

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.
RICARDO MAPA, PATRICIO ABALO, DEFENDANTS AND APPELLEES.**

G. R. No. L-15345. May 26, 1962

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cb95dfbe651f/>

PADILLA, J.:

Appeal by the Provincial Fiscal of Iloilo in behalf of the People from an order entered on 23 March 1959 by the Court of First Instance of Iloilo quashing an information that charged Ricardo Mapa and Patricio Abalo with the crime of direct assault on a person in authority (crim. case No. 7391).

On 11 October 1958 Juan Do-oma, a barrio lieutenant of Lublub, Dumangas, Iloilo, filed in the Justice of the Peace Court of Dumangas a sworn complaint charging Ricardo Mapa and Patricio Abalo with the crime of assault upon a person in authority with slight physical injuries.

On 29 October 1958 the complaint was amended to read, as follows:

The undersigned complainant, after being duly sworn to according to law, accuses Ricardo Mapa and Patricio Abalo of the crime of assault upon a person in authority with slight physical injuries, committed as follows:

That on October 10, 1958, at about 6:00 p.m., more or less, in the barrio of Lublub, municipality of Dumangas, Iloilo, Philippines, and within the jurisdiction of this Court, the above-named accused conspiring and confederating with each other, did then and there, wilfully, unlawfully and feloniously, and without provocation on the part of the offended party, assaulted and attacked one Juan Do-oma who is a person in authority on the occasion of the performance of his duties, thus inflicting upon the person of said Juan Do-oma physical injuries which according to medical findings will heal within two to three days.

Contrary to law.

Dumangas, Iloilo, October 29, 1958.

(Sgd.) JUAN DO-OMA

Complainant

Witnesses:

- Juan Do-oma, Lublub, Dumangas, Iloilo
- Jesus Dormitorio, Lublub, Dumangas, Iloilo
- Castor Do-oma, Lublub, Dumangas, Iloilo
- And others.

Subscribed and Sworn to before me this 29th day of October, 1958, in Dumangas, Iloilo, Philippines, affiant exhibiting to me his Res. Cert. No. A-2246381, issued at Iloilo City on February 28, 1958.

(Sgd.) NATIVIDAD PARCON

(Miss) NATIVIDAD PARCON

Justice of the Peace

On 9 January 1959 the Justice of the Peace Court of Dumangas rendered the following opinion:

Was the offended party engaged in the performance of his duties as *teniente del barrio* when the supposed crime was committed by the accused?

Did he attend the meeting in his official capacity as *teniente del barrio* as it is alleged in the complaint?

Exhibits "3" and "4" of the prosecution which are invitations to a meeting addressed to Jesus Dormitcrio and Juan Do-oma signed by Castor Do-oma, President of the P.T.A. of Barrio Lublub, Dumangas, Iloilo, do not state at all that the complainant was asked to attend the meeting as *teniente del barrio*, although as a matter of respect the appendage of *teniente del barrio* was added to his name. The fact that those who attended the meeting were members of the association, there were about 25 persons most of them teachers, does not necessarily imply that the meeting was an official one and for an official purpose. Hence the offended party was just one of those present at the meeting that aimed to device ways and means to honor a son of the barrio, Dr. Narciso Monfort, who at that time was about to arrive accompanying the Director of Health, Dr. Jesus Nolasco.

For the above consideration, this Court orders that the case be dismissed with costs *de officio*.

On 19 February 1959 the Provincial Fiscal of Iloilo filed in the Court of First Instance of Iloilo an information charging Ricardo Mapa and Patricio Abalo with the crime of direct assault on a person in authority, to wit:

That on or about October 10, 1958, in the municipality of Dumangas, province of Iloilo, Philippines, within the jurisdiction of this Court, the two above-named accused, conspiring and helping one another, did, maliciously and feloniously attack, assault and box Juan Do-oma, a *barrio* lieutenant of *barrio* Lublub, municipality of Dumangas, Province of Iloilo, inflicting upon said Juan Do-oma physical injuries which took three (3) days to heal; the aforestated attack on said person-in-authority having been done by the two herein accused on the occasion of the performance of said person-in-authority of his official duties in the aforestated *barrio*. (Criminal case No. 7391.)

