

FEDERICO BATOLANON AND TEODORO V. NANO, PETITIONERS AND APPELLANTS, VS. HON. ROMAN A. LEORENTE, JUSTICE OF THE PEACE OF TAGUM, DAVAO, RESPONDENT AND APPELLEE.

G.R. No. L-17994. August 31, 1963

Ponente: PADILLA, J.

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PADILLA, J.:

The Court of Appeals certified this case to this Court, for it involves only questions of law.

On 13 September 1956 Federico Batolanon wrote and sent to Attorney Irineo D. Benavides a letter which reads, as follows:

Dear Atty. Benavides:

This is to acknowledge the receipt on September 5, 1956, of your letter of August 22, 1956, demanding payment of your alleged services in the amount of P1,000.00 and to inform you, Attorney, that I cannot and will not pay you this amount of P1,000.00 because I never hired your services to defend me.

* * * * *

On the contrary, don't you think Attorney that it should be you to pay me the amount of P1,000.00 for committing a fraud upon me? Atty. Benavides, I charge you with the flagrant violation of your oath of office as an attorney in that you have intentionally and deliberately promoted and sued a false, groundless or unlawful suits by filing Civil Case No. 1842, entitled Federico Batolanon vs. Langga Sanama et al., and prosecuting Criminal Case No. 1092, entitled People vs. Langga Sanama et al., in the Court of First Instance of Davao and Justice of the Peace Court of Tagum, Davao, respectively, knowing as you did know all the time that Langga Sanama and his companions never inflicted the physical injuries upon me and that, therefore, these persons cannot be liable for damages because you knew all the time that Langga Sanama and others were not the ones who inflicted said injuries upon me. Notwithstanding this knowledge of yours, you insisted and persisted to prosecute these persons these innocent persons, by using me as your tool to do so, even when Baldomero Resales had already confessed to the Justice of the Peace of Tagum that I was run over by the jeep driven by Tibay, owned by Koberto Palermo and operated by Mr. Manungas and who stated that it was Baldomero Rosales who retrieved me from under the said jeep. In other words, you knew all the time, Attorney, that Langga Sanama and others were not guilty of the charges we filed against them and because I told you I was unconscious due to drunkenness that I did not know what happened to me that night, and because of this ignorance of what happened to me that night, you had the temerity to fabricate my testimony and you taught me to declare that I was clubbed by Langga and his companions named in the criminal complaint. In front of the Fiscal, you insisted that I repeat the same declaration and had me sign an affidavit to this effect—that it was Langga Sanama and his companions who clubbed me and inflicted the physical injuries for which they are charged in court. These declarations were not mine; Attorney, they were all yours imposed upon me because I did not know what happened to mfe. When Tibay could not make statements and declarations to build a case against Langga Sanama and his companions, last May, 1956, at the Fiscal's Office, you even coached him and warned him, thus: "Ayoha gayod pagdeclara, Tibay, aron ang akong 'belas' dili ma-daot; Salvara gayod, siya."

To me these statements of yours did not mean anything then; but now, it is clear; that you knew actually about my case, that I was not clubbed by Langga and his companions but was run over by the jeep driven by Tibay. You wanted to distract the attention of the authorities by filing the fabricated accusations against Langga and others so if these persons will be convicted upon my own testimony that you taught me and the testimonies of perjured witnesses, your "belas" will be free forever from being[^] liable in damages as operator of the jeep driven by Tibay and Tibay, the real culprit, will enjoy freedom because of your machination. The confession to me by Baldomero Bosales on June 24, 1956, that I was really run over by the jeep driven by Tibay on that night of January 19, 1956, and that I was retrieved by him from under the jeep and carried by him into the said jeep changed my whole view and concept of the case about my injuries. * * *

Attorney Benavides, you have unnecessarily provoked me to defend myself. From the way I understand about the fabricated cases you have imposed upon me, I see you must be a dangerous lawyer. I have lost my entire confidence in you. You ought not to continue defending cases. A lawyer like you ought to be disbarred from the practice of law. It should be enough that I fell into your hands as your victim. Because of the fraud you committed upon me, trying to force me to prosecute cases that are false, fabricated and unlawful, in order to save your "belas," you have unnecessarily delayed and frustrated the speedy administration of justice upon me and for this reason I demand that you pay me P1,000.00 within, a period of ten (10) days from the date of receipt of this letter together with your apology to me for the wrong you have done knowingly, deliberately, intentionally and with bad faith upon me. I am sorry that I have to use strongly worded language in this letter to defend myself.

In view of the foregoing, I am giving you ten (10) days from the date of receipt hereof within which for you to pay me the amount of P1,000.00 as damages for the fraud you deliberately, intentionally and with bad faith committed upon me together with your apology, either in writing or verbally, for trying to frustrate the ends of justice in order to protect your "belas;" otherwise, if after that period had lapsed and you shall not have paid the amount of P1,000.00 to me and offered your apology for the wrong you have perpetuated upon me, then I shall be constrained thereafter to file disbarment proceedings against you in the Supreme Court of the Philippines.

