

## PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. MARTIN S. VILLARAMA, JR., AND JAIME MANUEL, RESPONDENTS.

*G.R. No. 99287. June 23, 1992*

Ponente: MEDIALDEA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-99287/>

---

### MEDIALDEA, J.:

This petition for certiorari seeks to reverse the decision and the Order of the Regional Trial Court, National Capital Region at Pasig, Metro Manila dated February 25 and March 13, 1991, respectively in Criminal Case No. 1345-D entitled "People of the Philippines v. Jaime Manuel y Ohide" for violation of Section 16, Article 111, RA 6425, as amended.

Briefly, the antecedent facts of the case are as follows:

On August 24, 1990, Jaime Manuel y Ohide was charged with violation of Section 16, Republic Act No. 6425, as amended. The penalty prescribed in the said section is imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos. The information against him reads:

"That on or about the 21st day of August, 1990, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without the corresponding license or prescription did then and there willfully, unlawfully and feloniously have in his possession, custody and control 0.08 grams of Methamphetamin Hydrochloride (Shabu) wrapped with an aluminum foil, which is a regulated drug.

"CONTRARY TO LAW." (p. 15, Rollo)

During the arraignment, the accused entered a plea of not guilty. Thereafter, trial ensued. On November 21, 1990, the prosecution rested its case. On January 9, 1991, counsel for private respondent verbally manifested in open court that private respondent was willing to change his former plea of 'not guilty' to that of 'guilty' to the lesser offense of violation of Section 17, R.A. No. 6425, as amended. The said section provides a penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler who violates or fails to keep the records required under Section 25 of the Act; if the violation or failure involves a regulated drug. That same day, the respondent Judge issued an order (annex "B," p. 17, Rollo) directing private respondent to secure the consent of the prosecutor to the change of plea, and set the promulgation of decision on January 30, 1991. On January 30, 1991, respondent Judge postponed the promulgation of the decision to February 18, 1991 to give private respondent another opportunity to secure the consent of the prosecutor. Also, on the said date, the private respondent filed his Request to Plead Guilty to a Lesser Offense. On February 18, 1991, respondent Judge issued another order (Annex "D" p. 19, Rollo) postponing the promulgation of decision to February 25, 1991 to give private respondent further opportunity to secure the consent of the prosecutor. On February 20, 1991, the prosecutor filed his Opposition to the Request to Plead Guilty to a Lesser Offense (annex "E," p. 20, Rollo) on the grounds that: (1) the prosecution already rested its case on November 21, 1990; (2) the

possibility of conviction of private respondent of the crime originally charged was high because of the strong evidence of the prosecution; and (3) the valuable time which the court and the prosecutor had expended would be put to waste. On February 21, 1991, private respondent filed his Reply to Opposition with Leave of Court to Plead Guilty to a Lesser Offense (annex F, p. 21, Rollo), alleging therein, among other matters, that the Rules on Criminal Procedure does not fix a specific period within which an accused is allowed to plead guilty to a lesser offense. Subsequently, on February 25, 1991, respondent Judge rendered a decision granting the accused's motion, to wit:

"It may well be appropriate at this time to state that the accused is not availing of the 'voluntary plea of guilt' as a mitigating circumstance envisioned under Article 13, paragraph 7 of the Revised Penal Code. The accused simply wants to avail of Section 2, Rule 116 of the Rules. As pointed out by Atty. Fernando Fernandez of the PAO, there is nothing in the said provision which requires that the same be availed of prior to the presentation of the evidence for the prosecution. It is conceded though, as pointed out by the prosecution, that such is a waste of time on the part of the Office of the Provincial Prosecutor and of the Court, nonetheless, this Court, having in mind Section 2 of Rule 1 which provides that the rules shall be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy and inexpensive determination of every action and proceeding and also for humanitarian considerations, hereby APPROVES and GRANTS the Motion at bar.

"Moreover, such an admission of guilt by the accused indicates his submission to the law and a moral disposition on his part to reform. (Vide: People vs. Coronel, G.R. No. L-19091, June 30, 1966)

"Let it be made of record however that the Court is not putting a premium on the change of heart of the accused in mid-stream.

"WHEREFORE, finding the accused JAIME MANUEL Y CHIDE @ Manny guilty beyond reasonable doubt of the crime of violation of Section 17, Article III, Republic Act No. 6425, as amended, he is hereby sentenced to a straight prison term of two (2) years and one (1) day of prison correctional, to pay a fine of Two Thousand Pesos (P2,000.00) with subsidiary imprisonment in case of insolvency and to pay the costs.

"In the service of his sentence, the accused shall be credited in full with the period of his preventive imprisonment.

