

FRANCISCO Q. BOCOBO, PETITIONER, VS. VICENTE M. ESTANISLAO, MUNICIPAL JUDGE OF BALANGA, BATAAN; AND JESUS MATIC, RESPONDENTS.*G.R. No. L-30458. August 31, 1976*

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

It is the assumption of jurisdiction over a criminal case for libel by respondent Municipal Judge Vicente Estanislao[1] of Balanga, Bataan, that is assailed in this certiorari and prohibition proceeding. The merit of the petition is apparent if there be deference, as should be the case, to the ruling in *Jalandoni v. Endaya*. [2] There was, according to the petition, a criminal complaint for libel filed by private respondent with the Municipal Court of Balanga, Bataan, against petitioner, docketed as Criminal Case No. 1575. [3] Pursuant to such criminal complaint, respondent Judge conducted a preliminary investigation. [4] Then came the challenged order to the effect that the offense charged is one that falls within the concurrent jurisdiction of the municipal court of Balanga, Bataan, with the records of the case being referred to the Provincial Fiscal of Bataan for the filing of the corresponding information. [5] Subsequently, the Provincial Fiscal of Bataan, pursuant to such order of respondent Judge, filed an information for libel against petitioner in the Municipal Court of Balanga, Bataan. [6] A plea of not guilty was entered by him upon arraignment. [7] On the same day, in a motion to quash, he raised the question of jurisdiction, his allegation being that it is a court of first instance and not a municipal court that could try the offense. [8] Respondent Judge denied such motion to quash. [9] The motion for reconsideration having been filed and thereafter denied, [10] this present petition was filed. As noted at the outset, the *Jalandoni* doctrine is decisive. Petitioner is entitled to the writs prayed for.

The initial impression yielded, even upon the most cursory reading of the petition, was that it embodied a correct appreciation of the applicable law, Article 360 of the Revised Penal Code. [11] Accordingly, respondents were not only required to answer, but a restraining order was issued. There was nothing they could say in their subsequent pleadings that militated against the assertion of petitioner as to a court of first instance having exclusive jurisdiction. Accordingly, as noted, we find for him.

1. The language of the recent *Jalandoni* decision makes clear why this petition should prosper. Thus: "There is no need to make mention again that it is a court of first instance that is specifically designated to try a libel case. Article 360 of the Revised Penal Code so provides. Its language is categorical; its meaning is free from doubt. This is one of those statutory provisions that leaves no room for interpretation. All that is required is application. What the law ordains must then be followed. It is as simple as that. It did not appear to be so to respondent Judge. He would go ahead. He therefore did invite a suit of this character bent as he was on treading grounds where his presence was, to put it at its mildest, unwelcome. He must be restrained." [12] It was likewise noted in the *Jalandoni* decision that there has been as yet no previous case where a municipal court "has been sustained in its determination to go ahead and try on the merits a prosecution for libel * * *." [13]

2. It is the contention of respondents that the alleged libel, having arisen from a radio broadcast, is triable by a

municipal court, for in a later portion of Article 360 the phrase "by similar means," is not repeated thus leading them to conclude that it is only where there is "defamation in writing" that there is conferment of exclusive jurisdiction in a court of first instance. Such an argument does not carry weight. It loses sight of the basic purpose of the act, namely, to prevent inconvenience or even harassment to those unfortunate enough to be accused of libel, if any municipal court where there was publication could be chosen by the complainant as the venue. Since a radio broadcast may be spread far and wide, much more so than in cases of newspaper publications, it is not difficult to imagine how deplorable the effect would be for one indicted for such an offense even if he could rely on a sound and valid defense. This is contrary to the legal tradition of the Philippines dating back to the landmark case of *United States v. Bustos*,^[14] where Justice Malcolm emphasized that to prevent dilution of the constitutional right to free speech and free press, every libel prosecution should be tested on the rigorous and exacting standard of whether or not it could be violative of such fundamental guarantee. It is a commitment to such a cardinal postulate that is the basis of Article 360 as amended. Its purpose is therefore crystal-clear. As noted in *Sarcos v. Castillo*:^[15] "It is fundamental that once the policy or purpose of the law has been ascertained, effect should be given to it by the judiciary. From *Ty Sue v. Hord*, decided in 1909, it has been our constant holding that the choice between conflicting theories falls on that which best accords with the letter of the law and with its purpose. The next year, in an equally leading decision, *United States v. Toribio*, there was a caveat against a construction that would tend 'to defeat the purpose and object of the legislator.' Then came the admonition in *Riera v. Palmaroli*, against an application so narrow 'as to defeat the manifest purpose of the legislator.' This was repeated in the latest case, *Commissioner of Customs v. Caltex*, in almost identical language."^[16] Such an excerpt was quoted with approval in *Automotive Parts and Equipment Company v. Lingad*.^[17] It is of the essence of judicial duty then to construe statutes to reflect fidelity to such a concept. In the apt language of Frankfurter: "A decent respect for the policy of Congress must save us from imputing to it a self-defeating, if not disingenuous purpose."^[18] Certainly, we must reject a construction that at best amounts to a manifestation of verbal ingenuity but is certainly at war with the policy enshrined in the law.