Very respectfully,
(Sgd.) Federico Batolanon

On 10 December 1956 the Chief of Police Jose V. Bos-que filed in the Justice of the Peace Court of Tagum, Davao, a complaint charging Federico Batolanon with the crime of light threat under article 283 of the Revised Penal Code (crim. case No. 1190; Annex A). On 21 December, the complaint was amended to include attorney Teodoro V. Nano as co-defendant and confederate (Annex B) upon the strength of an affidavit subscribed and sworn to by the offended party wherein the affiant expresses his belief that attorney Nano wrote the letter (Annex B-1). On 30 April 1957 it was again amended to state that the sum of P1,000 demanded by the defendants was not paid by attorney Irineo D. Benavides, the offended party (Annex C).

In an order entered on 4 March 1957 by the Court, it appears that on 29 December 1956 the defendants filed a motion to quash the complaint, which was denied on 7 January 1957; that on 23 January, they filed a motion for reconsideration of the order of 7 January 1957 and by way of amendment alleged in support of their motion to quash additional grounds, to wit: 1) that the facts do not constitute an offense of light threat; 2) that the complaint charges more than one offense: light threat and libel; and 3) that the offense of light threat charged in the complaint already has prescribed. In the same order of 4 March 1957 the court denied the motion for reconsideration and the amended motion to quash (Annex F). On 14 June, the defendants filed a second and urgent motion for reconsideration, claiming that after the second amendment to the complaint on 30 April 1957 where it was stated that the purpose of extorting the sum of P1,000 not having been attained, the crime charged became punishable by arresto menor, and the complaint having been filed after the lapse of two months from the

date of its alleged commission, the crime had prescribed and therefore the Justice of the Peace Court no longer had jurisdiction to hear and decide the case (Annex D). On 15 June, the second motion for reconsideration was denied (Annex E).

On 24 June 1957, in the Court of First Instance of Davao, the defendants commenced an action for certiorari and prohibition with preliminary injunction praying that the respondent Justice of the Peace be restrained or enjoined from hearing the case and ordered to certify the proceedings therein to the Court of First Instance; and that, after hearing, judgment be rendered declaring and holding that the respondent Justice of the Peace was without jurisdiction to hear and determine the case; that the facts alleged in the complaint did not constitute an offense, or, if they constituted an offense, the same already had prescribed; and that costs be taxed against the respondent Justice of the Peace (civil case No. 2383). On 24 June, the Court of First Instance ordered respondent Justice of the Peace to answer the petition within ten days from service and to appear on 29 June 1957 at 8:30 a.m. and state why the petition should not be granted. On 29 June, the court issued a writ of preliminary injunction restraining the respondent Justice of the Peace from trying the case until after final judgment shall have been rendered in this case. On 3 July, the respondent Justice of the Peace filed an answer denying the material averments of the petition and praying that it be denied, with costs. In an order entered on 15 October 1957 by the Court of First Instance, it appears that the parties submitted the case for judgment on the pleadings. On 19 November 1957 the court rendered judgment holding that the crime charged had not prescribed and the respondent Justice of the Peace had jurisdiction to hear and decide the case and dismissing the petition, without pronouncement as to costs. On 6 December, the petitioners filed a motion for reconsideration which was denied on 12 December. On 3 January 1958 the court dissolved the writ of preliminary injunction theretofore issued. Hence, this appeal.

Whether the Justice of the Peace Court has jurisdiction to hear and determine the case hinges on the resolution of two questions raised by the appellants, to wit: whether the facts alleged in the complaint constitute the crime of light threat; and if they do constitute such crime, whether it has prescribed.

The crime charged against the appellants is light threat. Article 283 of the Revised Penal Code provides the following :

A threat to commit a wrong not constituting a crime, made in the manner expressed in subdivision 1 of the next preceding article, shall be punished by *arresto mayor*.

The article referred to is 282 which reads, as follows:

Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime, shall suffer:

- The penalty next lower in decree than that prescribed by law for the crime he threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his purpose. If the offender shall not have attained his purpose the penalty lower by two degrees shall be imposed.

If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum period.

The appellants argue that as the purpose of extorting money from the offended party was not attained by them, the penalty to be imposed should be two degrees lower than *arresto mayor*, which is *arresto menor*, pursuant to the two above-quoted articles which must be read together; and as the complaint was filed after two months from the date of the alleged commission of the crime, the prosecution of the crime is barred by the statute of limitations and the Justice of the Peace has no jurisdiction to hear and determine the case. The argument is without merit. The correlation between articles 283 and 282, subdivision 1, of the Revised Penal Code is confined only to the manner

of committing the threat, such as demanding money or imposing any other condition, without changing or altering the penalties each imposes. Article 282 refers to threat to commit a wrong amounting to a crime, whereas article 283, to a wrong not amounting to a crime. In the case at bar, the offense charged is light threat which is punishable by arresto mayor under article 283 of the Revised Penal Code and prescribes in five years. [1] The threat was committed on 13 September 1956 and the complaint was filed in court on 10 December 1956. It was filed well within the period of five years.

The judgment appealed from is affirmed, with costs against the appellants.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Article 90 of the Revised Penal Code.

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