

Title: Susan V. Llenes vs. Hon. Isaias P. Dicdican, et al.

Facts:

On 13 October 1993, Vivian G. Ginete, then officer-in-charge of the Physical Education and School Sports (PESS) Division of the DECS Regional Office of Region VII in Cebu City, filed a complaint for grave oral defamation against Susan V. Llenes, an Education Supervisor II of the same office, with the Office of the Deputy Ombudsman for the Visayas. The alleged defamation took place on 23 September 1993. Llenes failed to submit a counter-affidavit as required, leading to the recommendation on 15 March 1994 by the investigating officer that the case be forwarded to the City Prosecutor of Cebu City for prosecution.

Subsequently, the City Prosecutor filed the information on 28 March 1994 with the Municipal Trial Court (MTC) of Cebu City, initiating Criminal Case No. 35684-R. Llenes moved to quash the information on 30 May 1994, arguing the action had prescribed since the information was filed beyond the six-month prescriptive period for grave oral defamation. The MTC, on 18 July 1994, denied the motion to quash. Subsequent appeals, including a special civil action for certiorari with the Regional Trial Court (RTC) of Cebu, affirmed the orders denying Llenes's motion. The RTC adjudged that the filing of a complaint with the Ombudsman counts as an interruption of the prescriptive period.

Issues:

1. Whether the filing of a complaint against a government official for grave oral defamation with the Office of the Ombudsman interrupts the period of prescription for the offense.
2. The application of the doctrine regarding the interruption of the prescriptive period of crimes due to the filing of a complaint for preliminary investigation, and its applicability when the complaint is filed with the Ombudsman.

Court's Decision:

The Supreme Court dismissed the petition, holding that the filing of Ginete's complaint for grave oral defamation against Llenes with the Office of the Ombudsman-Visayas indeed interrupted the prescriptive period for the offense. It ruled that the powers bestowed upon the Ombudsman by the Constitution and the Ombudsman Act of 1989 (R.A. No. 6770) to investigate any illegal act or omission of any public officer include the authority to conduct preliminary investigations in criminal cases. Consequently, the filing of the complaint with the Ombudsman, akin to filing it for preliminary investigation with the court or prosecutor's

office, interrupts the prescriptive period for the offense charged.

Doctrine:

The Supreme Court reiterated the doctrine that the filing of a complaint with the fiscal or prosecutor's office or the municipal court, even if only for preliminary investigation purposes, interrupts the running of the prescriptive period for offenses. This doctrine is extended to include filings with the Office of the Ombudsman, given its constitutional and statutory mandate to investigate any illegal act or omission of public officials.

Class Notes:

- ****Prescriptive Period for Grave Oral Defamation:**** Under Article 90 of the Revised Penal Code, the prescriptive period is six months.
- ****Interruption of Prescriptive Period:**** Under Article 91 of the Revised Penal Code, the prescriptive period is interrupted by "the filing of the complaint or information."
- ****Role of the Ombudsman:**** Filing a complaint with the Office of the Ombudsman for preliminary investigation purposes interrupts the prescriptive period, expanding the application of the doctrine in "People vs. Olarte" and further explained in "Francisco vs. Court of Appeals."

Historical Background:

This case elucidates the expanded interpretation of the legal provisions regarding the interruption of prescriptive periods for criminal offenses in the Philippines. By acknowledging the authority of the Office of the Ombudsman to conduct preliminary investigations, it underscores the critical role of this constitutional body in the context of the administrative and criminal justice system, especially in holding public officials accountable for offenses committed.