I. Initiation and Institution of Criminal Actions

Rule 110 defines how and where a criminal case begins.

- **Institution (Section 1):** Criminal actions are instituted by filing a complaint with the proper officer for preliminary investigation (for offenses requiring it) or by filing the complaint/information directly with the court or prosecutor's office for other offenses. In Manila and chartered cities, cases must generally be filed with the office of the prosecutor.

- **Effect on Prescription:** The institution of a criminal action interrupts the running period of prescription for the offense unless a special law provides otherwise. While the Rules suggest filing with the prosecutor tolls prescription, special laws (like Act No. 3326) may require the institution of "judicial proceedings" for ordinances and specific special acts.

II. The Accusation: Complaint and Information

Rule 110 distinguishes between two types of initiatory pleadings:

- **Complaint (Section 3):** A sworn written statement charging a person with an offense, subscribed by the offended party, a peace officer, or a public officer charged with enforcing the law.

- **Information (Section 4):** An accusation in writing subscribed by the prosecutor and filed with the court. Unlike a complaint, it does not need to be under oath as the prosecutor acts under the oath of office.

- **Form (Section 2):** Both must be in writing, in the name of the "People of the Philippines," and against all persons responsible for the offense.

III. Who Must Prosecute and Control (Section 5)

- **Direction and Control:** All criminal actions are prosecuted under the direction and control of the public prosecutor. This ensures that the representative of the State, rather than private individuals, dictates the course of the case to prevent malicious or unfounded suits.

- **Private Offended Party Intervention (Section 16):** An offended party may intervene through counsel to protect their civil interest, provided the civil action has not been waived or reserved.

- **"Private" Crimes:** Specific offenses like adultery, concubinage, seduction, abduction, acts of lasciviousness, and certain defamations cannot be prosecuted *de officio*; they require a complaint filed specifically by the offended party or designated relatives.

IV. Sufficiency and Specificity (Sections 6–13)

A complaint or information is considered sufficient only if it clearly apprises the accused of the nature and cause of the accusation. It must state:

- **Name of the Accused:** Must include the name/surname or nickname; if unknown, a fictitious name with a statement that the true name is unknown must be used.

- **Designation of Offense (Section 8):** Must state the name given by the statute and the acts or omissions constituting the offense, including qualifying and aggravating circumstances.

- **Cause of Accusation (Section 9):** Facts must be stated in ordinary and concise language so a person of common understanding can know the charge.

- **Place and Date (Sections 10–11):** Must state the approximate date and the place of commission to establish the court's jurisdiction.

- **Duplicity of Offense (Section 13):** A complaint or information must charge only one offense, except when the law prescribes a single punishment for various offenses.

V. Venue, Amendment, and Substitution

- **Venue (Section 15):** As a jurisdictional element, the action must generally be tried in the court of the municipality or territory where the offense was committed or where any of its essential ingredients occurred.

- **Amendment and Substitution (Section 14):**

  - **Before Plea:** A complaint/information can be amended in form or substance without leave of court.

  - **After Plea:** Only formal amendments that do not prejudice the rights of the accused are allowed, and only with leave of court.

  - **Substitution:** Occurs when it appears before judgment that a mistake was made in charging the proper offense, requiring a new information to be filed while dismissing the original, provided double jeopardy does not attach.

Jadewell Parking Systems Corporation v. Hon. Judge Nelson F. Lidua Sr., et al.

G.R. No. 169588

October 7, 2013

Facts:

Petitioner Jadewell Parking Systems Corporation is a private operator authorized to manage parking spaces in Baguio City and to immobilize illegally parked vehicles using clamps pursuant to City Ordinance 003-2000. On May 7 and May 17, 2003, respondents whose cars were clamped allegedly forcibly removed the clamps and took them away without paying the parking fines and declamping fees. On May 23, 2003, Jadewell filed Affidavit-Complaints for Robbery against the respondents with the Office of the City Prosecutor of Baguio City. On July 25, 2003, the Prosecutor found no probable cause for Robbery (due to lack of intent to gain), but did find probable cause against respondents for violating Section 21 of Baguio City Ordinance No. 003-2000. Consequently, criminal Informations were filed with the Municipal Trial Court (MTC) of Baguio City in October 2003. Respondents filed a Motion to Quash on the ground of prescription. They argued that under Act No. 3326, violations of municipal ordinances prescribe after two months, and since the offenses happened in May, the filing of the Information in October meant the criminal liability was already extinguished. The MTC and later the Regional Trial Court (RTC) dismissed the cases on the ground of prescription, ruling that the prescriptive period is halted only by the filing of the Information in court. Jadewell appealed, arguing that the filing of the complaint with the City Prosecutor back on May 23, 2003, effectively tolled (paused) the two-month prescription period.