3. The further point was raised by respondents that under Republic Act No. 3828, concurrent jurisdiction was conferred on municipal judges in the capitals of provinces with a court of first instance, in which the penalty provided for by law does not exceed prison correccional or imprisonment for not more than six years or a fine of P6,000.00 or both, such fine or imprisonment being the penalty for libel by means of radio broadcast as provided under Article 355 of the Revised Penal Code. For then that would mean that there was an implied repeal of the earlier amendatory act, Republic Act No. 1289 vesting exclusive jurisdiction on courts of first instance. Such a point was raised and rejected in the Jalandoni opinion in these words: "It suffices by way of refutation to call attention to the doctrine on repeals by implication as set forth in the latest case of *Villegas v. Subido*. Thus: 'It has been the constant holding of this court that repeals by implication are not favored and will not be so declared unless it be manifest that the legislature so intended. Such a doctrine goes as far back as *United States v. Reyes*, a 1908 decision. It is necessary then before such a repeal is deemed to exist that it be shown that the statutes or statutory provisions deal with the same subject matter and that the latter be inconsistent with the former. There must be a showing of repugnancy clear and convincing in character. The language used in the latter statute must be such as to render it irreconcilable with what had been formerly enacted. An inconsistency that falls short of that standard does not suffice. What is needed is a manifest indication of the legislative purpose to repeal.' An even more relevant excerpt from *Villegas* also follows: 'More specifically, a subsequent statute, general in character as to its terms and application, is not to be construed as repealing a special or specific enactment, unless the legislative purpose to do so is manifest. This is so even if the provisions of the latter are sufficiently comprehensive to include what was set forth in the special act. This principle has likewise been consistently applied in decisions of this Court from *Manila Railroad Co. v. Rafferty*, decided as far back as 1919.'"^[19] That would seem to take care in a neat and conclusive manner, of this last but futile effort to uphold what was done by

respondent Judge.

WHEREFORE , the writ of certiorari is granted and the challenged orders of January 15, 1968 as well as of January 27, 1969 are nullified and set aside on the ground that the exclusive jurisdiction of libel cases belongs to a court of first instance. The writ of prohibition prayed for is likewise granted and the restraining order issued by this Court is made permanent, except for the purpose of dismissing the case for lack of jurisdiction. No costs.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] The private respondent is Jesus Matic.

[2] L-23894, January 24, 1974, 55 SCRA 261.

[3] Petition, par. 3.

[4] Ibid, par. 4.

[5] Ibid , par. 5.

[6] Ibid, par. 6.

[7] Ibid, par. 7.

[8] Ibid, par. 8.

[9] Ibid, par. 9.

[10] Ibid, pars. 10 and 11.

[11] Art. 360 of the Revised Penal Code, as last amended by Republic Act No. 4363 that took effect in 1965, insofar as pertinent, reads: "Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means shall be responsible for the same. The author or editor of a book or pamphlet, or the editor or business manager of a daily newspaper, magazine, or serial publication, shall be responsible for the defamations contained therein to the same extent as if he were the author thereof. The criminal action and civil action for damages in cases of written defamations, as provided for in this chapter shall be filed simultaneously or separately with the court of first instance of the province or city where the libelous article is printed and first published or where any of the offended parties actually resides at the time of the commission of the offense: * * *." So it was in the earlier statute Rep. Act No. 1289 (1955).

[12] L-23894, January 24, 1974, 55 SCRA 261, 263-264.

[13] Ibid, 264. Thirteen cases, from *People v. Topacio*, 59 Phil. 356 (1934) to *Time, Inc. v. Reyes*, L-28882, May 31, 1971, 39 SCRA 303, were cited in the opinion.

[14] 37 Phil. 731 (1918).

[15] L-29755, January 31, 1969, 26 SCRA 853.

[16] Ibid, 859-860. The cases cited follow: *Ty Sue v. Hord*, 12 Phil. 485 (1909); *United States v. Toribio*, 15 Phil. 85 (1910); *Riera v. Palmaroli*, 40 Phil. 105 (1919); and *Commissioner of Customs v. Caltex*, 106 Phil. 829 (1959).

[17] L-26406, October 31, 1969, 30 SCRA 248. There have been at least five cases since then: *Vda. de Macabenta v. Davao Stevedore Terminal Co.*, L-27489, April 30, 1970, 32 SCRA 553; *Lopez v. Commissioner of Customs*, L-28235, Jan. 30, 1971, 37 SCRA 327; *Republic Flour Mills v. Commissioner of Customs*, L-28463, May 31,

1971, 39 SCRA 269; Luzano v. Romero, L-33245, Sept. 30, 1971, 41 SCRA 247; Respicio v. Cusi, Jr., L-34427, April 11, 1972, 44 SCRA 392.

[18] Cf. Nardone v. United States, 308 US 338, 341 (1939).

[19] 55 SCRA 261, 265-266. United States v. Reyes is reported in 10 Phil. 423 and Manila Railroad Co. v. Rafferty, 40 Phil. 224 (1919).

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