"Pursuant to Section 20, Article IV of Republic Act No. 6425, as amended, let the 0.08 grams of methamphetamine hydrochloride (shabu) subject matter of this case be confiscated and forfeited in favor of the Government and be turned over to the Dangerous Drugs Board Custodian, NBI, to be disposed of according to law.

"SO ORDERED." (Rollo, pp. 24-25)

Forthwith, the prosecutor filed a Motion for Reconsideration of the aforestated decision but the same was denied in the order of March 13, 1991, which states:

"It is the considered view of this Court that Section 2, Rule 116 of the Rules should not be interpreted to the letter in 'victimless crimes' such as this case, possession of regulated drugs, which is more of a 'social disease' case so to speak and in the light of (the) provision itself that 'with the consent of the offended party and the fiscal.' Is the fiscal the offended party?

"Moreover as the records show, the Office of the Provincial Fiscal has not been very consistent on this 'lesser offense plea' thing. It would perhaps be in consonance with justice that a guideline be laid down by the said Office, if only to apprise the public, the Court and the accused on when said consent is to be given by the fiscal as a matter of course and when it will be withheld. For to leave the same undefined is in the mind of this Court, not conducive to a 'just, speedy and inexpensive determination of every action and proceeding.

"SO ORDERED." (Rollo, pp. 41-42)

Hence, this petition raising the following issues:

"I. WHETHER OR NOT RESPONDENT JUDGE ERRED IN GRANTING PRIVATE RESPONDENT'S REQUEST TO PLEAD GUILTY TO A LESSER OFFENSE BECAUSE THE REQUEST WAS FILED OUT OF TIME AND THE CONSENT THERETO OF THE PROSECUTOR AND THE OFFENDED PARTY WAS NOT OBTAINED.

"II. WHETHER OR NOT RESPONDENT JUDGE ERRED IN CONVICTING PRIVATE RESPONDENT OF THE LESSER OFFENSE OF VIOLATION OF SECTION 17, REPUBLIC ACT NO. 6425, AS AMENDED, INSTEAD OF THE OFFENSE ORIGINALLY CHARGED OF VIOLATION OF SECTION 16 OF THE SAME LAW, IN VIEW OF THE ABSENCE OF A VALID CHANGE OF PLEA." (Rollo, pp. 74--75)

In the resolution of January 20, 1992, We issued a temporary restraining order to enjoin the respondent Judge from enforcing the questioned judgment in the aforesaid criminal case (Rollo, p. 86).

The petition is meritorious.

Plea bargaining in criminal cases, is a process whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval (see Black Law Dictionary, 5th Ed., 1979, p. 1037). It usually involves the defendant's pleading guilty to a lesser offense or to only one or some of the counts of a multi-count indictment in return for a lighter sentence than that for the graver charge (*ibid*). Ordinarily, plea-bargaining is made during the pre-trial stage of the criminal proceedings. However, the law still permits the accused sufficient opportunity to change his plea thereafter. Thus, Rule 116 of the Rules of Court, Section 2 thereof, provides:

"Sec. 2. Plea of guilty to a lesser offense. -- The accused, with the consent of the offended party and the fiscal, may be allowed by the trial court to plead guilty to a lesser offense, regardless of whether or not it is necessarily included in the crime charged, or is cognizable by a court of lesser jurisdiction than the trial court. No amendment of the complaint or information is necessary.

"A conviction under this plea, shall be equivalent to a conviction of the offense charged for purposes of double jeopardy."

However, the acceptance of an offer to plead guilty to a lesser offense under the aforequoted rule is not demandable by the accused as a matter of right but is a matter that is addressed entirely to the sound discretion of the trial court (*Manuel v. Velasco, et al.*, G.R. No. 94732, February 26, 1991, En Banc Resolution).

In the case at bar, the private respondent (accused) moved to plead guilty to a lesser offense after the prosecution had already rested its case. In such situation, jurisprudence has provided the trial court and the Office of the Prosecutor with a yardstick within which their discretion may be properly exercised. Thus, in *People v. Kayanan* (L-39355, May 31, 1978, 83 SCRA 437, 450), We held that the rules allow such a plea only when the prosecution does not have sufficient evidence to establish the guilt of the crime charged. In his concurring opinion in *People v. Parohinog* (G.R. No. L-47462, February 28, 1980, 96 SCRA 373, 377), then Justice Antonio Barredo explained clearly and tersely the rationale of the law:

"x x x (A)fter the prosecution had already rested, the only basis on which the fiscal and the court could rightfully act in allowing the appellant to change his former plea of not guilty to murder to guilty to the lesser crime of homicide could be nothing more nothing less than the evidence already in the record. The reason for this being that Section 4 of Rule 118 (now Section 2, Rule 116) under which a plea for a lesser offense is allowed was not and could not have been intended as a procedure for compromise, much less bargaining."