Issue:

Whether the filing of the complaint with the Office of the City Prosecutor tolls the prescription period of the offense, or whether Section 1 of Rule 110 of the Rules of Criminal Procedure (which states that filing a complaint with the prosecutor's office interrupts prescription) applies to violations of city ordinances.

Ruling:

No.

The Supreme Court held that the filing of the complaint with the Office of the City Prosecutor did not toll the prescription period. Because the respondents were charged with violating a city ordinance, the case is exclusively governed by the 1991 Revised Rules on Summary Procedure rather than the general Rules on Criminal Procedure. Under Section 9 of the Rules on Summary Procedure and established jurisprudence (Zaldivia v. Reyes), the running of the prescriptive period is halted only on the date the case is actually filed in court, not on any date prior to that. Therefore, the filing of the Information in court is necessary to interrupt the period. If there is a conflict between the Rule on Summary Procedure and Section 1 of Rule 110 of the Rules on Criminal Procedure, the Rule on Summary Procedure prevails as the special law. Furthermore, Rule 110 must yield to Act No. 3326 (which dictates the two-month prescription period for ordinances) because the Supreme Court cannot use procedural rules to diminish or modify substantive rights; prescription in criminal cases is a substantive right.Since the offenses were committed and discovered in May 2003, the petitioner only had two months to file the Information with the Municipal Trial Court. Because the informations were filed on October 2, 2003, the period had already prescribed, and the cases were validly dismissed.

People of the Philippines v. Ulysses Palconit Consebido

G.R. No. 258563

April 2, 2025

Facts:

The case was filed by the People of the Philippines against the respondent, Ulysses Palconit Consebido, who was doing business under the name Seven Digit Construction and Supplies. On January 30, 2014, Bureau of Internal Revenue (BIR) officers filed a Joint Complaint-Affidavit with the Department of Justice (DOJ), charging the respondent with Willful Failure to File a Quarterly Value-Added Tax (VAT) Return for the third quarter of 2008. This charge stemmed from payments the respondent received from the Provincial Government of Palawan for infrastructure projects. An Information was later filed before the Court of Tax Appeals (CTA) on March 18, 2019, alleging that the respondent failed to file his return due on October 25, 2008, resulting in a basic deficiency of PHP 4,184,566.10. The petitioner argued that the action had not yet prescribed, contending that under Section 281 of the 1997 National Internal Revenue Code (NIRC), the prescriptive period only began upon the discovery of the violation, and that the filing of the complaint with the DOJ for preliminary investigation legally interrupted the running of the prescriptive period. On the other hand, the respondent argued that the prescriptive period cannot commence and be interrupted at the exact same time by the institution of judicial proceedings, maintaining that the action had already prescribed.

Issue:

Whether the prosecution of the offense against the respondent is barred by prescription, considering the rules on the institution of criminal actions and the tolling of prescriptive periods.

Ruling:

Yes, the prosecution of the offense is barred by prescription.

The Supreme Court clarified that the filing of a criminal complaint before the DOJ for preliminary investigation indeed tolls the running of the prescriptive period for offenses under the 1997 NIRC. However, the five-year prescriptive period for NIRC violations generally begins to run from the day of the commission of the violation, and the "Discovery Rule" only applies if the violation could not be known at the time of its commission. The Court held that the Discovery Rule is inapplicable in this case because the BIR had reasonable means to ascertain that the offense was committed. Since the respondent was a government contractor subject to mandatory electronic filing, and the Provincial Government of Palawan was required by law to withhold and remit VAT on his payments, the BIR could have easily discovered that he failed to file his VAT return on the October 25, 2008 deadline. Consequently, the prescriptive period began to run on October 25, 2008, meaning the complaint should have been filed with the DOJ no later than October 25, 2013. Because the Joint Complaint-Affidavit was only filed on January 30, 2014, the offense had already prescribed long before the criminal proceedings were instituted.

