

**\*\*Title:** Luis Panaguiton, Jr. vs. Department of Justice, Ramon C. Tongson, and Rodrigo G. Cawili**\*\***

**### Facts:**

In 1992, Luis Panaguiton, Jr., the petitioner, lent a total amount of P1,979,459.00 to Rodrigo Cawili. In settlement, Cawili and his business associate, Ramon Tongson, issued three checks to the petitioner on 8 January 1993. These checks, bearing both their signatures, were dishonored upon presentment on 18 March 1993 due to insufficiency of funds or account closure. After failed attempts to collect the amounts due through formal demands to Cawili and Tongson in May and June 1995, respectively, Panaguiton filed a complaint against them for violating Batas Pambansa Bilang 22 (B.P. Blg. 22) before the Quezon City Prosecutor's Office on 24 August 1995.

Throughout the preliminary investigation, only Tongson appeared, claiming his inclusion as a respondent was unjust as he had also been a victim of Cawili. He denied issuing the checks and claimed his signatures were forged. Despite Panaguiton's presentation of documents supposedly proving Tongson's association with Cawili, the City Prosecutor found probable cause only against Cawili in December 1995. Panaguiton partly appealed to the Department of Justice (DOJ) while the case against Cawili proceeded in court.

Further developments included the DOJ's directions for a reinvestigation and fingerprint analysis by the National Bureau of Investigation (NBI), which encountered setbacks due to procedural issues, resulting in various DOJ and Court of Appeals resolutions, all focusing on whether B.P. Blg. 22's prescriptive period had lapsed and the case against Tongson had prescribed.

**### Issues:**

1. Whether the filing of a complaint with the fiscal's office interrupts the prescriptive period for offenses under B.P. Blg. 22.
2. Whether the Court of Appeals erred in dismissing the petition on technical grounds, specifically the issue of verification and certification against forum shopping.
3. Whether the offense of violating B.P. Blg. 22, as charged against Tongson, had already prescribed.

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

The Supreme Court ultimately ruled in favor of Panaguition, holding that the filing of a complaint affidavit before the Office of the City Prosecutor effectively initiated the proceedings for the prosecution and thus interrupted the prescriptive period for the offenses under B.P. Blg. 22. It also found that the Court of Appeals committed a mistake in dismissing the petition on technical grounds, emphasizing the importance of justice over procedural technicalities. The DOJ's reliance on *Zaldivia vs. Reyes* in declaring that the prescriptive period is tolled only upon the filing of information in court was deemed misapplied to the case, favoring instead the precedent set in *Ingco vs. Sandiganbayan*.

### ### Doctrine:

The Supreme Court reiterated the doctrine that the filing of a complaint with the prosecutor's office for preliminary investigation suspends the running of the prescriptive period for offenses under special laws like B.P. Blg. 22.

### ### Class Notes:

- **B.P. Blg. 22 Violations:** Prescriptive period is four years from the commission of the offense or its discovery if unknown at the time. The filing of a complaint for preliminary investigation interrupts this period.
- **Verification Requirement:** While considered a mere formal requirement, it assures the court that the pleadings' allegations are true and correct. Lack of verification can be corrected or waived in the interest of justice.
- **Act No. 3326:** Applicable to special laws without their prescriptive periods, prescribing offenses according to the severity of possible imprisonment.

### ### Historical Background:

The procedural journey of this case underscores the evolving application of Act No. 3326, reflective of the Philippines' justice system's procedural dynamics and the impact of preliminary investigations in the prosecutory process. Specifically, the case illustrates a shift from a judiciary-led preliminary investigation process (in the period around 1926 when Act No. 3326 was approved) to a prosecutorial-led process, highlighting the crucial role of preliminary investigation in halting the prescriptive periods for offenses under special laws like B.P. Blg. 22.