

Title:

Zaldivia vs. Hon. Andres B. Reyes, Jr. and People of the Philippines

Facts:

The case originates from a violation of Municipal Ordinance No. 2, Series of 1988, by petitioner Luz M. Zaldivia in the Municipality of Rodriguez, Province of Rizal. The specific charge was quarrying for commercial purposes without the necessary mayor's permit, committed on May 11, 1990. The police referral-complaint was received by the Office of the Provincial Prosecutor of Rizal on May 30, 1990, and the corresponding information was filed with the Municipal Trial Court of Rodriguez on October 2, 1990. Zaldivia moved to quash the information, alleging that the crime had prescribed. The Municipal Trial Court denied this motion, a decision upheld upon appeal to the Regional Trial Court presided over by respondent judge Hon. Andres B. Reyes, Jr. Subsequently, Zaldivia filed a petition for review on certiorari with the Supreme Court, questioning the applicability of the prescriptive period under current law.

Issues:

1. How to determine the prescriptive period for violations of municipal ordinances.
2. Whether the filing of the complaint with the Office of the Provincial Prosecutor interrupted the prescriptive period.
3. The application of the Rule on Summary Procedure and its relation to the filing of complaints for violations of municipal ordinances.

Court's Decision:

The Supreme Court granted Zaldivia's petition, setting aside the order of the lower court and dismissing the criminal case on the ground of prescription. The Court clarified that the prescriptive period for the crime imputed to Zaldivia commenced from its alleged commission on May 11, 1990, and ended two months thereafter, on July 11, 1990, in accordance with Section 1 of Act No. 3326. The filing of the complaint with the Office of the Provincial Prosecutor did not interrupt the prescriptive period since it was not a judicial proceeding. The necessary judicial proceeding would have been the filing of the information with the Municipal Trial Court of Rodriguez, which unfortunately occurred only on October 2, 1990, after the crime had already prescribed.

Doctrine:

The prescriptive period for violations penalized by municipal ordinances shall prescribe after two months as per Section 1 of Act No. 3326. Moreover, the prescription shall

commence from the day of commission of the violation and shall be interrupted when judicial proceedings are instituted against the guilty party. Administrative or prosecutorial preliminary actions do not constitute such interruption.

Class Notes:

- **Prescriptive period for municipal ordinance violations**: 2 months, as stated in Act No. 3326.
- **Commencement and interruption of prescription**: Prescription starts from the commission of the violation and is interrupted by the institution of judicial proceedings, not merely prosecutorial or administrative actions.
- **Rule on Summary Procedure**: Applies to violations of municipal ordinances among other cases, mandating direct filing in court without necessitating preliminary investigation.
- **Substantive right to prescription**: Prescription in criminal cases is a substantive right, not subject to alteration or modification by procedural rules.

Historical Background:

This case underscores the fine balance between procedural protocols in the prosecution of crimes and the substantive rights of individuals accused of such violations. It delineates the boundaries of prosecutorial actions and judicial proceedings in the context of criminal prescription, rooted in the principles of fairness and timely administration of justice. The decision revisits and reiterates established doctrines on the prescription of criminal offenses and the necessary legal actions that interrupt such prescription, further clarifying the application of laws and rules in cases involving violations of municipal ordinances.