Isabelita Reodica v. Court of Appeals and People of the Philippines

G.R. No. 125066

July 8, 1998

Facts:

The petition for review was filed by petitioner Isabelita Reodica against the respondents, the Court of Appeals and the People of the Philippines, stemming from a complaint initially filed by Norberto Bonsol. On October 17, 1987, Reodica was driving a van that allegedly hit Bonsol's car due to her recklessness, which caused Bonsol to suffer slight physical injuries and resulted in damage to his car amounting to P8,542.00. Consequently, an Information was filed before the Regional Trial Court (RTC) of Makati charging Reodica with a single crime of "Reckless Imprudence Resulting in Damage to Property with Slight Physical Injury". The RTC convicted her and sentenced her to six months of arresto mayor, and the Court of Appeals later affirmed this decision. Reodica argued that the RTC lacked jurisdiction over light offenses, that the trial court erred in "complexing" two separate light offenses into a single excessive penalty, and that her criminal liability for slight physical injuries had already prescribed because the information was filed nearly three months after the incident. On the other hand, the respondents, represented by the Office of the Solicitor General, argued that the trial court properly complexed the crimes to prevent splitting the prosecution of a single negligent act, that the RTC possessed jurisdiction due to the higher imposable fine for the property damage, and that the prescriptive period was validly interrupted when the complaint was filed with the fiscal's office three days after the collision.

Issue:

Whether the charge of reckless imprudence resulting in both slight physical injuries and damage to property violates the rule against duplicity of offenses in a single information under the rules on the prosecution of offenses (Rule 110), and whether the accused can question this duplicity for the first time on appeal.

Ruling:

Yes, charging both offenses in a single information is duplicitous and erroneous, but no, the defect can no longer be raised for the first time on appeal.The Supreme Court ruled that under Article 48 of the Revised Penal Code, a complex crime exists only when a single act constitutes two or more grave or less grave felonies. Since reckless imprudence resulting in slight physical injuries is considered a light felony (punishable by public censure), it cannot be complexed with reckless imprudence resulting in damage to property, which is a less grave felony. Because they do not legally form a complex crime, they remain separate offenses that should have been charged in separate informations.However, regarding the rules on the prosecution of offenses, the Supreme Court held that Reodica waived her right to assail the duplicitous character of the information (charging two separate offenses in one information) because she failed to object by filing a motion to quash before she entered her plea during arraignment.Despite this waiver, the Supreme Court ultimately ruled in favor of the petitioner and dismissed the criminal case because the Regional Trial Court lacked jurisdiction to hear it in the first place. Under Batas Pambansa Blg. 129, the penalties for both offenses fell squarely under the exclusive original jurisdiction of the Metropolitan and Municipal Trial Courts, rendering the RTC's decision void.

State Prosecutor Ringcar B. Pinote v. Judge Roberto L. Ayco

A.M. No. RTJ-05-1944

December 13, 2005

Facts:

The administrative case for Gross Ignorance of the Law, Grave Abuse of Authority, and Serious Misconduct was filed by State Prosecutor Ringcar B. Pinote against Judge Roberto L. Ayco. The dispute arose during Criminal Case No. 1771 TB when Judge Ayco allowed the defense to present two witnesses on August 13 and 20, 2004, despite the absence of Prosecutor Pinote, who was undergoing medical treatment at the time. Pinote argued that the proceedings conducted in his absence were void, refused to cross-examine the witnesses, and prayed that their testimonies be stricken off the record. In his defense, Judge Ayco argued that the prosecution waived its right to cross-examine the witnesses due to Pinote's failure to formally offer evidence or inform the court of his absence. Judge Ayco further argued that his actions were justified to uphold the accused's right to a speedy disposition of the case and claimed Pinote filed the complaint merely to cover up his own incompetence.

Issue:

Whether Judge Ayco violated Section 5, Rule 110 of the Revised Rules of Criminal Procedure on the prosecution of offenses by allowing the presentation of defense witnesses in the absence of the public prosecutor.

Ruling:

Yes. Under Section 5, Rule 110 of the Revised Rules of Criminal Procedure, all criminal actions shall be prosecuted under the direction and control of the public prosecutor, or an authorized private prosecutor if circumstances require. The Supreme Court ruled that a public prosecutor's presence during the trial of criminal cases is absolutely necessary to protect vital state interests and vindicate the rule of law. Judge Ayco's decision to allow the defense to present witnesses in the absence of the prosecutor was a clear transgression of the Rules, and this error could not be rectified by simply offering the prosecution a belated chance to cross-examine the witnesses later. While the judge's intention to uphold the accused's right to a speedy disposition was noble, the State is equally entitled to due process, meaning the breach of the Rules cannot be justified. Consequently, Judge Ayco was fined ₱5,000.00 for his disregard of the Rules.

