

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. LEON RAMOS, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 15958. May 31, 1961

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from an order of the Court of First Instance of Nueva Ecija, Hon. Jose N. Leuterio, presiding, dismissing a complaint for grave slander by deed filed by one Aurora Padilla, the material allegations of which are as follows:

"* * *, the above-named accused, Leon Ramos, Francisca de Ramos, Avelina Ramos and one "Intsik Ramos", conspiring together and mutually helping one another, with the malicious intent to cast dishonor, discredit and contempt upon the person of the undersigned offended party, in public, did then and there, wilfully, unlawfully and feloniously, utter the following defamatory words against the said offended party while she was on her way to fetch water in front of the market place, to wit: "HETO ANG IYO, PUTA KA, MALANDI KA" and thereupon attack, box, assault and slap the herein complainant on the face and other parts of her body and pull her by the hair, to her prejudice and dishonor." (p. 1, Record)

The ground stated in the order is that in Criminal Case No. 486 of the Justice of the Peace Court of Peñaranda, Nueva Ecija, the same accused had been charged by the same complainant with the Offense of slight physical injuries. The material allegations of the information for slight physical injuries are as follows:

"* * *, the above-named accused, Leon Ramos, Francisca de Ramos, Avelina Ramos and one alias Intsik, Conspiring together and mutually aiding one another, did then and there, willfully, unlawfully, and feloniously, attack, assault and inflict physical injuries upon the person of Aurora Padilla. * * *," (Annex "A", p.20 Record).

In its order of dismissal, the court reasoned in this manner:

"It is true that the prosecution in the second information alleged that the defendants had uttered the words "Heto ang iyo, puta ka, malandi ka", a charge not alleged in the complaint filed in the Justice of the Peace Court. But this fact was already in existence at the time of the filing of the complaint for slight physical injuries in the Justice of the Peace Court of Peñaranda, and therefore defendants then could have been charged with the present complaint of grave slander by deed which necessarily includes that of slight physical injuries. As stated in the case of *People vs. Carmen* (88 Phil., 51), "* * * it seems elementary that an accused should be shielded against being prosecuted for several offenses made out from a single act. Otherwise, an unlawful act or omission may give rise to several prosecutions depending on the ability of the prosecuting officer to imagine or concoct as many offenses as can be justified by the same act or omission, by simply adding or subtracting an essential element. Under the theory of the appellants the crime of rape may be converted into a crime of coercion by merely alleging that by force or intimidation the accused prevented them from remaining a virgin." (p. 4, Decision)

It is contended in this appeal by the Solicitor General that the constitutional provision against double jeopardy, which reads as follows: no 'person shall be twice put in jeopardy of punishment for the same offense', means that

what is prohibited is the danger of punishing a person for the same offense, not for the same act.

A comparison of the allegations of the previous information for slight physical injuries with those of the information for slander by deed clearly shows that what is being charged against the accused in the latter is for the act of insulting the offended party by the utterance of defamatory words which ultimately culminated in the assault on the offended party; whereas the act imputed against the same accused in the previous case for physical injuries is that of causing said slight physical injuries merely. It may be true that the emotions producing the insulting words afterwards culminated in the assault resulting in the physical injuries, or that both the insults as well as the assault were the product of the same criminal impulse; but the act of insulting is entirely different and distinct from that inflicting physical injuries, although the former may have preceded the latter. The case cited in the decision of the court below, *People vs. Carmen*, 88 Phil., 51 is evidently not applicable to the case at bar because it refers to several offenses arising from a single act. But the case at bar is different, because what happened is that different acts, constituting different offenses, have arisen from the same criminal impulse. It can not be stated that it was one single act because the act of inflicting physical injuries is clearly distinct and different from the act of insulting or uttering insulting remarks. Neither can it be said that the act of insulting is included in the act of inflicting physical injuries. The offense of insult is an offense against honor, whereas slight physical injuries is an offense against persons. The mere fact that these two offenses may have taken place on the same occasion, or that one preceded the other, both proceeding from the same impulse, does not make the two a single act or a single offense for one is certainly distinguishable from the other. It is clear that two different acts were committed, one preceding the other, resulting in two different offenses. As jeopardy prohibits making a person liable twice for the same act, it is not present in the case at bar where the offender is being made liable for two distinct acts constituting two distinct offenses.

"The offenses of behaving in an indecent manner in a public place, open to public view, punishable under municipal ordinance, and of insulting a public officer by deed or word in his presence, contrary to P. I. Penal Code, article 257, are not identical, so that a conviction of the first will bar a prosecution for the other, although the acts and words of the accused set forth in both charges are the same. *Garcia Gavieres vs. U. S.*, 220 U. S. 388 55 L. ed. 489, 31 Sup. Ct. Rep. 421, 41 Philippine 961, 41 J. F. 1017, aff'g 10 Phil., 694." (Vol. 2, Philippine Digest, p. 1162).

Wherefore, the order appealed from is hereby set aside, and the case remanded to the lower court for further proceedings. With costs against the accused-appellee.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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