On 18 March 1959 the accused moved that the information be quashed on the ground that the Provincial Fiscal had no power or authority to conduct a preliminary investigation of a crime charged in a complaint that had been investigated and dismissed by the Justice of the Peace Court of Dumangas. On 21 March 1959 the Provincial Fiscal objected to the motion to quash. As stated above, on 23 March 1959 the Court of First Instance of Iloilo quashed the information. An urgent motion for reconsideration of the order of 23 March 1959 having been denied, the Provincial Fiscal of Iloilo in behalf of the People has appealed to this Court raising only a question of law.

The three errors assigned by the Provincial Fiscal boil down to the question of whether a Provincial Fiscal may conduct his own preliminary investigation of a criminal case which had been investigated and dismissed by a Justice of the Peace Court.

The People invokes Republic Act No. 732, as amended by Republic Act No. 1799, which provides that—

A provincial fiscal, an assistant provincial fiscal and a special counsel appointed under section 1686 of this Code shall have authority to conduct investigation into the matter of any crime or misdemeanor and have the necessary information or complaint prepared or made against persons charged ,with the commission of the same. * * *,

to support its proposition that the Provincial Fiscal has the power or authority to conduct such investigation.

On the other hand, the appellees, without denying that the Provincial Fiscal is clothed with that power to conduct investigation under the provisions of the aforequoted law, contend that such power or authority may only be exercised when the crime or felony charged in the complaint is cognizable by a Court of First Instance, but not when the crime charged in the complaint, though cognizable by a Court of First Instance, had been investigated and dismissed by a Justice of the Peace Court. In support of their contention they cite the case of Villanueva vs. Gonzales, 99 Phil., 679; 52 Off. Gaz. (12) 5497, where this Court held that—

* * * Said Republic Act No. 732, governs preliminary investigations conducted by provincial fiscals in cases originally instituted by them in courts of first instance. It does not apply to cases begun in justice of the peace courts and, thereafter, forwarded to the corresponding court of first instance, either after the second phase of the preliminary investigation required in the Rules of Court had been conducted before said justice of the peace courts, or after a waiver by the accused of their right to said preliminary investigation. * * *

The power of the Provincial Fiscal to conduct an investigation of a criminal case previously investigated and dismissed by a Justice of the Peace Court is a settled question. In *People vs. Pervez*,^[1] 110 Phil., 213, this Court held that—

* * * it cannot seriously be disputed, and needs no citation of authorities, that the Provincial Fiscal is not precluded from conducting his own preliminary investigation of a case previously dismissed by the Justice of the Peace, since such dismissal creates no bar to another prosecution. * * *

In resume, we reiterate our previous ruling that if the charge for a crime cognizable by the Court of First Instance is filed by a competent party or officer in the Justice of the Peace Court, and the accused waives preliminary investigation, (and the latter court) finds that a prima facie case exists, and consequently, elevates the records to the Court of First Instance, the Provincial Fiscal is not called upon to conduct another investigation, and may forthwith file the information in the Court of First Instance. Republic Act No. 732 does not apply in such a case. 'But if the Justice of the Peace, after due investigation, dismisses the charge, then the case stands as if no charge had been made, and the Provincial Fiscal may thereafter conduct his own investigation of the same charge under the aforesaid Republic Act 732, making it in the presence of the accused if and when the latter so requests.

The ruling was reiterated in *People vs. Padron*, G. R. No. L-15960, 29 April 1961.

The order appealed from is set aside and the case remanded to the court below for further proceedings in accord with law, with costs .against the appellees.

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

[1] This is the case previously quashed by the Court of First Instance of Iloilo, which was invoked by the accused to support and justify their motion to quash the information filed in the present case.

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.