People of the Philippines vs. Felipe Sangil y Velisario

G.R. No. 91158

May 8, 1992

Facts:

The case was filed by the victim-complainant, Joselyn Sangil, assisted by the Assistant Provincial Prosecutor, against the respondent-accused, Felipe Sangil y Velisario, who is her biological father. In September 1983, when Joselyn was 13 years old, she was awakened at midnight by her father removing her underwear. Despite her efforts to push him away, she was overpowered, threatened with death, and forcibly deflowered. Her father raped her a second time in November 1984, again under the threat of death if she told anyone. The abuse remained a secret due to her father's cruel nature until her sister Alicia became pregnant and revealed their father was responsible. This revelation led to the discovery that the accused had also raped his other daughters, Araceli and Lourdes. On January 29, 1989, Joselyn executed a "Sinumpaang Salaysay" before the police, explicitly accusing her father of raping her in September 1983 and November 1984. However, on February 2, 1989, she signed a formal criminal complaint in English before a Municipal Judge that only cited the rape committed in November 1984. An information was subsequently filed by the prosecutor charging the accused with rape committed in September 1983. After the trial court convicted the accused, he appealed and argued that the trial court never acquired jurisdiction over the case. He contended that because the formal English criminal complaint signed by the offended party only alleged the November 1984 rape, he could not be legally prosecuted for or convicted of the September 1983 rape.

Issue:

Whether the jurisdictional requirement for the prosecution of offenses under Section 5, Rule 110 of the Rules on Criminal Procedure—which states that rape shall not be prosecuted except upon a complaint filed by the offended party—was satisfied to give the trial court jurisdiction over the September 1983 rape charge.

Ruling:

Yes. The Supreme Court ruled that the jurisdictional requirement under Section 5, Rule 110 of the 1985 Rules on Criminal Procedure was satisfied. The information charging the September 1983 rape was validly based on Joselyn's initial "Sinumpaang Salaysay," wherein she categorically stated that she was raped twice by her father, specifically mentioning the September 1983 incident. The Court explained that the phrase "complaint filed by the offended party" should be given a liberal or loose interpretation—meaning a "charge, allegation, grievance, accusation or denunciation"—rather than a strict legal construction. This liberal approach is necessary because offended parties are often unschooled in the law, and the core purpose of the complaint under Rule 110 is merely to initiate or commence the prosecution. When read together, the victim's vernacular "sinumpaang salaysay" and the formal English "complaint" complement each other to satisfy the legal definition of a complaint. The Court refused to disregard her initial statement just because it lacked a formal oath before a judge, noting that doing so would suppress her anguished cry for redress. Consequently, the Court affirmed the conviction but modified the penalty to reclusion perpetua, as it is the correct designation of the penalty under the Revised Penal Code.

PEOPLE OF THE PHILIPPINES vs. HON. RICARDO M. ILARDE, CECILE SANTIBAÑEZ and AVELINO T. JAVELLANA

G.R. No.: L-58595

October 10, 1983

Facts:

The petition for review was filed by the People of the Philippines against the respondents, Hon. Ricardo M. Ilarde (Presiding Judge), Cecile Santibañez, and Avelino T. Javellana. The private respondents (Cecile and Avelino) filed a motion to quash the information, arguing that the trial court did not acquire jurisdiction over the offense because the offended party had not filed the required complaint pursuant to Article 344 of the Revised Penal Code and Section 4, Rule 110 of the Rules of Court. The case originated when Efraim Santibañez was informed by his son that his wife, Cecile, was having an illicit affair. To confirm this, Efraim devised a plan to catch her red-handed by removing a glass jalousie from their bedroom window so he could see inside. On the night of November 3, 1980, Cecile and Avelino were apprehended inside the master bedroom. The following day, November 4, 1980, Efraim filed a sworn complaint for adultery with the police. He subsequently executed an affidavit-complaint with the City Fiscal, detailing the events and formally charging both his wife and Avelino with adultery. Before the preliminary investigation concluded, Efraim left for the United States for cancer treatment, but not before executing a will disinheriting his wife. Efraim died on February 16, 1981. Despite his death, the City Fiscal filed the information for adultery on March 4, 1981, attaching Efraim's sworn affidavit-complaint as an integral part of the information. The respondent judge granted the respondents' motion to quash and dismissed the case, prompting the prosecution to file this petition.

