

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. FELISA TE, ET AL., DEFENDANTS AND APPELLEES.*G.R. No. 11747. March 24, 1960*

Ponente: ENDENCIA, J.

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Appeal, by the provincial fiscal against the order in Criminal Case No. 113 of the court of first instance of Batangas dismissing the case for lack of jurisdiction.

This is a libel case commenced in the justice of the peace court of Balayan, Batangas, upon a complaint, filed on March 4, 1955, by Edward Field, an American citizen working at Clark Airbase in Pampanga who gave his residence as 1357 Kalimbas Street, Santa Cruz, Manila. Said complaint is based on an alleged libelous article published in "Bagong Buhay," a Tagalog newspaper, in its issue of August 12, 1954. The defendants are Felisa Te, Ricardo Chua, Emilia Te, all residents of Bautista, Pangasinan; Felicisimo Macalinao, an NBI agent; and Juliano Centeno, reporter of the "Bagong Buhay," the latter two being residents of Manila.

After the corresponding preliminary investigation, the case was elevated by the justice of the peace to the court of first instance of Batangas, Balayan Branch and the provincial fiscal filed, on July 8, 1955, the corresponding information.

During the hearing and after the prosecution had rested its case, defendants filed a motion to dismiss on the ground that the court of first instance of Batangas had no jurisdiction over the Subject matter, it appearing that as early as May 18, 1955, or prior to the filing on July 8, 1955, of the information in the present case, another information for libel in Criminal Case No. 31319 had already been filed, by the City Fiscal of Manila with the court of first instance of Manila, based on the same alleged libelous publication, and that, pursuant to Republic Act No. 1289 amending the third paragraph of Art. 360 of the Revised Penal Code, the court of first instance of Manila had already acquired sole and exclusive jurisdiction over the case. The lower court granted the motion not on this ground but on that the case should have been filed with the court of first instance of the province or city where the complainant or any of the accused resides, that is to say, either in Pangasinan or Manila. The government appealed, assigning the following errors:

- The trial court erred in holding that Republic Act No. 1289, approved on June 15, 1955, is applicable to the instant case.
- The lower court erred in holding that after the enactment of Republic Act No. 1289 on June 15, 1955, the court of first instance of Batangas where none of the parties is residing has no jurisdiction to take cognizance of the case where the information was filed in the court of first instance of Batangas after the approval of said Republic Act, that is, on July 8, 1956, because the parties, were residents of Manila and Pangasinan, but not in Batangas, while the alleged libelous article was published and printed in the City of Manila notwithstanding the fact that said libelous article was also published and circulated in Balayan, Batangas.

- The lower court erred in holding that this action for libel should have been brought in the court of first instance of the province where the complainant or any of the accused resides.
- The trial court erred in dismissing the case.

The issues involved in this appeal rest solely on the construction of Republic Act No. 1289, which reads as follows:

"The criminal 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 any of the accused or any of the offended parties resides at the time of the commission of the offense: Provided, however, That where the libel is published, circulated, displayed, or exhibited in a province or city wherein neither the offender nor the offended party resides the civil and criminal actions may be brought in the court of first instance thereof; 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."

- The question that must first be determined is whether or not the law above quoted is applicable to the instant case. There is no dispute that the complaint was presented with the justice of the peace court of Balayan, Batangas, on March 4, 1955, before the passage of Republic Act 1289, and that the information was subscribed by the fiscal and filed with the court of first instance of Batangas on July 8th of the same year, or after the effectivity of said Act. The government now contends that its final proviso which states

"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,"

takes the present case out of the operation of said Act, inasmuch as, before its enactment on June 15, 1955, the complaint in this case had already been filed with the justice of the peace court of Balayan which "is but an extension of the court of first instance insofar as offenses originally triable therein are concerned," and that upon the filing of such complaint "the machinery for the administration of criminal justice has been set in operation." In other words, that Republic Act 1289 does not apply because the complaint had already been filed at the time of its enactment.

The contention is not well taken. The phrase "have been filed in court" as employed in the proviso, contemplates of the filing of the criminal and/or civil action with the court of competent jurisdiction, that is to say, court which has the power to try and decide it. Certainly the justice of the peace court of Balayan where the complaint was filed was not the proper court, as it could not have tried" and decided the case, it being cognizable and triable only by the court of first instance. In fact, the justice of the peace merely conducted, as it was his duty, the preliminary investigation whose purpose was to determine whether or not there were reasonable grounds for proceeding formally against the accused (*People vs. Peji Bautista*, G.R. 45739, April 25, 1939; *U.S. vs. Yutuico*, 34 Phil., 209; *People vs. Medted*, 68 Phil., 485). The filing of the complaint in this case for purposes of preliminary investigation by the justice of the peace cannot be said to be the commencement of the criminal action, as the said complaint could as well be lodged with the provincial fiscal himself who, under Republic Act 732, could also conduct such preliminary investigation preparatory to the filing of the formal charge or information before the competent court. The information in this case having been filed on July 8, 1955, or after Republic Act 1289 had become operative, the present case necessarily comes under its provisions and must be governed thereby.

- Coming now to the question of jurisdiction, the record shows that as early as May 18, 1955, an information for

libel was filed with the court of first instance of Manila by the City Fiscal in Criminal Case No. 31319 against defendants Felisa Te, Ricardo Chua Felicisimo Macalinao and Julian Centeno, based on the same libelous publication. In contrast, the information in this case was filed with the court of first instance of Batangas on July 8, 1955, or two months after the filing of the Manila case:

Considering the third proviso of Republic Act 1289 which states that

"the court where the criminal action or civil action for damages is first filed shall acquire jurisdiction to the exclusion of other courts,"

it is clear that the court of first instance of Manila which first acquired jurisdiction over the subject matter, excluded any and all other courts of equal category. The court first instance of Batangas, therefore, did not have jurisdiction in taking cognizance of the present case. With this pronouncement, it becomes unnecessary for us to pass upon the question raised in the third assignment of error. Order affirmed.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

Padilla and Montemayor, JJ., took no part.

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