

JULIA D. CARIAGA, PETITIONER, VS. THE HONORABLE MARIA JUSTO GUERRERO AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-24494. June 22, 1968

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Petition to prohibit the respondent municipal judge of Pasuquin, Ilocos Norte from hearing its Criminal Case No. 600, for grave slander, filed by some thirty teachers of the Pasuquin National Agricultural School against the herein petitioner, Julia D. Cariaga.

The petition alleges, inter alia, that on 27 April 1964, the aforesaid numerous teachers filed a criminal complaint in the municipal court of Pasuquin, Ilocos Norte. The complaint reads as follows:

(Caption omitted)

"COMPLAINT"

"The undersigned teachers of the Pasuquin National Agricultural School, Pasuquin, Ilocos Norte, under oath, accused JULIA DAGUIO CARIAGA, of the crime of GRAVE SLANDER committed as follows:

"That on or about 4:00 P.M. of April 8, 1964, in the Audio Visual Room of the Pasuquin National Agricultural School, Pasuquin, Ilocos Norte, and within the jurisdiction of this Honorable Court, the said accused JULIA DAGUIO CARIAGA, being then present in a meeting of the graduating students of the Pasuquin National Agricultural, their parents and teachers and employees of the said Pasuquin National Agricultural School, voluntarily, criminally and with the intention of attacking the honesty, integrity, virtue and reputation of the teachers and employees of the Pasuquin National Agricultural School, Pasuquin, Ilocos Norte, and for the purpose of exposing these teachers and employees of the said Pasuquin National Agricultural School to the public hatred, contempt and ridicule spoke injurious and defamatory remarks relative to and concerning the integrity and capabilities of the teachers and employees of the Pasuquin National Agricultural School, the words as follows:

'WHAT KIND OF STANDARD DO YOU HAVE HERE MR. GUIANG?' IS THIS THE KIND OF CHARACTER TRAINING THE TEACHERS AND EMPLOYEES OF THIS SCHOOL ARE GIVING THE STUDENTS?

'BULLSIET', 'SIET I BETTER WALK OUT.' OKININAYO AMIN NGA MAMAESTRA CASLA CAYLA CASIGURIAN'.

in a loud and angry voice which the Ilocano portions of the above-quoted defamatory statements if translated into English would mean:

'VULVA OF YOUR MOTHER ALL OF YOU TEACHERS AS IF YOU ARE ALWAYS IN THE RIGHT

TRACK.'

"That the remarks in question, particular-ly the words or utterances such as 'Bullsiet, siet and okininayo amin nga mamaestra casla cayla casiruan' had for its object to insinuate and made by the accused and was in effect under-stood and interpreted by the teachers of Pasuquin National Agricultural School to have place them into discredit, disrepute and ridicule in front of the public.

"That the accused committed the offense in her capacity as a member of the Bureau of Public School which is in gross violation of ethical principles prescribed by the Department of Edu-cation.

"CONTRARY TO LAW.

"Pasuquin, Ilocos Norte, April 27, 1964.

t/MR. BERNARDO ROMERO (SGD) MRS. NORMA G. REGIDO

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(SGD) MR. APOLINAR VISCO t/MISS SATURNINA AGUDA

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P. R. O. Sgt. at Arms

t/Mr. JUAN ACOB

Sgt. at Arms

M E M B E R S & W I T N E S S E S

(SGD) MRS. ANICIA AGUDA (SGD) MISS EUGEVA AGUA

(SGD) MRS. FILOMENA ALCON (SGD) MRS. ROSARIO APANAY

(SGD) MR. FRANCISCO BATACAN (SGD) MRS. ROSALIA BATACAN

(SGD) MR. EUGENIO CALIVA T/MR. ALBERTO CALPO

(SGD) MISS SALOME CALUPIG (SGD) MISS DOLORES DAQUIOAG

(SGD) MR. SEVERO DOMINGO (SGD) MISS EFIGENIA FRANCO

(SGD) MR. SIXTO I. GUERRERO (SGD) MONICO JACINTO

(SGD) MR. ALFREDO PARAISO T/MISS EUGENIA PUYAON

(SOD) FELIPE REPUTOLA T/MR. BENJAMIN SAGISI

(SGD) MISS CLEOFE SALUD (SGD) MR. LIBORIO UDASCO

(SGD) MRS. ILUMINADA VALLEJOS (SGD) MRS. ZOROHAYDA J. VISCO

(SGD) MR. JACINTO LLAPITAN T/MR. RIZAL LACISTE

SUBSCRIBED AND SWORN TO before me on this 27th day of April, 1964, at Pasuquin, Ilocos Norte.

