

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.
JOSE P. MISOLA, DEFENDANT AND APPELLEE.***G.R. No. L-3606. December 29, 1950*

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/932e96bab8a8/>**MONTEMAYOR, J.:**

Upon a complaint subscribed and filed by the Chief of Police, Jose P. Misóla was, by the Justice of the Peace of Sta. Cruz, Zambales, found guilty of slight physical injuries committed on the person of the offended party Porfirio Valverde, and sentenced to eleven (11) days of arresto menor plus costs. Misóla appealed the case to the Court of First Instance of Zambales where the provincial fiscal on August 27, 1948, filed the corresponding information for slight physical injuries.

Trial was postponed several times, until counsel for the accused on August 5, 1949, filed a motion to dismiss on the ground that the offended party Porfirio Valverde was already dead, having been killed in an automobile accident in November, 1948. Citing the case of Guevara vs. Del Rosario, G. R. No. 49252, published in Vol. 43, No. 8, page 3107 of the Official Gazette; 77 Phil., 615, the movant contended that the action being personal, it abated upon the offended party's death. Despite the opposition of the private prosecutors, the trial court presided over by Judge Segundo M. Martinez in an order dated October 20, 1949, dismissed the information holding that on the strength of the case of Guevara vs. Del Rosario cited by movant, the opinion of the court to the contrary notwithstanding, the right involved in this case was personal and abated upon the death of the offended party. The case is now here on appeal by the People of the Philippines to reverse that order of dismissal.

After a careful study of this case we are convinced that the question of survival or abatement of an action or cause of action decided in the case of Guevara is not involved in the present case; consequently, the doctrine laid down in said case is not applicable.

The original criminal complaint was not even subscribed and filed by the offended party Porfirio Valverde. The complaint in the justice of the peace court as already stated, was subscribed and filed by the chief of police. The only intervention of the offended party was probably his having testified in court during the trial in order to establish the commission of the offense. When the case was taken to the Court of First Instance on appeal by the defendant, it was the provincial fiscal who filed the corresponding information. It is therefore clear that the offended party had no intervention whatsoever either in the initiation of the criminal proceedings in the justice of the peace court or in the subsequent prosecution of the case in the court of first instance.

Moreover, once the case was filed in the justice of the peace court, especially after the conviction therein of the defendant, Valverde, the offended party lost complete control over the case, assuming that he ever had any control in the first place. The justice of the peace court and the court of first instance had acquired full jurisdiction and it was no longer in the hands of the offended party to discontinue or drop the case even if he wanted to. It was a case between the People of the Philippines and the accused. The role of Valverde was only that of a mere witness. His death pending appeal could not therefore affect or suspend the due course of the criminal proceedings. Besides,

the offense involved in this case is an offense against the State, involving peace and order. It is not an offense requiring as a condition precedent the intervention of or initiation by the offended party by means of a complaint, like in a case of adultery or concubinage.

According to section 2 of Rule 106 of the Rules of Court, the complaint may be subscribed either by the offended party or any peace officer. That is why the chief of police subscribed and filed the complaint. And, section 4 of the same Rule 106 provides that "all criminal actions either commenced by complaint or by information shall be prosecuted under the direction and control of the fiscal."

From all the foregoing, it is evident that the offended party herein had no intervention whatsoever either in the initiation or prosecution of the case in Court, outside of his giving testimony in the justice of the peace court and, had he lived, his taking the witness stand at the trial in the Court of First Instance. His death, therefore, could not possibly affect or interfere with the case taking and continuing its course in the courts. Whether without his testimony, the guilt of the defendant could be established, is another question.

In conclusion, we find the order of dismissal to be erroneous and we therefore reverse the same. Let the case be returned to the lower court for trial. So ordered.

Moran, C. J., Pablo, Bengzon, Padilla, Tuason, Reyes, and Jugo, JJ., concur.

MORAN, C. J.:

Mr. Justice Paras and Mr. Justice Feria voted for reversal.

Order of dismissal reversed.

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.