

JANUARIO JALANDONI, PETITIONER, VS. HON. VICTORIANO H. ENDAYA, IN HIS CAPACITY AS MUNICIPAL JUDGE OF THE MUNICIPAL COURT OF BATANGAS, PROVINCE OF BATANGAS, AND SERAFIN D. CRUZ, ...

G.R. No. L-23894. January 24, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

This prohibition proceeding arose from the insistence of respondent Judge[1] of the Municipal Court of Batangas to try on the merits a prosecution for libel, instead of having it elevated to the proper court of first instance as sought by petitioner. Respondent Judge did act under the belief tenaciously held that he had such competence. As will be shown, the law speaks differently, the Revised Penal Code specifically conferring such power on "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 * * *." [2] The merit of the petition is thus apparent.

The facts show that on March 14, 1964, petitioner instituted a criminal complaint for libel, Criminal Case No. 801, in the Municipal Court of the Municipality of Batangas presided over by the respondent Judge. The accused named therein was Serafin D. Cruz. There was the corresponding preliminary examination of the witnesses for the complainant, on April 4, 1964, with respondent Judge finding that there was reasonable ground to believe that such offense was committed by the person named. After respondent Cruz posted the corresponding bail bond for his provisional liberty, the respondent Judge set the case for hearing on the merits on July 13, 1964, at 2:30 o'clock in the afternoon. When that time came, complainant, now petitioner, through counsel manifested in open court that under Article 360 of the Revised Penal Code, respondent Judge was devoid of jurisdiction to do so. There was, as noted, a negative response. After hearing arguments on such motion for desistance including memoranda submitted by both sides, respondent Judge, on July 29, 1964, issued an order denying petitioner's verbal motion to have Criminal Case No. 801 elevated to the Court of First Instance of Batangas. With a motion for reconsideration meeting the same fate, this petition for prohibition was filed.[3]

The above brief recital of the undisputed facts makes manifest, having in mind the controlling legal norm, that prohibition lies. So it was indicated at the outset.

1. 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.[4] 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.

2. Moreover, reference to decided cases ever since the effectivity of Article 360 will make clear that such an

adamantine stand is far from justified. A case where a municipal court has been sustained in its determination to go ahead and try on the merits a prosecution for libel is yet to make its appearance in the juridical scene. If the law remains what it is, as seems likely, it will be a long, long wait.[5]

3. Nor is this to imply that respondent Judge was not sufficiently mindful of the legal import of such insistence on his part. As is clear from his well-written memorandum, he did base his action on what for him was the consequence of the Judiciary Act as amended by Republic Act No. 3828, Section 87 of which would confer concurrent jurisdiction on municipal judges in the capital of provinces with the court of first instance where the penalty provided for by law does not exceed prison correccional or imprisonment for not more than six years or fine not exceeding six thousand pesos or both.[6] Libel is one of those offenses included in such category. He would thus conclude that as the amendatory act came into effect on June 22, 1963, the provisions of Article 360 as last amended by Republic Act No. 1289 conferring exclusive jurisdiction on courts of first instance, was thus repealed by implication. 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 vs. Subido*. [7] 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 vs. 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." [8] 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. vs. Rafferty*, decided as far back as 1919. A citation from an opinion of Justice Tuason is illuminating. Thus: 'From another angle the presumption against repeal is stronger. A special law is not regarded as having been amended or repealed by a general law unless the intent to repeal or alter is manifest. *Generalia specialibus non derogant*. And this is true although the terms of the general act are broad enough to include the matter in the special statute. * * * At any rate, in the event harmony between provisions of this type in the same law or in two laws is impossible, the specific provision controls unless the statute, considered in its entirety, indicates a contrary intention upon the part of the legislature. * * * A general law is one which embraces a class of subjects or places and does not omit any subject or place naturally belonging to such class, while a special act is one which relates to particular persons or things of a class.'" [9] Nothing remains to be added except to point out that under the latest amendatory act to Article 360, Republic Act No. 4363, which was approved on June 19, 1965, there was a reiteration *ipsisimis verbis* of the legal provision in question.

WHEREFORE, the writ of prohibition is granted and the preliminary injunction issued by this Court on December 18, 1964, is made permanent. Without costs.

Zaldivar, (Chairman), Antonio, Fernandez, and Aquino, JJ., concur.
Barredo, J., took no part.

[1] The other respondent named is Serafin D. Cruz, the accused in the criminal complaint for libel docketed as Criminal Case No. 801 of such court.

