

FLORENTINO AMANSEC, PETITIONER, VS. HON. EULOGIO F. DE GUZMAN, JUDGE OF THE COURT OF FIRST INSTANCE OF PANGASINAN, DAGUPAN CITY BRANCH, AND JAVIER PABALAN, PROVINCIAL FISCAL OF ...

G.R. No. L-6007. October 19, 1953

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/67cf6b95a986/>

BAUTISTA ANGELO, J.:

This is a petition for certiorari and mandamus seeking to set aside the order of respondent Judge dated June 24, 1952 which dismisses provisionally Criminal Cases Nos. 19286 and 19287 of the Court of First Instance of Pangasinan and to compel respondent Provincial Fiscal to file the corresponding informations in said cases without awaiting the result of a similar case pending in the Court of First Instance of Manila.

On September 28, 1951, petitioner filed with the Justice of the Peace Court of San Fabian, Pangasinan, two complaints for libel, one against Pio Pedrosa, Manuel V. Villareal and Joaquin Roces (Criminal Case No. 587) in connection with an article published in the Daily Mirror in its issue of May 26, 1951, and another against Pio Pedrosa (Criminal Case No. 588) in connection with another article published in the Free Press in its issue of June 2, 1951.

After conducting the necessary preliminary investigation the Justice of the Peace Court issued a warrant of arrest against the accused, who posted a bond for their temporary release. In a motion dated December 5, 1951, the accused waived their right to preliminary investigation and prayed that the cases be forwarded to the Court of First Instance for further proceedings. This was done on December 6, 1951, and the cases were docketed as Criminal cases Nos. 19286 and 19287.

On March 20, 1952, the Provincial Fiscal filed with the court a petition in which he prayed for the temporary dismissal of the two cases with costs de oficio and the cancellation of the bond filed by the accused for their provisional release, alleging, among other things, that the administration of justice would be better served if the two cases be held in abeyance until after the final termination of Criminal Case No. 15952 then pending in the Court of First Instance of Manila which has reference to the charge for falsification with libel filed by Pio Pedrosa against petitioner. To the motion petitioner vigorously objected contending that the ground on which it is predicated has no basis in law and should not be entertained.

On June 24, 1952, respondent judge granted the motion as prayed for on the sole premise that a public prosecutor has the sole power and authority to file the information in a criminal case to the extent that if, upon proper investigation, he finds that the evidence on hand does not warrant prosecution, he may desist from taking action thereon if he chooses to do so. This order was reiterated on August 22, 1952 when the court denied petitioner's motion for reconsideration. This denial gave rise to the present petition for certiorari.

The petition for provisional dismissal filed by the provincial fiscal was motivated, according to him, by the

following developments: On April 14, 1951, Florentino Amansec, petitioner herein, then a Tax Examiner of the Bureau of Internal Revenue, submitted to his office a report on the tax liability of Pio Pedrosa, then Secretary of Finance, stating therein that the latter had committed certain irregularities in the disclosure of his income and assets. A news item containing this imputation appeared in an issue of the Evening News, a local daily. When Pedrosa learned of this imputation he lost no time in taking action against Amansec by filing a complaint for falsification with libel against him with the City Fiscal of Manila. The complaint was duly investigated and the corresponding information filed against Amansec. Coetaneous with the taking of this action in court there appeared in two local dailies, namely, the Daily Mirror and the Free Press, two news items wherein it was made to appear that Secretary Pedrosa sent letters to the Commissioner of Civil Service, the Secretary of Education, and the Executive Secretary in which he asked that Amansec be dismissed from the service, banned from teaching accounting in private colleges, and expelled from the Association of Certified Public Accountants stressing the fact that the Government has no use for men of his kind because he is either thoroughly dishonest or a mental case. Pedrosa went to the extent of saying, according to the news items, that Amansec is not fit to become even a janitor of a bureau. Amansec resented the publication of these news items, and considering them to be defamatory, he lodged a complaint against Pedrosa with the office of the city fiscal. Following the routine of the office, this charge was also investigated by an assistant fiscal, but instead of filing the necessary information, he recommended that action thereon be deferred until after the termination of the case for falsification with libel that had been previously filed by Pedrosa against Amansec considering that the alleged defamatory imputations were but mere defensive declarations made by Pedrosa in self-defense and which may be considered as a valid defense in a crime of libel. And in deference to this opinion respondent provincial fiscal deemed it wise to file the petition under consideration considering that the publications which had given rise to the complaint lodged by Amansec against Pedrosa in Manila are the same ones which prompted Amansec to file the two complaints in the province of Pangasinan.

While the motive which impelled the provincial fiscal to move for the temporary dismissal of the charges for libel under consideration is plausible, we believe that the procedure he has adopted is not in accordance with law and precedents as it might result in a miscarriage of justice to the detriment of the rights of the offended party. The objective which the fiscal had in mind could be accomplished without the need of taking the drastic action he had taken which resulted in throwing the two cases out of court. It should be noted that these cases originated in the Justice of the Peace Court of San Fabian, Pangasinan, by virtue of two complaints for libel filed by petitioner. These cases were set for preliminary investigation, but the accused in due time waived their right to said preliminary investigation, and so the justice of the peace court forwarded the two cases to the Court of First Instance. It was then the duty of the provincial fiscal under the law to give course to these two cases if the evidence on hand so warrants, or to dismiss them altogether, if he finds them to be unmeritorious. He has to take either course of action if he is to comply, as he must, with the law. But far from doing so he took a different course of action which is the filing of a petition for provisional dismissal. He did more than that. He not only moved for the temporary dismissal of the two cases but asked for the cancellation of the bond posted by the accused for their provisional release, and this he did, not because there was no evidence to warrant prosecution but merely in deference to the opinion of an assistant fiscal of Manila on a similar case pending between the same parties.

While we believe that the administration of justice may be better served if these two cases are held in abeyance until the final termination of the criminal case in Manila pending between the same parties, the action that should have been taken was not to ask for the dismissal of the two cases but rather to give due course to them and then ask the court for their temporary suspension if it is desired to avoid duplication of work and a resultant conflict of opinion between courts of justice on the same subject matter. By this we mean that the fiscals could file the

corresponding informations and then ask for the suspension of trial until the other case in Manila has been finally terminated. Unless this is done the resultant consequence might work injustice to the offended party considering that the crime of libel prescribes in two years. And it cannot be said that the law of prescription is subserved by lodging merely a complaint with a public prosecutor even if no action is taken thereon by said official because, under article 91 of the Revised Penal Code, the period of prescription commences to run from the day on which the crime is discovered and can only be interrupted "by the filing of the complaint or information" in court. (People vs. Aquino, 39 Off. Gaz. 1855; Surbano vs. Gloria, et al., 51 Phil., 415.)

Wherefore, the orders subject of the present petition for certiorari are hereby set aside, and respondent provincial fiscal is directed to act in the above criminal cases as required by law, without pronouncement as to costs.

Paras, C. J., Pablo, Padilla, Montemayor, Reyes, Jugo and Labrador, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.