Issue:

Whether the prosecution of the offense complied with Section 4, Rule 110 of the Rules of Court and Article 344 of the Revised Penal Code, which mandates that the crime of adultery shall not be prosecuted except upon a complaint filed by the offended spouse.

Ruling:

Yes. The Supreme Court ruled that the condition precedent for prosecuting the offense was sufficiently met. The Court explained that the legal requirement under Article 344 was imposed out of consideration for the aggrieved party, who might prefer to suffer in silence rather than endure the scandal of a public trial. In this case, Efraim's desire to seek judicial redress and bring his wife and her paramour to justice was highly evident through his immediate police complaint, his categorical affidavit charging them with adultery, his filing for legal separation, and his act of disinheriting his wife. The Court distinguished this from previous cases by emphasizing that Efraim's affidavit-complaint was not a mere narration of facts, but an explicit and formal charge containing all the elements of a valid complaint (i.e., names of defendants, designation of the offense, acts constituting the offense, name of the offended party, and time/place of commission). Furthermore, because this complaint-affidavit was attached to the information as an integral part thereof and duly filed with the court, it constituted sufficient compliance with the law. Consequently, the Supreme Court set aside the dismissal and directed the respondent judge to proceed with the trial.

Odon Pecho v. People of the Philippines and the Sandiganbayan

G.R. No. 111399

September 27, 1996

Facts:

The case was filed by the petitioner, Odon Pecho, against the respondents, the People of the Philippines and the Sandiganbayan, through a motion for reconsideration. Previously, the Supreme Court modified a Sandiganbayan judgment, acquitting Pecho of violating Section 3(e) of R.A. No. 3019 (because the offense was not consummated) but convicting him of the complex crime of attempted estafa through falsification of official and commercial documents. Pecho argued that convicting him of this complex crime under the Revised Penal Code after being acquitted of the special law violation constituted double jeopardy, and that his conviction was invalidly based on circumstantial evidence. He also argued that being convicted for a crime different from the exact caption in the information violated his constitutional right to be informed of the nature and cause of the accusation against him. The Office of the Solicitor General (OSG) disagreed with the double jeopardy and constitutional arguments, asserting that the information contained the essential ingredients of the complex crime, but the OSG joined Pecho in arguing for his acquittal due to insufficiency of evidence. The facts of the case reveal that Pecho and his co-accused, Joe Catre, were charged as principals. Catre possessed falsified documents, transacted directly with a customs broker named Constantino Calica, and introduced himself as a representative of a fictitious entity called Eversun Commercial Trading. Pecho merely accompanied Catre to the meetings but was not introduced to the broker, did not do any of the talking, and was not shown to have had custody of the forged documents or any hand in the processing of the import entry declaration.

Issue:

Whether an accused can be validly convicted of the complex crime of attempted estafa through falsification of public and commercial documents under an information originally captioned as a violation of Section 3(e) of R.A. No. 3019, aligned with the rules on the prosecution of offenses (Rule 110) regarding the right to be informed of the nature and cause of the accusation.

Ruling:

Yes.

What determines the real nature and cause of the accusation against an accused is the actual recital of facts stated in the information or complaint, in accordance with the rules on the prosecution of offenses under Rule 110, and not the caption or the preamble, which are merely conclusions of law. The Court explained that an accused may be convicted of a crime which, although not the specific one charged in the caption, is necessarily included in it, as there was a valid recital of facts detailing the falsification. Furthermore, because the information practically charged two offenses (violation of R.A. No. 3019 and attempted estafa through falsification) and Pecho failed to object to this duplicity before the trial, he could procedurally be convicted of either offense charged and proved without violating his constitutional rights. However, despite resolving the procedural and constitutional issue in the affirmative, the Supreme Court ultimately reversed the conviction and ACQUITTED Odon Pecho. The Court ruled that the prosecution failed to prove conspiracy beyond a reasonable doubt. The circumstantial evidence showed only that Pecho accompanied his co-accused, Catre, who was the one in possession of the falsified documents and who actively transacted the business. Mere presence or companionship, without proof of an overt act in furtherance of the conspiracy or knowledge of the falsity of the documents, is insufficient to overcome the constitutional presumption of innocence.

