

****Title:**** The People of the Philippines vs. Hon. Francisco De La Rosa and Berti Hildegard Edery (GR No. L-33465)

****Facts:****

On October 8, 1968, Berti Hildegard Edery arrived at the Manila International Airport with 28 pieces of gold bars concealed in her vest. She allegedly made false statements and omissions to customs officials to avoid declaring the gold bars and the corresponding duties and taxes. Edery was charged with violating Section 3602 of the Tariff and Customs Code (Republic Act No. 1937). The initial and amended informations against her were filed on December 23, 1968 and January 20, 1969 respectively.

On January 10, 1969, Edery moved to quash the information, arguing that the facts did not constitute an offense. The prosecution opposed this motion, leading to a hearing where both sides presented evidence and admissions. On February 12, 1969, the Rizal Court of First Instance granted the motion to quash, finding that the acts did not constitute an offense in light of Edery's status as a transient tourist. A motion for reconsideration was filed by the petitioner on February 14, 1969, which was opposed by Edery and subsequently denied on June 14, 1971. The prosecution appealed to the Supreme Court.

****Issues:****

1. Did the facts alleged in the information constitute an offense under Philippine law?
2. Was it proper for the trial court to consider evidence and admissions beyond the information in resolving the motion to quash?

****Court's Decision:****

The Supreme Court upheld the lower court's decision to quash the information.

1. ****Allegations Did Not Constitute an Offense****: The Supreme Court agreed with the trial court's finding that the allegations, combined with the admitted and undisputed facts, did not establish an offense. Edery's status as a transient tourist exempted her from the usual customs declarations under Executive Order No. 408. Thus, her actions did not equate to the illegal importation of the gold bars or defraud customs duties.
2. ****Considering Evidence Beyond the Information****: The Supreme Court held that it was appropriate for the trial court to consider additional facts and evidence during the hearing on the motion to quash. This was in line with jurisprudence, particularly *People vs. Navarro*, which allows admitted facts even if not mentioned in the information to support a motion to quash.

****Doctrine:****

The decision reaffirms the principle that courts can consider admitted facts and additional evidence beyond the information when resolving a motion to quash if such facts demonstrate that no offense has been committed. This ensures justice is served without unnecessary trials.

****Class Notes:****

- ****Section 3602, Tariff and Customs Code****: Addresses the illegal importation and customs fraud.
- ****Rule 117, Section 6, Rules of Court****: Allows factual issues raised on a motion to quash to be resolved by the court.
- ****People vs. Navarro****: Courts can consider undisputed facts and evidence beyond the information in a motion to quash.
- ****Executive Order No. 408****: Exempts certain tourists from customs declarations for brief stays.

****Historical Background:****

The case reflects ongoing efforts in the 1960s and early 1970s to balance strict customs enforcement with facilitating international tourism. Executive Order No. 408, issued by President Carlos P. Garcia, was part of a broader strategy to promote tourism by simplifying entry procedures and reducing bureaucratic hurdles for foreign visitors. This context underscored the judicial leniency towards transient tourists and the application of customs laws.