

**\*\*Title:\*\***

People of the Philippines vs. Vicente Marquez, G.R. No. L-22378

**\*\*Facts:\*\***

On November 12, 1962, Consolacion Musa Solano filed a complaint for frustrated homicide against Vicente Marquez at the Justice of the Peace Court of Camalig, Albay, due to the injury sustained by her son, Wenceslao Solano. A warrant of arrest was issued, but Marquez posted a bail bond of P12,000. During the preliminary investigation, Marquez waived his right to a second inquiry into the case, thus the case was elevated to the Court of First Instance (CFI) of Albay.

On July 9, 1963, the Provincial Fiscal filed the corresponding information with the CFI. When arraigned on August 22, 1964, Marquez pleaded not guilty. However, on September 25, 1964, Marquez moved for the dismissal of the case, asserting that the information was null and void since the initial complaint was signed by the victim's mother, and not an authorized person as per Section 2 of Rule 110 of the Rules of Court.

The CFI sided with Marquez and dismissed the case on October 1, 1964. The dismissal led the Assistant Provincial Fiscal to appeal directly to the Supreme Court.

**\*\*Issues:\*\***

1. Whether the CFI erred in dismissing the case after Marquez had already pleaded to the information.
2. Whether the CFI erred in holding that it did not acquire jurisdiction to try the case based on the complaint signed by the mother of the offended party.

**\*\*Court's Decision:\*\***

1. **\*\*Dismissal After Plea:\*\***

The Supreme Court ruled that filing a motion to dismiss after entering a plea is improper. The plea entered by Marquez without contesting the validity or jurisdiction of the information equates to a waiver of preliminary objections. The Court emphasized that any irregularities regarding the preliminary investigation should have been raised before or at the time of the plea.

2. **\*\*Jurisdiction and Validity of Complaint:\*\***

The Supreme Court affirmed that while the complaint initiating proceedings signed by Consolacion Musa Solano was technically improper, the subsequent proceedings were valid. The Provincial Fiscal's information effectively superseded the initial complaint. Marquez's failure to raise objections until post-arraignment deprived him of the right to challenge the

information on jurisdictional grounds. The Supreme Court held that the focus should be on the information filed by the Fiscal, which was procedurally valid despite the initial complaint's irregularity.

**\*\*Doctrine:\*\***

- Waiver of Preliminary Investigation: The right to contest procedural deficiencies such as the lack of a preliminary investigation must be invoked before the defendant's arraignment; otherwise, it is considered waived.
- Superseding of Complaint by Information: The filing of an information by the Fiscal supersedes the complaint, rendering earlier procedural faults moot if not timely raised.

**\*\*Class Notes:\*\***

- **\*\*Key Concepts:\*\***

- Arraignment: A formal reading of charges where the accused submits a plea.
- Preliminary Investigation: A procedural process to determine if there is enough basis to hold the defendant for trial.
- Waiver: Voluntary relinquishment of a known right.
- Jurisdiction: Authority of the court to hear and decide a case.
- **\*\*Relevant Statutes and Rules:\*\***
- **\*\*Section 2, Rule 110\*\***: Specifies who can file a complaint.
- **\*\*Section 14, Rule 112\*\***: Requirement for a Fiscal's certification of a preliminary investigation in an information.
- **\*\*Application:\*\***
- Waiver principles emphasize the importance of timely and strategic legal objections.
- Jurisdictional rules underline the sequential liability of procedures, where initial complaints can be cured by subsequent filings if no timely objections are raised.

**\*\*Historical Background:\*\***

This case takes place in a context where procedural adherence was stringent, but the evolving jurisprudence allowed courts to focus on substantive justice over procedural technicalities. The Supreme Court's decision to prioritize the information filed by the Fiscal over earlier procedural missteps highlights a transition towards a more functional approach in criminal proceedings, aiming to avoid dismissal of cases based on procedural, rather than substantive, grounds. The ruling is reflective of a broader judicial philosophy that aims to streamline criminal justice by mitigating procedural traps.