PEOPLE OF THE PHILIPPINES vs. MARTIN CAGADAS, JR., MACARIO BARBERO, ROMY TULIO, CORITO PIASIDAD, RENE BALONG, ROBERTO CULTURA and TATOR SALVADOR

G.R. No. 88044

January 23, 1991

Facts:

The murder case was filed by the People of the Philippines against the respondents-appellants, who were members of the Integrated Civil Home Defense Force (ICHDF), namely: Martin Cagadas, Jr., Macario Barbero, Romy Tulio, Corito Piasidad, Rene Balong, Roberto Cultura, and Tator Salvador. During the trial, the respondents argued the defense of alibi, claiming they could not have committed the crime because they were stationed in another ICHDF detachment center or in another location. On appeal, they further argued that the trial court erred in convicting Roberto Cultura because the amended information indicted a certain "Jose" Cultura, not him. On June 6, 1983, the victim, Rex Ballena, encountered the ICHDF members on his way to withdraw money to pay his farm laborers. Rex went missing on his return trip. When his sister and other locals searched for him, they were met by the appellants who dissuaded them from continuing their search. On June 10, 1983, Rex's decomposing body was discovered in a deep ravine with multiple stab wounds, a smashed head, and a slashed throat; his hands were hogtied behind his back, and his mouth was gagged with a red handkerchief. Two eyewitnesses testified that they saw the appellants leading the hogtied and gagged victim toward the river where his corpse was eventually discovered.

Issue:

Whether or not an accused can be validly convicted if the information erroneously designated his first name (i.e., naming Roberto Cultura as "Jose" Cultura in the information).

Ruling:

Yes. The Supreme Court ruled that the erroneous designation of the accused's name in the information will not vitiate it, as it was clearly proven during the trial that the accused, Roberto Cultura, was indeed part of the group that arrested, hogtied, and killed the victim. Furthermore, Cultura did not raise this question regarding his identity during the arraignment. His acquiescence to be tried under the erroneous name "Jose" at that stage of the case is deemed to be a waiver on his part. Therefore, he is precluded from raising the question of his identity as one of the accused for the first time on appeal.

People of the Philippines v. Rolando Solar y Dumbrique

G.R. No. 225595

August 6, 2019

Facts:

The case was filed by the People of the Philippines (Plaintiff-Appellee) against the respondent, Rolando Solar y Dumbrique (Accused-Appellant). The prosecution argued that on March 9, 2008, Rolando and his co-accused, Mark Kenneth Solar, unlawfully attacked and murdered Joseph Capinig by hitting him on the head with a baseball bat, and that the killing was qualified by the circumstances of treachery and abuse of superior strength. On the other hand, Rolando denied the accusation, arguing that it was Joseph who tried to stab him with a kitchen knife and he merely ran away. He further argued during his appeal that his identity as the perpetrator was not proven, that there was no conspiracy, and that the Information filed against him was defective for failing to specify the acts constituting treachery. Based on the facts established during trial, the victim's wife, Ma. Theresa, witnessed Rolando and Mark Kenneth hit her husband with a baseball bat on the nape and gang up on him, causing traumatic brain injuries that led to his death. The Regional Trial Court (RTC) convicted Rolando of Murder. However, the Court of Appeals (CA) downgraded the crime to Homicide, reasoning that the Information merely averred the conclusion of law "with treachery" and failed to sufficiently set forth the specific facts and circumstances describing how treachery attended the killing.

Issue:

Whether the accused can still be convicted of Murder despite the Information's failure to state the specific factual averments of the qualifying circumstance of treachery, which is a requirement for the proper prosecution of offenses under Sections 8 and 9, Rule 110 of the Revised Rules of Criminal Procedure.

Ruling:

Yes.

The Supreme Court ruled that while the Information was indeed defective for merely stating "with treachery" instead of specifying the ultimate facts of how the treachery was executed—which is required to enable a person of common understanding to know the charge under Sections 8 and 9, Rule 110—the accused had already waived his right to question this defect. The Court explained that if an Information is defective regarding its form or its failure to conform substantially to the prescribed form, the accused is duty-bound to claim his right by filing either a motion to quash or a motion for a bill of particulars. Because Rolando failed to avail himself of these procedural remedies, voluntarily entered his plea during the arraignment, and proceeded with the trial, he is deemed to have understood the acts imputed against him and waived the waivable defects in the Information. Thus, the Supreme Court reversed the CA's decision, appreciated the qualifying circumstance of treachery against him, and convicted him of Murder.