[2] Article 360 of the Revised Penal Code as last amended by Republic Act No. 4363 (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: Provided, however, That where one of the offended parties is a public officer whose office is in the City of Manila at the time of the commission of the offense, the action shall be filed in the Court of First Instance of the City of Manila or of the city or province where the libelous article is printed and first published, and in case such public officer does not hold office in the City of Manila, the action shall be filed in the Court of First Instance of the province or city where he held office at the time of the commission of the offense or where the libelous article is printed and first published and in case one of the offended parties is a private individual, the action shall be filed in the Court of First Instance of the province or city where he actually resides at the time of the commission of the offense or where the libelous matter is printed and first published: Provided, further, That the civil action shall be filed in the same court where the criminal action is filed and vice versa. Provided, furthermore, That the court where the criminal action or civil action for damages is first filed, shall acquire jurisdiction to the exclusion of other courts: And provided, finally, That this amendment shall not apply to cases of written defamations, the civil and/or criminal actions to which have been filed in court at the time of the effectivity of this law."

[3] Petition, pars. 2-10.

[4] Cf. *People vs. Mapa*, L-22301, Aug. 30, 1967, 20 SCRA 1164; *Pacific Oxygen & Acetylene Co. vs. Central Bank*, L-21881, March 1, 1968, 22 SCRA 917; *Dequito vs. Lopez*, L-27757, March 28, 1968, 22 SCRA 1352; *Padilla vs. City of Pasay*, L-24039, June 29, 1968, 23 SCRA 1349; *Garcia vs. Vasquez*, L-26808, March 28, 1969, 27 SCRA 505; *La Perla Cigar and Cigarette Factory vs. Capapas*, L-27948 and 28001--11, July 31, 1969, 28 SCRA 1085; *Mobil Oil Phil., Inc. vs. Diocares*, L--26371, Sept. 30, 1969, 29 SCRA 656; *Luzon Surety Co., Inc. vs. De Garcia*, L-25659, Oct. 31, 1969, 30 SCRA 111; *Vda. de Macabenta vs. Davao Stevedore Terminal Co.*, L-27489, April 30, 1970, 32 SCRA 553; *Republic Flour Mills, Inc. vs. Commissioner of Customs*, L--28463, May 31, 1971, 39 SCRA 269; *Maritime Co. of the Phil. vs. Reparations Commission*, L-29203, July 26, 1971, 40 SCRA 70; *Allied Brokerage Corp. vs. Commissioner of Customs*, L-27641, Aug. 31, 1971, 40 SCRA 555; *Gonzaga vs. Court of Appeals*, L-27455, June 28, 1973, 51 SCRA 381; *Vallangca vs. Ariola*, L-29226, Sept. 28, 1973.

[5] Cf. *People vs. Topacio*, 59 Phil. 356 (1934); *People vs. Burgos*, 59 Phil. 375 (1934); *People vs. Velisario*, 70 Phil. 496 (1940); *People vs. del Rosario*, 86 Phil. 163 (1950); *People vs. Santos*, 98 Phil. 111 (1955); *People vs. Gonzalez*, 105 Phil. 47 (1959); *People vs. Olarte*, 108 Phil. 756 (1960); *People vs. Monton*, L-16772, Nov. 30, 1962, 6 SCRA 801; *People vs. Alvarez*, L-19072, Aug. 14, 1965, 14 SCRA 901; *People vs. Aquino*, L-23908, Oct. 29, 1966, 18 SCRA 555; *People vs. Balao*, L--22250, May 22, 1968, 23 SCRA 632; *Orfanel vs. People*, L-26877, Dec. 26, 1969, 30 SCRA 819; *Time, Inc. vs. Reyes*, L-28882, May 31, 1971, 39 SCRA 303.

[6] Section 87 of Republic Act No. 296 as amended by Republic Act No. 3828 insofar as pertinent reads as follows: "Municipal judges in the capitals of provinces and sub-provinces and judges of city courts shall have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within their respective jurisdictions, in which the penalty provided by law does not exceed prision correccional or imprisonment for not more than six years or fine not exceeding six thousand pesos or both, and in the absence of the district judge, shall have like jurisdiction within the province as the Court of First Instance to hear applications for bail."

[7] L-31711, September 30, 1971, 41 SCRA 190.

[8] Ibid., 196-197. Such has been the doctrine from *Calderon vs. Provincia del Santisimo Rosario*, 28 Phil. 164, decided in 1914. Twenty-four other cases up to and including *National Power Corporation vs. Arca*, L-23309, October 31, 1968, 25 SCRA 931, were also cited.

[9] Ibid., 197-198. The excerpt from the opinion of Justice Tuason came from *Valera vs. Tuason*, 80 Phil. 823 (1948).

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