

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, AND
FELIPE C. NAVARRO, COMPLAINANT-OFFENDED
PARTY-APPELLANT, VS. RUFINO G. HECHANOVA, JOAQUIN P. ROCES,
JOSE LUNA CASTRO, AND...**

G.R. No. L-26459. November 29, 1973

Ponente: ESGUERRA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c57a3ba68dd0/>

ESGUERRA, J.:

Direct Appeal by certiorari of Atty. Felipe C. Navarro from an Order of May 25, 1966 of Judge Honorato B. Masakayan of the Court of First Instance of Rizal, Seventh Judicial District, Branch V, Quezon City, in its Criminal Case No. Q-7002, dismissing his complaint for libel directly filed with said court. The dismissal order was based on the ground that the alleged libel was covered by a charge which had previously been filed with the Office of the City Fiscal of Quezon City and dismissed by Assistant Fiscal Leonides S. Lombos for lack of merit after proper preliminary investigation.

The background of the case is as follows:

On January 18, 1966, appellant Atty. Felipe C. Navarro initially filed a libel charge with the Quezon City Fiscal's Office against the appellees herein purportedly because of a letter written by the late accused-appellant Rufino G. Hechanova on April 6, 1964, to the Head Executive Assistant, Department of Finance, which states:

"Up in Baguio during the Holy Week, this Mr. Felipe C. Navarro came to see me and told me that his appointment as Customs Attache is pending in our Department. He also told me that in connection with his case which falls under the Department of Finance, his client would be prepared to give P200,000 to the Liberal Party. Al-though I do not have any evidence to sup-port a case that would stand up in court, but considering the circumstances and my personal knowledge on the matter, and al-though he is from Iloilo, I cannot, in con-science, sign his appointment in the Fi-nance Department. I shudder at the thought of what his conduct would be as customs at-tache. Please be on the lookout for the cases that this man is handling in our De-partment."

and a news item appearing in the Manila Times issue of April 7, 1964, on its page 2-A, column 4, stating:

"FENNY SAYS LAWYER TRIED TO BRIBE HIM Finance Secretary Rufino Hechanova said yesterday that a lawyer offered to give him P200,000 for the LP coffers. Hechano-va said he rejected the offer and ordered the lawyer barred from following up cases of his client with the finance department. The lawyer, who is from Iloilo, has also been proposed as customs attache abroad. Hechanova said he also disapproved the proposed appointment. The finance chief said the lawyer made the offer when he saw him (Hechanova) at the Baguio Country Club du-ring the Holy Week. He said he was shocked at the proposition of the lawyer that he immediately told him to leave the club. 'I shudder at the thought of what his con-duct would be as customs attache,' Hecha-nova said. Asked why he did not file a case against the lawyer, Hechanova said he does not have evidence to support a case against him. The finance chief instructed his staff to be on the lookout for the cases being followed up by the lawyer. 'If he can make the proposition to me, the lawyer could do it to any of

my staff,' Hechanova said."

Said libel charge (docketed and numbered I.S. No. 681 in the Quezon City Fiscal's Office) was subsequently assigned to Fiscal Leonides S. Lombos who, after conducting the proper preliminary investigation, dismissed the same for failure to establish any prima facie case, together with five (5) other libel charges filed by the same appellant against accused-appellee Rufino G. Hechanova and the corresponding publishers, editors and news reporters of other metropolitan dailies.[1]

Evidently dissatisfied with the action of Assistant City Fiscal Lombos dismissing all his libel charges, appellant re-filed all of them directly with the Quezon City Court of First Instance, claiming that his course of action is in consonance with the provisions of Article 360 of the Revised Penal Code in conjunction with Section 13, Rule 112 of the New Rules of Court. It is to be stressed that the appellant, wittingly or unwittingly, failed to disclose that preliminary investigation thereof had already been conducted by the Quezon City Fiscal.[2]

Exercising the discretion granted to it by Sec. 13, Rule 112 of the New Rules of Court, the Court a quo referred the complaint to the City Fiscal of Quezon City for preliminary examination, investigation and appropriate action, as per its Order dated April 14, 1966. In a Report of Investigation dated April 28, 1966, submitted by City Fiscal Justiniano P. Cortez on April 29, 1966, said officer recommended the dismissal of the libel case on the ground that the instant complaint is the same as the original complaint filed on January 18, 1966 with his Office (I. S. No. 681), as both involve the same parties and the very news item appearing in the April 7, 1964, issue of the Manila Times, and that the original complaint was previously investigated by Assistant City Fiscal Leonides S. Lombos and dismissed for lack of merit.[3]

Under the circumstances obtaining, the court below dismissed the libel charge, opining that while the complaint is docketed in his sala as Criminal Case No. Q-7002, it cannot be said that it was directly filed with that Court as contemplated in Section 13, Rule 112, of the New Rules of Court for the simple reason that it was originally filed with the City Fiscal who dismissed the same.[4]

The primary issue posed in this case centers on whether or not the Quezon City Branch, Court of First Instance of Rizal, Branch V, has the power or authority to conduct preliminary examination or investigation on a charge of libel directly filed by the supposed offended party with the Court.

Appellant assigned ten errors, each of which hardly deserves any consideration as they are all mere corollaries to the threshold issue above stated, the resolution of which would embrace all secondary questions arising therefrom.

Appellant seeks to justify the filing of his complaint direct with the Court of First Instance of Rizal, Quezon City Branch, by invoking the provisions of Article 360 of the Revised Penal Code and Section 13, Rule 112 of the New Rules of Court.

Let us examine these two provisions.

Article 360 of the Revised Penal Code, as amended, insofar as pertinent, in part reads as follows:

" XX XX XX XX XX XX

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:

XX XX XX XX XX XX XX."