(SGD) MARIA JUSTO-GUERRERO

Municipal Judge

Pasuquin, Ilocos Norte"

On arraignment on 13 May 1964, the accused Julia D. Cariaga, entered a plea of not guilty. After that, it was discovered that, tucked in the records of Criminal Case No. 600 was an "Information", charging the same accused for the same crime and subscribed and sworn to by the same accusers on 15 April 1964. In this "Information", however, the allegedly offensive utterances were as follows:

"WHAT KIND OF STANDARD DO YOU HAVE HERE MR. GUIANG?" "IS THIS THE KIND OF CHARACTER TRAINING THE TEACHERS AND EMPLOYEES OF THIS SCHOOL ARE GIVING THE STUDENTS?"

Outside of this difference, and aside from other inconsequential matters, the "Information" and the "Complaint" were in form and substance, almost the same.

On 14 December 1964, petitioner Cariaga, claiming that she did not know on which charge she would undergo trial, the "Complaint" or the "Information", moved to quash on the ground that she would be put twice in jeo-pardy for the same offense; that neither pleading states facts constitutive of a criminal offense; and that the court has no jurisdiction.

The respondent court denied the motion to quash and set the case for trial. On the date set for trial, which was on 30 April 1965, the petitioner filed the present petition for prohibition, with preliminary injunction.

On 28 June 1965, this Court denied the motion for the issuance of preliminary injunction.

According to the respondent judge, the offended parties had appeared before her on 14 April 1964, complaining verb-ally against the petitioner. On the same day, petitioner Cariaga also approached the judge and requested her inter-vention in settling the case. On 15 April 1964, the complainants subscribed and swore to the truth of the "Inform-ation" and gave the same to the judge, who received it. (Answer, p. 2, par. 2). The judge then gave a copy to the husband of Cariaga to serve as their guide in settling the case before the municipal mayor. But the complaining teachers returned to the judge and took back all the original and copies of the "Information". Then, (according to the respondent judge) on 27 April 1964 "perhaps because the case could not be settled" the complainants filed the "Complaint", attaching thereto as a supporting paper, the "Information".

The action of respondent Judge in informally receiving the "Information", and just as informally having allowed its withdrawal, without any notice to the accused, apparently generated suspicion of bias in the mine of the accused, which could have been avoided had the actions of the Judge been more formal and discreet; still there is only one case for grave slander filed against the petitioner. This is the "Complaint", as is evident by the fact that it alone has a docket number. The "Information" was not docketed as a separate and independent case but merely attached to the "Complaint" as a supporting paper.

Since there is only one case against the accused, no double jeopardy could possibly attach.

The crime of grave slander (Penal Code, Art. 358) is punishable by arresto mayor maximum (4 months and 1 day to 6 months) to prision correccional minimum (6 months and 1 day to 2 years and 4 months.) Republic Act No. 3828 (that took effect upon its approval on 22 June 1963, and which was in force when Criminal Case No. 600 of the respondent court was filed) had increased the original jurisdiction of muni-cipal courts in criminal cases from that provided for in the former legislation to ---

"(c) Except violations of election laws, all other offense in which the penalty provided by law is imprisonment for not more than three years, x x x." (Emphasis supplied)

Hence, the respondent municipal court has jurisdiction over the crime of grave slander of which petitioner stands accused.

The case below was commenced and prosecuted without the intervention, mediation or participation of the fiscal or any of his deputies. This, notwithstanding, the jurisdiction of the court was not affected (*Valdez vs. Director of Prisons*, 38 Phil. 596) but the court should have cited the public prosecutor to intervene. (*Trinidad vs. Jarabe*, 3 Phil. 518)

For the foregoing reasons, the writ of prohibition is hereby denied and the petition dismissed. The respondent court is, however, directed to continue with its Criminal Case No. 600, upon notice to the fiscal. No costs.

Concepcion C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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