As evident from the foregoing, the trial court need not wait for a guideline from the Office of the Prosecutor before it could act on the accused's motion to change plea. As soon as the fiscal has submitted his comment whether for or against the said motion, it behooves the trial court to assiduously study the prosecution's evidence as well as all the circumstances upon which the accused made his change of plea to the end that the interests of justice and of the public will be served. A reading of the disputed rulings in this case failed to disclose the strength or weakness of the prosecution's evidence. Apparently, the judgment under review dwelt solely on only one of the three objections (i.e. waste of valuable time already spent by the court and prosecution) interposed by the Fiscal which was the least persuasive. It must be recalled that the other two grounds of objection were that the prosecution had already rested its case and that the possibility of conviction of the private respondent of the crime originally charged was high because of the strong evidence of the prosecution. Absent any finding on the weight of the evidence in hand, the respondent judge's acceptance of the private respondent's change of plea is improper and irregular.

The counsel for the private respondent argues that only the consent of the fiscal is needed in crimes involving violation of RA 6425 as amended because there is no offended party to speak of and that even the latter's consent is not an absolute requirement before the trial court could allow the accused to change his plea.

We do not agree. The provision of Section 2, Rule 116 is clear. The consent of both the Fiscal and the offended party is a condition precedent to a valid plea of guilty to a lesser offense (see *Manuel v. Velasco, et al.*, supra, p. 6). The reason for this is obvious. The Fiscal has full control of the prosecution of criminal actions (*Cinco, et al. v. Sandiganbayan, et al.*, G.R. Nos. 92362-67, October 15, 1991). Consequently, it is his duty to always prosecute the proper offense, not any lesser or graver one, when the evidence in his hands can only sustain the former (see *People v. Parohinog*, supra, concurring opinion of then Justice Barredo, p. 377; also *Vda. de Bagatua, et al. v. Revilla, et al.*, 104 Phil. 393, 395-396).

It would not also be correct to state that there is no offended party in crimes under RA 6425 as amended. While the acts constituting the crimes are not wrong in themselves, they are made so by law because they infringe upon the rights of others. The threat posed by drugs against human dignity and the integrity of society is malevolent and incessant (*People v. Ale*, G.R. No. 70998, October 14, 1986, 145 SCRA 50, 58). Such pernicious effect is felt not only by the addicts themselves but also by their families. As a result, society's survival is endangered because its basic unit, the family, is the ultimate victim of the drug menace. The state is, therefore, the offended party in this case. As guardian of the rights of the people, the government files the criminal action in the name of the People of the Philippines. The Fiscal who represents the government is duty bound to defend the public interests, threatened by crime, to the point that it is as though he were the person directly injured by the offense (see *United States v. Samio*, 3 Phil. 691, 696). Viewed in this light, the consent of the offended party, i.e. the state, will have to be secured from the Fiscal who acts in behalf of the government.

Lastly, the counsel for the private respondent maintains that the private respondent's change of plea and his conviction to the lesser offense of violation of Section 17, RA No. 6425 as amended is no longer open to review otherwise his constitutional right against double jeopardy will be violated.

Such supposition has no basis. The right against double jeopardy given to the accused in Section 2, Rule 116 of the Rule of Court applies in cases where both the fiscal and the offended party consent to the private respondent's change of plea. Since this is not the situation here, the private respondent cannot claim this privilege. Instead, the more pertinent and applicable provision is that found in Section 7, Rule 117 which states:

"SEC. 7. Former conviction or acquittal; double jeopardy. --

x x x.

However, the conviction of the accused shall not be a bar to another prosecution for an offense which necessarily includes the offense charged in the former complaint or information under any of the following instances:

(a) x x x;

(b) x x x;

(c) the plea of guilty to the lesser offense was made without the consent of the Fiscal and of the offended party;

x x x."

Under this rule, the private respondent could still be prosecuted under the original charge of violation of Section 16 of RA 6425 as amended because of the lack of consent of the Fiscal who also represents the offended party, i.e., the state. More importantly, the trial court's approval of his change of plea was irregular and improper.

ACCORDINGLY, the petition is hereby GRANTED. The judgment and order of the Regional Trial Court, National Capital Region at Pasig, Branch 156 dated February 25 and March 13, 1991, respectively in Criminal Case No. 1345-D (People v. Manuel y Ohide) are REVERSED and SET ASIDE. The said criminal case is hereby remanded to the trial court for continuation of trial on the original charge of violation of Section 16 of Republic Act No. 6425 as amended. The temporary restraining order issued in this case is made permanent. No costs.

**SO ORDERED.**

Cruz, (Chairman), Grino-Aquino, and Bellosillo, 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.