

Section 14, Rule 110 of the Revised Rules on Criminal Procedure provides:

Section 14. Amendment or substitution. – A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused would not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial. (Emphasis ours)

Simply stated, before the accused enters his plea, a formal or substantial amendment of the complaint or information may be made without leave of court. After the entry of a plea, only a formal amendment may be made but with leave of court and only if it does not prejudice the rights of the accused. After arraignment, a substantial amendment is proscribed except if the same is beneficial to the accused.[3]

Following the above provisions and considering that petitioner has not yet entered her plea, the four Informations could still be amended.

Petitioner also contends that the above Rule refers to an amendment of one Information only, not four or multiple Informations which cannot be joined into only one Information.

We disagree.

A careful scrutiny of the above Rule shows that although it uses the singular word complaint or information, it does not mean that two or more complaints or Informations cannot be amended into only one Information. Surely, such could not have been intended by this Court. Otherwise, there can be an absurd situation whereby two or more complaints or Informations could no longer be amended into one or more Informations. On this point, Section 6, Rule 1 of the Revised Rules of Court is relevant, thus:

SEC. 6. Construction. – These Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

In fact, in *Galvez v. Court of Appeals*,^[4] before the accused were arraigned, this Court allowed the amendment of

three original Informations for homicide and frustrated homicide into four Informations for murder, frustrated murder and illegal possession of firearms.

Petitioner contends that the amendment of the four Informations for illegal recruitment into a single Information for illegal recruitment in large scale violates her substantial rights as this would deprive her of the right to bail which she already availed of. Such contention is misplaced. Obviously, petitioner relies on Section 14 of the same Rule 110 which provides that "after the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused." As stated earlier, petitioner has not yet been arraigned. Hence, she cannot invoke the said provision.

WHEREFORE, we DENY the petition. The challenged Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 58270 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), [*]Ynares-Santiago, Corona, and Azcuna, JJ., concur.

[*] Designated to sit as additional Member of the First Division under Special Order No. 474 dated October 19, 2007 issued pursuant to Administrative Circular No. 84-2007.

[1] Penned by Associate Justice Conchita Carpio Morales (now a member of this Court) and concurred in by Associate Justice Rebecca De Guia-Salvador and Associate Justice Juan Q. Enriquez, Jr.

[2] Lawrence Lee is still at large.

[3] *Matalam v. Sandiganbayan*, Second Division, G.R. No. 165751, April 12, 2005, 455 SCRA 736, 746, citing *People v. Janairo*, 311 SCRA 58, 67 (1999).

[4] G.R. No. 114046, October 24, 1994, 237 SCRA 685, 705.

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