

FIRST DIVISION

[G.R. No. 151785, December 10, 2007]

**SUSAN FRONDA-BAGGAO, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Before us is the instant Petition for Review on *Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision^[1] dated August 29, 2001 and Resolution dated January 15, 2002 of the Court of Appeals in CA-G.R. SP No. 58270.

The facts are:

Sometime in 1989, the Provincial Prosecutor of Abra filed with the Regional Trial Court, Branch 1, Bangued, same province, four separate Informations for illegal recruitment against Susan Fronda-Baggao, petitioner, and Lawrence Lee, docketed as Criminal Cases Nos. 744, 745, 746 and 749.

Petitioner eluded arrest for more than a decade; hence, the cases against her were archived. On July 25, 1999, petitioner was finally arrested.^[2]

On July 26, 1999, the prosecutor filed with the trial court a motion to amend the Informations. He prayed that the four separate Informations for illegal recruitment be amended so that there would only be one Information for illegal recruitment in large scale. On the same day, the trial court denied the motion for lack of merit.

On August 6, 1999, the prosecutor filed a motion for reconsideration. In its Order dated January 26, 2000, the trial court granted the motion and admitted the Information for Illegal Recruitment in Large Scale, thus:

Accordingly, the Order dated July 26, 1999 denying the motion to amend Information is hereby set aside and the Information for Illegal Recruitment in Large Scale is hereby admitted in substitution of the other four Informations.

Moreover, considering that illegal recruitment when committed by a syndicate or in a large scale shall be considered an offense involving economic sabotage, let this case be forwarded to RTC, Branch 2, a Special Criminal Court.

SO ORDERED.

Petitioner filed a motion for reconsideration, but it was denied by the trial court in its Order dated March 21, 2000.

On April 11, 2000, petitioner filed with the Court of Appeals a petition for *certiorari* and prohibition with prayer for the issuance of a preliminary injunction and/or temporary restraining order, docketed as CA-G.R. SP No. 58270.

In its Decision dated August 29, 2001, the Court of Appeals denied the petition. Likewise, in its Resolution dated January 15, 2002, petitioner's motion for reconsideration was denied.

Hence, the present petition.

The issue for our resolution is whether the four Informations for illegal recruitment could be amended and lumped into one Information for illegal recruitment in large scale.

Petitioner contends that (a) Section 14, Rule 110 of the Revised Rules on Criminal Procedure refers to an amendment of one Information only, not four, which cannot be joined in only one Information; and that (b) the amendment of the four Informations for illegal recruitment into a single Information for a graver offense violates her substantial rights.

Respondent, on the other hand, prays that the petition be denied for lack of merit.

Section 14, Rule 110 of the Revised Rules on Criminal Procedure provides:

Section 14. Amendment or substitution. – **A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea.** After the plea and during the trial, 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.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused would not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial. (Emphasis ours)

Simply stated, **before** the accused enters his plea, a formal or substantial amendment of the complaint or information may be made without leave of court. After the entry of a plea, only a formal amendment may be made but with leave of court and only if it does not prejudice the rights of the accused. After arraignment, a