

THE PEOPLE OF THE PHILIPPINES, PETITIONER, VS. COURT OF FIRST INSTANCE OF QUEZON, BR. V, MAUBAN, QUEZON; RAMON S. REYES ALIAS "CAPING"; GUILLERMO UNTALAN, NATALIO ALVAREZ AND WI...

G.R. No. 41903. June 10, 1992

Ponente: ROMERO, J.

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ROMERO, J.:

This is a petition for review on certiorari which seeks to set aside the order of the respondent court dated October 24, 1975 dismissing the information for qualified theft against the private respondents in Criminal Case No. 380 of the Court of First Instance of Quezon, Branch V,[1] on the ground that it does not charge an offense for failure to allege the proper offended party therein.

The undisputed facts of the case are as follows:

Private respondents Ramon Reyes alias "Caping," Guillermo Untalan, Natalio Alvarez and Wilfredo Saliendra were charged in Criminal Case No. 380 at the Court of First Instance of Quezon, Branch V, with qualified theft, as defined and punished under Section 1, Presidential Decree No. 330[2] in an information filed by Special Counsel Hjalmar Quintana of the Office of the Provincial Fiscal of Quezon, on August 5, 1975, in the following manner:

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"That on or about the 16th day of April 1974, at Barrio San Jose, in the Municipality of Mauban, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Ramon Reyes alias "Caping", Guillermo Untalan, Natalio Alvarez and Wilfredo Saliendra, with intent to gain, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously enter a public forest zone under lease to the ALUK LOGGING 'CORPORATION and once inside, illegally cut, take, steal and carry away two (2) Lauan trees consisting of 1,200 board feet, without the consent of the latter, valued at ONE THOUSAND NINE HUNDRED TWENTY (P1,920.00) PESOS, Philippine currency, to the damage and prejudice of said Aluk Logging Corporation in the aforesaid sum.

CONTRARY TO LAW."[3]

On September 17, 1975, the private respondents were arraigned and pleaded not guilty to the charge.[4] After the arraignment, the private respondents moved to quash the aforestated information based on the following grounds:

1. That the facts charged do not constitute the crime of qualified theft, there being no offended party, Aluk Logging Corporation being neither a timber lessee or licensee;
2. That the pretended owner, Arsenio Lukang, has no timber license to operate in Mauban, Quezon;

3. That the information is defective as it does not describe the "situs" of the offense with particularity, defendant Ramon S. Reyes being a timber licensee in Mauban, Quezon."[5]

On September 29, 1975, the Provincial Fiscal of Quezon filed an opposition to private respondent's quashal arguing that:

- 1) the information is sufficient in form and substance and that there is a specific offended party;
- 2) the place of the commission of the offense is sufficiently described;
- 3) the allegation that Ramon S. Reyes is a timber licensee over the forest zone in question is a matter of defense and evidentiary in nature that should be proven during the trial;
- 4) the motion to quash was filed after the arraignment of the accused and, therefore, said accused should be considered as having waived all objections which are grounds for a motion to quash.[6]

The provincial fiscal of Quezon prayed that the prosecution be allowed to amend the information by replacing the word "Corporation" with the word "Operation," being a typographical error committed by oversight.[7]

On October 9, 1975, the private respondents filed their reply reiterating the grounds stated in their motion to quash.[8]

The respondent court, in its assailed order dated October 24, 1975, quashed the information for failure to conform substantially to the prescribed form[9] under Sec. 3 (d) Rule 117, specifically the failure to state the name of the offended party as embodied in Sec. 11, Rule 110 of the Old Rules of Criminal Procedure.

In quashing the information, respondent judge reasoned that the prosecuting fiscal's categorical admission that the state and not Aluk Logging Corp. was the offended party was fatal to the information. Such admission by the fiscal deviated from the allegations of the information which affected not only its form but also its substance. The court held that such a defect in the designation of the name of the offended party could not be cured by mere amendment in view of another claim by one of the accused, Ramon S. Reyes, as the duly registered timber licensee.[10]

As an additional reason for the quashal, the trial court also observed that Aluk Logging Corp. was not a duly registered partnership or corporation and proceeded to conclude that, necessarily, it had no capacity to become a lessee nor be a registered holder of any timber license.[11]

Hence, this petition.

Before us, petitioner assigns the following errors, to wit:

I

The respondent court erred in ruling that the information filed against the private respondents in Criminal Case No. 380 of the Court of First Instance of Quezon, Branch V, does not charge an offense for failure to cite the State as offended party and complainant.

II

The respondent Court erred in quashing the information on the basis of the said alleged defect.

The resolution of this case hinges on the determination of whether or not the information for qualified theft properly charges an offense due to its failure to allege the proper offended party therein.

As early as 1916, this Court in the case of *U.S. v. Pablo*,^[12] said:

"The right of prosecution and punishment for a crime is one of the attributes that by a natural law belongs to the sovereign power instinctively charged by the common will of the members of society to look after, guard and defend the interests of the community, the individual and social rights and the liberties of every citizen and the guaranty of the exercise of his rights."

From this decision, we deduce that all criminal actions must be commenced either by a "complaint or information in the name of the People of the Philippines against all persons who appear to be responsible for the offense involved."^[13] Thus, while the offended party is authorized to initiate proceedings, the prosecution is required to be in the name of the People of the Philippines whose peace, in legal theory, has been breached.

In the present case, the above rule was complied with when the criminal action for qualified theft under Presidential Decree No. 330 was instituted by the provincial fiscal in the name of the People of the Philippines.^[14]

Despite such compliance with the rules, the lower court found the information to be defective in form and substance because "nowhere in the information is cited any damage or prejudice caused to the State." The lower court reasoned out that since the fiscal admitted that it is the State which is the actual offended party and not Aluk Logging Corporation (or Operation) as alleged in the information, the evidence of the prosecution would be at variance with the allegations in the information.^[15]

This reasoning cannot be sustained.

Again what is important, as required by the Rules, is that "in criminal action the complaint or information shall be in writing in the name of the People of the Philippines x x x."^[16] The rules do not require that the State be specifically mentioned in the body of the information as an offended party. It is sufficient that the People of the Philippines appear in the caption of the information to emphasize that penal laws of the State have been violated. For indeed, a crime is an offense against the State.

Proceeding now to the main issue, we rule that it was error for the lower court to dismiss the information. The information was already sufficient in form and substance. The argument that it was fatal for the prosecution not to have alleged the State as the offended party is without merit for in the case of *Sayson v. People*,^[17] in construing Sec. 11 of Rule 110 (now Sec. 12, Rules of Court of the 1985 Rules on Criminal Procedure), we have clearly held that in offenses against property, the designation of the name of the offended party is not absolutely indispensable as long as the criminal act charged in the complaint or information can be properly identified.^[18]

Indeed, the crime of qualified theft under Presidential Decree No. 330 was described with particularity in the information as to properly identify the offense charged. Hence, the erroneous allegation as to the person injured is deemed immaterial as the same is a mere formal defect which does not tend to prejudice any substantial right of the defendant.^[19]

On the other hand, the amendment sought by herein petitioner changing the word "Corporation" to "Operation" such that "Aluk Logging Corporation" would read "Aluk Logging Operation" is merely formal. Even private respondents alternately used the words "corporation" and "operation" in their pleadings.^[20] Thus, it was not surprising that this formal defect was glossed over by the lower court.

WHEREFORE, the Order dated October 24, 1975 is hereby REVERSED and SET ASIDE and the case is REMANDED to the lower court for immediate disposition on the merits.

SO ORDERED.

Gutierrez, Jr., (Chairman), Feliciano, Bidin, and Davide, Jr., JJ., concur.

[1] Penned by Judge Delia P. Medina.

[2] Entitled, "Penalizing Timber Smuggling or Illegal Cutting of Logs from Public Forests and Forest Reserves as Qualified Theft."

[3] Rollo, pp. 14-15.

[4] Ibid, p. 6.

[5] Rollo, pp. 16-18.

[6] Ibid, pp. 19-20.

[7] Rollo, p. 20.

[8] Ibid, pp. 21-23.

[9] Ibid, pp. 24-28.

[10] Ibid, pp. 25-28.

[11] Rollo, pp. 25-28.

[12] 35 Phil. 94 at 100.

[13] Sec. 2, Rule 110, 1985 Rules on Criminal Procedure.

[14] Rollo, pp. 14-15.

[15] Rollo, pp. 26-27.

[16] Sec. 2, Rule 110, 1985 Rules on Crim. Procedure.

[17] G.R. No. L-51745, October 28, 1988, 166 SCRA 680.

[18] "Section 12. Name of the offended party. -

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(a) In cases of offenses against property, if the name of the offended party is unknown, the property subject matter of the offense, must be described with particularity as to properly identify the particular offense charged.

(b) If in the course of the trial, the true name of the person against whom or against whose property the offense was committed is disclosed or ascertained, the court must cause the true name to be inserted in the complaint or information or record.

x x x x x x x x"

[19] U.S. v. Kepner, 1 Phil. 519 (1902).

[20] Brief of respondents, p. 9.

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