AAA vs. BBB

G.R. No. 212448

January 11, 2018

Facts:

The case was filed by petitioner AAA against her husband, respondent BBB. AAA and BBB were married in 2006, but BBB subsequently moved to Singapore in 2007 to work as a chef, eventually acquiring permanent residency there in 2008. AAA alleged that BBB sent insufficient financial support, abused her and their child, and engaged in marital infidelity by living with a Singaporean woman named Lisel Mok. Consequently, an Information was filed charging BBB with psychological violence under Section 5(i) of Republic Act (R.A.) No. 9262 for causing AAA mental and emotional anguish through his illicit affair. BBB, through his counsel, filed a motion to quash the Information, arguing that the Philippine courts lacked territorial jurisdiction because the alleged marital infidelity occurred in Singapore. The Regional Trial Court (RTC) of Pasig City granted the motion to quash, ruling that the act causing the anguish must have transpired within its territorial limits for jurisdiction to attach. Aggrieved, AAA elevated the case to the Supreme Court, arguing that the mental and emotional anguish she suffers is an essential element of the offense that she experiences wherever she goes, including her current residence in Pasig City, thereby giving the RTC jurisdiction over the case.

Issue:

Whether Philippine courts have territorial jurisdiction over the prosecution of an offense for psychological violence under R.A. No. 9262 when the act of marital infidelity that caused the mental or emotional anguish occurred outside the country.

Ruling:

Yes. The Supreme Court ruled that Philippine courts can exercise jurisdiction over the case. What R.A. No. 9262 criminalizes is not the marital infidelity per se, but the psychological violence that causes mental or emotional suffering on the wife; thus, the victim's mental or emotional suffering is an essential and distinct element in the commission of the offense. In criminal cases, venue is an essential element of jurisdiction, and under Section 7 of R.A. No. 9262, a case may be filed in the court where the crime or any of its elements was committed. The law contemplates that acts of violence against women and their children may manifest as transitory or continuing crimes. This means that some material acts occur in one territory while some occur in another, and a person charged with a continuing crime may be validly tried in any municipality or territory where the offense was in part committed. Because the mental or emotional anguish—a material and indispensable element of the offense—was suffered by the victim in her residence in Pasig City, the RTC of Pasig City validly acquires jurisdiction to try the case even if the illicit relationship was conducted abroad.

EDUARDO G. RICARZE, Petitioner, vs. COURT OF APPEALS, PEOPLE OF THE PHILIPPINES, CALTEX PHILIPPINES, INC., PHILIPPINE COMMERCIAL AND INDUSTRIAL BANK (PCIBANK), Respondents

G.R. No. 160451

February 9, 2007

Facts:

This petition for review on certiorari was filed by Eduardo G. Ricarze against the Court of Appeals, People of the Philippines, Caltex Philippines, Inc., and Philippine Commercial and Industrial Bank (PCIBank). Ricarze was employed as a collector-messenger assigned to Caltex's main office, where his primary task was to collect checks and deliver invoices. Caltex discovered that Ricarze had stolen, forged, and deposited several company checks into a bank account he opened under a customer's name, prompting Caltex to file a criminal complaint for estafa through falsification of commercial documents against him. Following a preliminary investigation, Ricarze was formally charged in two Informations, which explicitly identified Caltex as the defrauded offended party. Ricarze was arraigned and pleaded not guilty. Unbeknownst to the prosecutor at the time, PCIBank had already re-credited the stolen amount to Caltex, effectively subrogating PCIBank to Caltex's rights. During the trial, a private prosecutor for PCIBank entered their appearance and formally offered evidence, which Ricarze opposed on the grounds that Caltex, not PCIBank, was the private complainant named in the Informations. Ricarze argued that substituting PCIBank as the offended party after he had already been arraigned would constitute a substantial amendment that would prejudice his rights and place him in double jeopardy. PCIBank countered that they were subrogated to the rights of Caltex, and that the erroneous designation of the offended party's name is a mere formal defect that can be cured by inserting the correct name under Rule 110 of the Rules of Criminal Procedure. The Regional Trial Court allowed the substitution of PCIBank for Caltex, and the Court of Appeals subsequently dismissed Ricarze's petition challenging this order.

