

Title: People of the Philippines vs. Hon. David A. Alfeche, Jr.

Facts:

This case originates from a complaint for Grave Threats and Usurpation of Real Property against Ruperto Dimalata and Norberto Fuentes concerning a parcel of land co-owned by Teresita Silva and her siblings. Following a preliminary investigation, wherein Dimalata evidenced his inherited ownership interest and established the threats directed towards the complainants' tenant-encargado, Assistant Provincial Prosecutor Juliana C. Azarraga filed an Information for "Usurpation of Real Rights In Property" under Articles 312 in relation to Article 282 of the Revised Penal Code with the Regional Trial Court of Capiz, docketed as Criminal Case No. 3386.

However, on 17 July 1991, the Presiding Judge of Branch 15, Hon. David A. Alfeche, Jr., dismissed the case on grounds of lack of jurisdiction, interpreting that the violence or intimidation (threats to kill) by the accused was merely a means to commit or an incident of the crime charged and not a complex crime requiring a different jurisdiction, citing the fine imposed is below the court's jurisdiction.

Assistant Prosecutor Azarraga filed a motion for reconsideration, arguing the interpretation of Articles 312 and 282, emphasizing the intimidation involves a threat to kill, penalized under Article 282; hence, considering the achieved purpose, the imposable penalty aligns with that prescribed for homicide, falling under the Regional Trial Court's jurisdiction. However, the motion was denied.

The People, represented by Assistant Provincial Prosecutor Azarraga, petitioned the Supreme Court against the dismissal, arguing the misinterpretation of jurisdiction based on the penalties for crimes defined in Articles 282 and 312. The Office of the Solicitor General supported the petition, although noting the procedural error of filing it without its representation.

Issues:

1. Whether the crime committed falls within the jurisdiction of the Regional Trial Court based on the penalties for Usurpation of Real Rights in Property (Article 312) in relation to violence or intimidation (Article 282) employed by the accused.

Court's Decision:

The Supreme Court set aside the orders of respondent Judge, clarifying the nature and interpretation of the penalties under Article 312 of the Revised Penal Code. The Court

differentiated the types of intimidation and violence in crimes affecting property (real and personal) and concluded that the offense defined in Article 312 is a single, special, and indivisible felony not constituting a complex crime under Article 48. It emphasized that the act of violence or intimidation, such as threats to kill, can be absorbed into the crime of Usurpation of Real Rights in Property, meriting an additional fine based on the value of gain obtained by the accused.

Furthermore, it was determined that since the tenant-encargado, who was the direct victim of the intimidation (threat to kill), was in actual possession of the land, he should be considered the offended party; the information filed had, therefore, charged the wrong parties as victims. The Court recommended amending the information to correctly identify the offended party if intimidation with intent to gain (*animus furandi*) was indeed employed; otherwise, a dismissal of charges should follow for failure to charge an offense.

Doctrine:

The case clarifies the interpretation of Article 312 of the Revised Penal Code relating to Usurpation of Real Rights in Property, establishing that violence or intimidation used in the commission of the crime constitutes a component of the single, special, and indivisible offense and not a separate or complex crime in connection with Article 282 or 286. It underscores the importance of correctly identifying the victim in crimes involving real rights in property.

Class Notes:

- Article 312 of the Revised Penal Code revolves around the occupation of real property or usurpation of real rights in property through violence against or intimidation of persons, entailing a penalty plus an incremental fine based on the gain obtained.
- Intimidation, as a means employed for usurpation, can be absorbed by Article 312, making it a single, indivisible felony, not a complex crime.
- The determination of proper jurisdiction over offenses involving Article 312 in relation to violence or intimidation hinges on the nature of the threat and the actual party threatened.

Historical Background:

This decision contributes to the jurisprudence interpreting the application of penalties and jurisdiction over crimes involving real property and the intimidation of persons. It provides a nuanced interpretation distinguishing between acts of violence (physical and intimidation) and their implications on legal proceedings, particularly in identifying the offended party for the purpose of jurisdiction and prosecution.