"Preliminary investigation of criminal actions for written defamations as provided for in the chapter shall be

conducted by the provincial or city fiscal of the province or city, or by the municipal court of the city or capital of the province where such actions may be instituted in accordance with the provisions of this article."

Upon the other hand, Section 13, Rule 112 of the New Rules of Court states:

"Preliminary examination and investigation by the judge of the Court of First Instance. - Upon complaint filed directly with the Court of First Instance, without previous preliminary examination and investigation conducted by the fiscal, the judge thereof shall either refer the complaint to the justice of the peace referred to in the second paragraph of section 2 hereof for preliminary examination and investigation, or himself conduct both preliminary examination and investigation simultaneously in the manner provided in the preceding sections, and should he find reasonable ground to believe that the defendant has committed the offense charged, he shall issue a warrant for his arrest, and thereafter refer the case to the fiscal for the filing of the corresponding information."

Nowhere under Article 360 of the Revised Penal Code is indicated that a preliminary investigation and/or examination of libel charges should be conducted direct by the Courts of First Instance.

Relative to Section 13, Rule 112, of the New Rules of Court, it is stated thereby with pristine clarity that the complaints over which a judge of a court of first instance may conduct preliminary examination and investigation are those "filed directly" before it, "without previous preliminary examination and investigation conducted by the fiscal x x x."

Appellant would like the Court below to conduct the preliminary investigation of his libel charges. But his plea does not stand on solid ground.

Section 13 of Rule 112 of the New Rules of Court has no application "to those cities, like Manila, Bacolod and others, the respective charters of which authorize only the city fiscal to conduct preliminary investigation of criminal complaints.[5] A cursory comparison of the revised charters of Manila and Quezon City[6] will suffice to establish their close and substantial congruity.

In case of Sayo vs. Chief of Police,[7] this Court ruled:

"Under the law, a complaint charging a person, with a commission of an offense cognizable by the courts of Manila is not filed with the municipal court or Court of First Instance of Manila, because as above-stated, the latter do not make or conduct a preliminary investigation proper. The complaint must be made or filed with the city fiscal of Manila who, personally or through one of his assistants, makes the investigation, not for the purpose of ordering the arrest of the accused, but of filing with the proper court the necessary information against the accused if the result of the investigation so warrants, and obtaining from the court, a warrant of arrest or commitment of the accused." (emphasis supplied)

This doctrine was reiterated in Montelibano, et al. vs. Ferrer, et al,[8] where then Associate Justice, later Chief Justice, Concepcion quoted with approval the concurring opinion of then Chief Justice Moran in Espiritu vs. Dela Rosa,[8a] which runs as follows:

"I concur upon the ground that Rule 108 section 4 does not apply in the City of Manila where the only officer authorized by law to conduct preliminary investigation is the City Fiscal (sec. 2474, Adm. Code) and therefore, all criminal complaints should be filed with that officer who in turn may, after investigation, file the corresponding information with the Court of First Instance. The provisions of the Administrative Code on this matter have not been repealed by the Rules of Court. (Hashim vs. Boncan, 40 Off. Gaz., p. 13.)" (emphasis supplied)

Obviously, the fundamental rule laid down in the Sayo and Montelibano cases is to the effect that a court in a chartered city may not, for purposes of preliminary investigation, entertain a complaint filed with it directly by

the offended party when the only officer so authorized by the charter of said city is its city fiscal or city attorney.

The Revised Charter of Quezon City[9] explicitly provides this wise:

"Sec. 28. The City Attorney

xx xx xx xx xx xx xx xx xx xx

(g) He shall also have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances, in the Court of First Instance and the municipal courts of the City, and shall discharge all the duties in respect to the criminal prosecutions enjoined by law upon provincial fiscals.

(h) He shall cause to be investigated all charges of crimes, misdemeanors, and violations of ordinances and have the necessary information or complaints prepared or made against the persons accused.

xx xx xx xx xx xx xx."

Parenthetically, the aforementioned provision lodges in the City Fiscal of Quezon City the very same power mentioned in the Sayo and Montelibano cases as exclusively authorizing the city attorney or fiscal of Manila and Bacolod City to conduct preliminary investigation of offenses. Since the statutory provisions in the charters of the City of Manila and Bacolod City[10] were interpreted in both cases as exclusively empowering the city fiscal or city attorney to conduct preliminary investigation in these cities, it should become manifest that the presence of a similar or identical provision in the Revised Charter of Quezon City would necessarily lead to the same conclusion as it may be presumed that the Legislature intended to adopt also the settled judicial interpretation already given to the latter.

Moreover, under Republic Act No. 4363 it is stated that the preliminary investigation of criminal actions for written defamations "shall be conducted by the provincial or city fiscal of the province or city, or by the municipal court of the city or capital of the province where such actions may be instituted. x x x."

Our conclusion is, therefore, inevitable that appellant's course of action is irregular and improper.

Consequently, the order of dismissal must be sustained.

WHEREFORE, the appeal is hereby DISMISSED.

With costs against the appellant.

Makalintal, C.J., Ruiz Catro, Makasiar, and Muñoz Palma, JJ., concur.

Teehanke, J., concurs in the result.

[1] Record, p. 8.

[2] Record, pp. 11-12; 138.

[3] Ibid, p. 27.

[4] Record, p. 28.

[5] Francisco, The Revised Rules of Court and Philippine Criminal Procedure, p. 231.

[6] R.A. No. 409, as amended, and R.A. No. 537.

[7] 80 Phil. 859.

[8] 97 Phil. 228, 232.

[8a] 78 Phil. 827, 830.

[9] Republic Act No. 537.

[10] Sec. 22, Commonwealth Act No. 326.

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.