Issue:

Whether the substitution of PCIBank for Caltex as the private complainant constitutes a substantial amendment under Section 14, Rule 110 of the Rules of Criminal Procedure that would prejudice the rights of the accused after he had already entered his plea.

Ruling:

No. The Supreme Court ruled that the substitution of Caltex by PCIBank as the private complainant is not a substantial amendment, but merely a formal one. Under Section 14, Rule 110 of the Revised Rules of Criminal Procedure, a formal amendment may be made after the accused enters a plea, provided it is done with leave of court and does not prejudice the rights of the accused. The Court explained that the substitution did not alter the basis of the charge or the prosecution's theory, nor did it cause any surprise to the petitioner since the documentary evidence, such as the forged checks, remained exactly the same and was fully available to him well before the trial. Because PCIBank restored the amount of the checks to Caltex, legal subrogation occurred by operation of law, allowing PCIBank to step into the shoes of Caltex and intervene in the proceedings for indemnification without needing the petitioner's consent. Furthermore, according to Section 12, Rule 110 of the Rules on Criminal Procedure, in offenses against property, the designation of the exact name of the offended party is not absolutely indispensable as long as the criminal act charged in the complaint can be properly identified. Therefore, an erroneous allegation regarding the person injured is considered an immaterial formal defect that does not prejudice any substantial right of the defendant.

Mayor "Jong" Amado Corpus, Jr. and Carlito Samonte v. Hon. Judge Ramon D. Pamular, Mrs. Priscilla Espinosa, and Nueva Ecija Provincial Public Prosecutor Floro Florendo

G.R. No.: 186403

September 05, 2018

Facts:

The case was filed by petitioners Mayor "Jong" Amado Corpus, Jr. and Carlito Samonte against respondents Hon. Judge Ramon D. Pamular, Mrs. Priscilla Espinosa, and Nueva Ecija Provincial Public Prosecutor Floro Florendo. The case originated from an incident on June 4, 2008, where Angelito Espinosa was shot and killed by Samonte. Samonte was caught in flagrante delicto and an Information for murder was subsequently filed against him. Upon arraignment, Samonte admitted to the killing but pleaded self-defense. Later, the victim's wife, Priscilla Espinosa, filed a Reply-Affidavit, and a witness executed an affidavit alleging that Mayor Corpus was the one who instructed Samonte to kill Angelito. Based on this, Prosecutor Florendo found probable cause to indict Corpus and directed the filing of an Amended Information that included Corpus as a co-accused and inserted the phrase "conspiring and confederating together". Petitioners Corpus and Samonte vehemently opposed this, arguing that the allegation of conspiracy constitutes a substantial amendment that forces Samonte to set up a new defense, which is heavily prejudicial to their rights especially since Samonte had already been arraigned. On the other hand, the prosecution and respondents argued that the amendment was merely formal and would not cause prejudice to the rights of the accused since it simply added another individual to the charge. Despite the petitioners filing a Petition for Review before the Department of Justice, Judge Pamular granted the motion to admit the amended information and issued a warrant of arrest against Corpus.

Issue:

Whether the amendment of the Information to allege conspiracy is allowed under the rules on prosecution of offenses in Rule 110, Section 14 of the Revised Rules of Criminal Procedure, considering that the accused had already entered his plea.

Ruling:

No.

Under Rule 110, Section 14 of the Revised Rules of Criminal Procedure, before an accused enters a plea, an amendment may be made in form or substance without leave of court; however, after the entry of a plea, 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. The Supreme Court explained that the insertion of the phrase "conspiring and confederating together" is technically a formal amendment because it does not alter the prosecution's basic theory that Samonte willfully and intentionally shot the victim. However, the Court ruled that this formal amendment is still not allowed because it violates the rule against prejudicing the rights of the accused after a plea has been entered. The test to determine if a defendant is prejudiced by an amendment is whether a defense under the original information would still be available and applicable after the amendment is made. Upon his arraignment under the original information, Samonte admitted the killing but pleaded self-defense. Samonte would be severely prejudiced if the amendment is allowed because his claim of self-defense and the corresponding evidence he might present will not be compatible with the new allegation of conspiracy. Therefore, the formal amendment after his plea is not allowed. (The Court also noted that Corpus could not invoke this specific rule to his defense since he had not yet been arraigned).