

THIRD DIVISION

[G.R. NO. 148547, September 27, 2006]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. MARCIAL G. EMPLEO, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 9, REGIONAL TRIAL COURT, DIPOLOG CITY AND DANTE MAH Y CABILIN, RESPONDENTS.

DECISION

CARPIO, J.:

The Case

This petition for review on certiorari^[1] seeks to reverse the Decision^[2] promulgated on 19 June 2001 of the Court of Appeals in CA-G.R. SP No. 59269. The Court of Appeals affirmed the Resolution and Order of Judge Marcial G. Empleo ("Judge Empleo") of the Regional Trial Court of Dipolog City, Branch 9 ("trial court"), directing the prosecutor to amend the two Informations filed by filing only a single Information.

The Facts

On 6 October 1999, a search warrant^[3] was issued for the search and seizure of shabu and paraphernalia at the room rented by private respondent Dante Mah ("private respondent") at the LS Lodge located at the corner of Quezon Avenue and Mabini Street in Dipolog City.

During the search, the police officers seized the following from private respondent's room:

1. Thirty-two small plastic sachets containing white crystalline granules believed to be shabu, weighing 2 grams;
2. Six big plastic sachets containing white crystalline granules believed to be shabu, weighing 4.4 grams;
3. One roll/stick of dried Indian hemp ("marijuana") leaves weighing 0.2 gram; and
4. One small plastic sachet containing white crystalline granules believed to be shabu, weighing 0.05 grams.^[4]

Police Superintendent Virgilio T. Ranes, Dipolog City Chief of Police, filed two criminal complaints for violation of Section 8, Article II and Section 16, Article III of Republic Act No. 6425^[5] (RA 6425), as amended, against private respondent. After preliminary investigation, State Prosecutor Rodrigo T. Eguia filed two Informations before the Regional Trial Court in Dipolog City:

Criminal Case No. 9272

INFORMATION

The undersigned Prosecutor of Region 9 accuses DANTE MAH y Cabilin of the crime of VIOLATION OF SECTION 16, ARTICLE III of R.A. 6425, as amended, committed as follows:

That on October 6, 1999 at 10:30, more or less at corner Quezon Avenue and Mabini Streets, Barra, Dipolog City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that unauthorized possession and control of regulated drug is punishable by law, did then and there willfully, unlawfully and feloniously have in his possession and control Thirty Two (32) pieces small plastic sachets and six (6) pieces big plastic sachet containing Methamphetamine Hydrochloride, more popularly known as "shabu," weighing a total of 6.4 grams, without any legal authority to possess the same, in gross Violation of Section 16, Article III, of R.A. 6425, as amended.

CONTRARY TO LAW.^[6]

Criminal Case No. 9279

INFORMATION

The undersigned State Prosecutor of Region 9 accuses DANTE MAH y Cabilin alias "Dodoy Mah" of the crime of "Violation of Section 8, Article II of Republic Act No. 6425, as amended", committed as follows:

That on October 6, 1999 at 10:30 in the morning, more or less, at corner Quezon Avenue and Mabini Streets, Barra, Dipolog City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that possession and use of prohibited drugs is punishable by law, did then and there willfully, unlawfully and feloniously have in his possession and control One (1) roll/stick dried marijuana leaves, without legal authority to possess the same, in gross Violation of Section 8, Article II of Republic Act No. 6425, as amended.

CONTRARY TO LAW.^[7]

Upon his arraignment on 28 October 1999, private respondent pleaded not guilty to the two charges.

On 17 February 2000, private respondent filed a motion ^[8] to dismiss Criminal Case No. 9279. Private respondent alleged that the single act of possession of drugs committed at the same time and at the same place cannot be the subject of two separate Informations. Since the prosecution already filed Criminal Case No. 9272, then the filing of Criminal Case No. 9279 is tantamount to splitting a single cause of action into two separate cases.

The prosecution opposed the motion, claiming that unauthorized possession of marijuana and shabu are punishable under Section 8, Article II and Section 16, Article III of RA 6425. Hence, these acts constitute two separate and distinct offenses with separate penalties.^[9]

In a Resolution^[10] dated 3 April 2000, Judge Empleo directed the prosecutor to file only a single Information. The Resolution reads in part:

It is to be noted that the stuffs, "SHABU" and Marijuana Leaves are all prohibited and regulated drugs. But what is important is that the search and seizure was done at one time, the same place and at one occasion. Hence, there could be no two crimes committed, regardless of the two kinds of prohibited/regulated drugs that were confiscated from the accused. There is in this case a clear case of splitting one single criminal act into two separate crimes.

Considering, however, that the penalty of this kind of offenses are based on the number of grams of the regulated/prohibited drugs, instead of having these cases dismissed, the Office of the City Prosecutor of Dipolog City is hereby directed to amend its information by filing one single information.^[11]

The prosecution filed a motion for reconsideration,^[12] arguing that violation of any of the provisions of RA 6425 constitutes a separate and distinct offense. The prosecution maintained that private respondent cannot be charged with violating Articles II and III of RA 6425 in one Information because that would be tantamount to charging him with more than one offense in a single Information. The trial court denied the motion in an Order^[13] dated 2 May 2000.

Petitioner filed a petition for certiorari with the Court of Appeals, which dismissed the petition. Hence this petition.

Meanwhile, in an Order^[14] dated 12 May 2000, the trial court suspended further proceedings in Criminal Case Nos. 9272 and 9279 pending resolution of the petition. However, in a Resolution ^[15] dated 27 April 2004, the trial court, upon private respondent's motion, dismissed Criminal Case Nos. 9272 and 9279 for unreasonable delay in the prosecution of the cases which is violative of the right of the accused to speedy trial.^[16] Upon the prosecution's motion for reconsideration, the trial court issued an Order^[17]

dated 17 June 2004, setting aside its Resolution dated 27 April 2004 and reinstating Criminal Case Nos. 9272 and 9279, with the proceedings still suspended pending outcome of the appeal in the Supreme Court.

The Ruling of the Court of Appeals

In a Decision promulgated on 19 June 2001, the Court of Appeals affirmed the Order and Resolution of the trial court. The Court of Appeals held that the filing of only one Information is proper because only one violation was committed - possession of dangerous drugs as penalized by RA 6425. The Court of Appeals ruled that: