

## ISABELITA REODICA, PETITIONER, VS. COURT OF APPEALS, AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

*G.R. No. 125066. July 08, 1998*

Ponente: DAVIDE, JR., J.

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### DAVIDE, JR., J.:

On the evening of 17 October 1987, petitioner Isabelita Reodica was driving a van along Doña Soledad Avenue, Better Living Subdivision, Parañaque, Metro Manila. Allegedly because of her recklessness, her van hit the car of complainant Norberto Bonsol. As a result, complainant sustained physical injuries, while the damage to his car amounted to P8,542.00.

Three days after the incident, or on 20 October 1987, the complainant filed an Affidavit of Complaint[1] against petitioner with the Fiscal's Office.

On 13 January 1988, an information[2] was filed before the Regional Trial Court (RTC) of Makati (docketed as Criminal Case No. 33919) charging petitioner with "Reckless Imprudence Resulting in Damage to Property with Slight Physical Injury." The information read:

The undersigned 2[nd] Asst. Fiscal accuses Isabelita Reodica of the crime of Reckless Imprudence Resulting in Damage to Property with Slight Physical Injury as follows:

That on or about the 17[th] day of October, 1987 in the Municipality of Parañaque, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the abovementioned accused, Isabelita Velasco Reodica, being then the driver and/or person in charge of a Tamaraw bearing plate no. NJU-306, did then and there willfully, unlawfully and feloniously drive, manage and operate the same in a reckless, careless, negligent and imprudent manner, without regard to traffic laws, rules and regulations and without taking the necessary care and precaution to avoid damage to property and injuries to person, causing by such negligence, carelessness and imprudence the said vehicle to bump/collide with a Toyota Corolla bearing plate no. NIM-919 driven and owned by Norberto Bonsol, thereby causing damage amounting to P8,542.00, to the damage and prejudice of its owner, in the aforementioned amount of P8,542.00.

That as further consequence due to the strong impact, said Norberto Bonsol suffered bodily injuries which required medical attendance for a period of less than nine (9) days and incapacitated him from performing his customary labor for the same period of time.

Upon arraignment, petitioner pleaded not guilty to the charge. Trial then ensued.

On 31 January 1991, the RTC of Makati, Branch 145, rendered a decision[3] convicting petitioner of the "quasi offense of reckless imprudence resulting in damage to property with slight physical injuries," and sentencing her:

[t]o suffer imprisonment of six (6) months of arresto mayor, and to pay the complainant, Norberto Bonsol y Atienza, the sum of Thirteen Thousand Five Hundred Forty-Two (P13,542), Philippine Currency, without subsidiary impairment in case of insolvency; and to pay the costs.[4]

The trial court justified imposing a 6-month prison term in this wise:

As a result of the reckless imprudence of the accused, complainant suffered slight physical injuries (Exhs. D, H and I). In view of the resulting physical injuries, the penalty to be imposed is not fine, but imprisonment (Gregorio, Fundamental of Criminal Law Review, Eight Edition 1988, p. 711). Slight physical injuries thru reckless imprudence is now punished with penalty of arresto mayor in its maximum period (People v. Aguiles, L-11302, October 28, 1960, cited in Gregorio's book, p. 718).[5]

As to the sum of P13,542.00, this represented the cost of the car repairs (P8,542.00) and medical expenses (P5,000.00).

Petitioner appealed from the decision to the Court of Appeals, which docketed the case as CA-G.R. CR No. 14660. After her motions for extension of time to file her brief were granted, she filed a Motion to Withdraw Appeal for Probation Purposes, and to Suspend, Ex Abundanti Cautela, Period for Filing Appellant's Brief. However, respondent Court of Appeals denied this motion and directed petitioner to file her brief.[6]

After passing upon the errors imputed by petitioner to the trial court, respondent Court of Appeals rendered a decision[7] on 31 January 1996 affirming the appealed decision.

Petitioner subsequently filed a motion for reconsideration[8] raising new issues, thus:

NOW THAT AN ACQUITTAL SEEMS IMPOSSIBLE, MAY WE REVISIT THE PENALTY AND MOVE THAT IT BE REVIEWED AND SET ASIDE SINCE IT IS RESPECTFULLY SUBMITTED TO BE ERROR TO COMPLEX DAMAGE TO PROPERTY AND SLIGHT PHYSICAL INJURIES, AS BOTH ARE LIGHT OFFENSES, OVER WHICH THE RESPONDENT COURT HAD NO JURISDICTION AND EVEN ASSUMING SUCH JURISDICTION, IT CANNOT IMPOSE A PENALTY IN EXCESS OF WHAT IS AUTHORIZED BY LAW.[9]

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REVERSAL OF THE DECISION REMAINS POSSIBLE ON GROUNDS OF PRESCRIPTION OR LACK OF JURISDICTION.[10]

In its Resolution of 24 May 1996, the Court of Appeals denied petitioner's motion for reconsideration for lack of merit, as well as her supplemental motion for reconsideration. Hence, the present petition for review on certiorari under Rule 45 of the Rules of Court premised on the following grounds:

RESPONDENT COURT OF APPEALS' DECISION DATED JANUARY 31, 1996 AND MORE SO ITS RESOLUTION DATED MAY 24, 1996, ARE CONTRARY TO LAW AND GROSSLY ERRONEOUS IN THAT THEY IMPOSED A PENALTY IN EXCESS OF WHAT IS AUTHORIZED BY LAW FOR THE CRIME OF RECKLESS IMPRUDENCE RESULTING IN SLIGHT PHYSICAL INJURIES, ON THE BASIS OF A CLERICAL ERROR IN A SECONDARY SOURCE.

A IN THE CASE OF PEOPLE V. AGUILAR,[11] THE SAME CASE WHERE THE COURT A QUO BASED ITS FINDING OF A PENALTY WHEN IT AFFIRMED THE DECISION OF THE REGIONAL TRIAL COURT, WHAT WAS STATED IN THE ORIGINAL TEXT OF SAID CASE IS THAT THE PENALTY FOR SLIGHT PHYSICAL INJURIES THROUGH RECKLESS IMPRUDENCE IS ARRESTO MENOR AND NOT ARRESTO MAYOR. IT IS GRAVE ERROR FOR THE RESPONDENT COURT TO PUNISH PETITIONER MORE THAN SHE SHOULD OR COULD BE PUNISHED BECAUSE OF A CLERICAL ERROR COPIED FROM A SECONDARY SOURCE.

B. THE RESPONDENT COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION WHEN IT COMPLEXED THE CRIME OF RECKLESS IMPRUDENCE RESULTING IN DAMAGE TO PROPERTY

AND SLIGHT PHYSICAL INJURIES IMPOSING A SINGLE EXCESSIVE PENALTY IN ITS ELLIPTICAL RESOLUTION OF MAY 24, 1996.

C. THE RESPONDENT COURT OF APPEALS GRAVELY ERRED WHEN IT AFFIRMED THE TRIAL COURT'S DECISION NOTWITHSTANDING THE DEFENSE OF PRESCRIPTION AND LACK OF JURISDICTION.

Anent the first ground, petitioner claims that the courts below misquoted not only the title, but likewise the ruling of the case cited as authority regarding the penalty for slight physical injuries through reckless imprudence. Concretely, the title of the case was not *People v. Aguiles*, but *People v. Aguilar*; while the ruling was that the penalty for such quasi offense was *arresto menor* – not *arresto mayor*.

As regards the second assigned error, petitioner avers that the courts below should have pronounced that there were two separate light felonies involved, namely: (1) reckless imprudence with slight physical injuries; and (2) reckless imprudence with damage to property, instead of considering them a complex crime. Two light felonies, she insists, “do not ... rate a single penalty of *arresto mayor* or imprisonment of six months,” citing *Lontok v. Gorgonio*,<sup>[12]</sup> thus:

Where the single act of imprudence resulted in double less serious physical injuries, damage to property amounting to P10,000.00 and slight physical injuries, a chief of police did not err in filing a separate complaint for the slight physical injuries and another complaint for the *lesiones menos graves* and damage to property (*Arcaya vs. Teleron*, L-37446, May 31, 1974, 57 SCRA 363, 365).

.....

The case of *Angeles vs. Jose*, 96 Phil. 151, cited by investigating fiscal, is different from the instant case because in that case the negligent act resulted in the offenses of *lesiones menos graves* and damage to property which were both less grave felonies and which, therefore, constituted a complex crime.

In the instant case, following the ruling in the *Turla* case, the offense of *lesiones leves* through reckless imprudence should have been charged in a separate information.

She then suggests that “at worst, the penalties of two light offenses, both imposable in their maximum period and computed or added together, only sum up to 60 days imprisonment and not six months as imposed by the lower courts.”

On the third assigned error, petitioner insists that the offense of slight physical injuries through reckless imprudence, being punishable only by *arresto menor*, is a light offense; as such, it prescribes in two months. Here, since the information was filed only on 13 January 1988, or almost three months from the date the vehicular collision occurred, the offense had already prescribed, again citing *Lontok*, thus:

In the instant case, following the ruling in the *Turla* case, the offense of *lesiones leves* through reckless imprudence should have been charged in a separate information. And since, as a light offense, it prescribes in two months, *Lontok's* criminal liability therefor was already extinguished (Arts. 89[5], 90 and 91, Revised Penal Code in relation to sec. 2[e] and [f], Rule 117, Rules of Court). The trial court committed a grave abuse of discretion in not sustaining *Lontok's* motion to quash that part of the information charging him with that light offense.

Petitioner further claims that the information was filed with the wrong court, since Regional Trial Courts do not deal with *arresto menor* cases. She submits that damage to property and slight physical injuries are light felonies and thus covered by the rules on summary procedure; therefore, only the filing with the proper Metropolitan Trial Court could have tolled the statute of limitations, this time invoking *Zaldivia v. Reyes*.<sup>[13]</sup>

In its Comment filed on behalf of public respondents, the Office of the Solicitor General (OSG) agrees with petitioner that the penalty should have been *arresto menor* in its maximum period, instead of *arresto mayor*, pursuant to Article 365 of the Revised Penal Code.

As to the second assigned error, the OSG contends that conformably with *Buerano v. Court of Appeals*,<sup>[14]</sup> which frowns upon splitting of crimes and prosecution, it was proper for the trial court to “complex” reckless imprudence with slight physical injuries and damage to property because what the law seeks to penalize is the single act of reckless imprudence, not the results thereof; hence, there was no need for two separate informations.

To refute the third assigned error, the OSG submits that although the Municipal Trial Court had jurisdiction to impose *arresto menor* for slight physical injuries, the Regional Trial Court properly took cognizance of this case because it had the jurisdiction to impose the higher penalty for the damage to property, which was a fine equal to thrice the value of P8,542.00. On this score, the OSG cites *Cuyos v. Garcia*.<sup>[15]</sup>

The OSG then debunks petitioner’s defense of prescription of the crime, arguing that the prescriptive period here was tolled by the filing of the complaint with the fiscal’s office three days after the incident, pursuant to *People v. Cuaresma*<sup>[16]</sup> and *Chico v. Isidro*.<sup>[17]</sup>

In her Reply to the Comment of the OSG, petitioner expressed gratitude and appreciation to the OSG in joining cause with her as to the first assigned error. However, she considers the OSG’s reliance on *Buerano v. Court of Appeals*<sup>[18]</sup> as misplaced, for nothing there validates the “complexing” of the crime of reckless imprudence with physical injuries and damage to property; besides, in that case, two separate informations were filed -- one for slight and serious physical injuries through reckless imprudence and the other for damage to property through reckless imprudence. She then insists that in this case, following *Arcaya v. Teleron*<sup>[19]</sup> and *Lontok v. Gorgonio*,<sup>[20]</sup> two informations should have been filed. She likewise submits that *Cuyos v. Garcia*<sup>[21]</sup> would only apply here on the assumption that it was proper to “complex” damage to property through reckless imprudence with slight physical injuries through reckless imprudence. *Chico v. Isidro*<sup>[22]</sup> is likewise “inapposite,” for it deals with attempted homicide, which is not covered by the Rule on Summary Procedure.

Petitioner finally avers that *People v. Cuaresma*<sup>[23]</sup> should not be given retroactive effect; otherwise, it would either unfairly prejudice her or render nugatory the en banc ruling in *Zaldivia*<sup>[24]</sup> favorable to her.

The pleadings thus raise the following issues:

- I. Whether the penalty imposed on petitioner is correct.
- II. Whether the quasi offenses of reckless imprudence resulting in damage to property in the amount of P8,542.00 and reckless imprudence resulting in slight physical injuries are light felonies.
- III. Whether the rule on complex crimes under Article 48 of the Revised Penal Code applies to the quasi offenses in question.
- IV. Whether the duplicity of the information may be questioned for the first time on appeal.
- V. Whether the Regional Trial Court had jurisdiction over the offenses in question.
- VI. Whether the quasi offenses in question have already prescribed.

#### I. The Proper Penalty.

We agree with both petitioner and the OSG that the penalty of six months of *arresto mayor* imposed by the trial court and affirmed by respondent Court of Appeals is incorrect. However, we cannot subscribe to their submission that the penalty of *arresto menor* in its maximum period is the proper penalty.

Article 365 of the Revised Penal Code provides:

Art. 365. Imprudence and negligence. – Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prision correccional* in its medium period; if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed; if it would have constituted a light felony, the penalty of *arresto menor* in its maximum period shall be imposed.

Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of *arresto mayor* in its medium and maximum periods; if it would have constituted a less serious felony, the penalty of *arresto mayor* in its minimum period shall be imposed.

When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than 25 pesos.

A fine not exceeding 200 pesos and censure shall be imposed upon any person who, by simple imprudence or negligence, shall cause some wrong which, if done maliciously, would have constituted a light felony.

In the imposition of these penalties, the courts shall exercise their sound discretion, without regard to the rules prescribed in Article 64.

The provisions contained in this article shall not be applicable:

1. When the penalty provided for the offense is equal to or lower than those provided in the first two paragraphs of this article, in which case the courts shall impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.

According to the first paragraph of the aforementioned Article, the penalty for reckless imprudence resulting in slight physical injuries, a light felony, is *arresto menor* in its maximum period, with a duration of 21 to 30 days. If the offense of slight physical injuries is, however, committed deliberately or with malice, it is penalized with *arresto menor* under Article 266 of the Revised Penal Code, with a duration of 1 day to 30 days. Plainly, the penalty then under Article 266 may be either lower than or equal to the penalty prescribed under the first paragraph of Article 365. This being the case, the exception in the sixth paragraph of Article 365 applies. Hence, the proper penalty for reckless imprudence resulting in slight physical injuries is public censure, this being the penalty next lower in degree to *arresto menor*.<sup>[25]</sup>

As to reckless imprudence resulting in damage to property in the amount of P8,542.00, the third paragraph of Article 365, which provides for the penalty of fine, does not apply since the reckless imprudence in this case did not result in damage to property only. What applies is the first paragraph of Article 365, which provides for *arresto mayor* in its minimum and medium periods (1 month and 1 day to 4 months) for an act committed through reckless imprudence which, had it been intentional, would have constituted a less grave felony. Note that if the damage to the extent of P8,542.00 were caused deliberately, the crime would have been malicious mischief under Article 329 of the Revised Penal Code, and the penalty would then be *arresto mayor* in its medium and maximum periods (2 months and 1 day to 6 months which is higher than that prescribed in the first paragraph of Article 365). If the penalty under Article 329 were equal to or lower than that provided for in the first paragraph, then the sixth paragraph of Article 365 would apply, i.e., the penalty next lower in degree, which is *arresto menor* in its maximum period to *arresto mayor* in its minimum period or imprisonment from 21 days to 2 months. Accordingly, the imposable penalty for reckless imprudence resulting in damage to property to the extent of P8,542.00 would be *arresto mayor* in its minimum and medium periods, which could be anywhere from a minimum of 1 month and 1 day to a maximum of 4 months, at the discretion of the court, since the fifth paragraph

of Article 365 provides that in the imposition of the penalties therein provided “the courts shall exercise their sound discretion without regard to the rules prescribed in article 64.”

## II. Classification of the Quasi Offense in Question.

Felonies are committed not only by means of deceit (*dolo*), but likewise by means of fault (*culpa*). There is deceit when the wrongful act is performed with deliberate intent; and there is fault when the wrongful act results from imprudence, negligence, lack of foresight or lack of skill.[26]

As earlier stated, reckless imprudence resulting in slight physical injuries is punishable by public censure only. Article 9, paragraph 3, of the Revised Penal Code defines light felonies as infractions of law carrying the penalty of *arresto menor* or a fine not exceeding P200.00, or both. Since public censure is classified under Article 25 of the Code as a light penalty, and is considered under the graduated scale provided in Article 71 of the same Code as a penalty lower than *arresto menor*, it follows that the offense of reckless imprudence resulting in slight physical injuries is a light felony.

On the other hand, reckless imprudence also resulting in damage to property is, as earlier discussed, penalized with *arresto mayor* in its minimum and medium periods. Since *arresto mayor* is a correctional penalty under Article 25 of the Revised Penal Code, the quasi offense in question is a less grave felony – not a light felony as claimed by petitioner.

## III. Applicability of the Rule on Complex Crimes.

Since criminal negligence may, as here, result in more than one felony, should Article 48 of the Revised Code on complex crimes be applied? Article 48 provides as follows:

ART. 48. Penalty for complex crimes. -- When a single act constitutes two or more grave or less grave felonies, or when an offense is necessary a means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

Clearly, if a reckless, imprudent or negligent act results in two or more grave or less grave felonies, a complex crime is committed. However, in *Lontok v. Gorgonio*,[27] this Court declared that where one of the resulting offenses in criminal negligence constitutes a light felony, there is no complex crime, thus:

Applying article 48, it follows that if one offense is light, there is no complex crime. The resulting offenses may be treated as separate or the light felony may be absorbed by the grave felony. Thus, the light felonies of damage to property and slight physical injuries, both resulting from a single act of imprudence, do not constitute a complex crime. They cannot be charged in one information. They are separate offenses subject to distinct penalties (*People vs. Turla*, 50 Phil. 1001; See *People vs. Estipona*, 70 Phil. 513).

Where the single act of imprudence resulted in double less serious physical injuries, damage to property amounting to P10,000 and slight physical injuries, a chief of police did not err in filing a separate complaint for the slight physical injuries and another complaint for the *lesiones menos graves* and damage to property [*Arcaya vs. Teleron*, L-37446, May 31, 1974, 57 SCRA 363, 365].

Hence, the trial court erred in considering the following felonies as a complex crime: the less grave felony of reckless imprudence resulting in damage to property in the amount of P8,542.00 and the light felony of reckless imprudence resulting in physical injuries.

## IV. The Right to Assail the Duplicity of the Information.

Following *Lontok*, the conclusion is inescapable here, that the quasi offense of reckless imprudence resulting in slight physical injuries should have been charged in a separate information because it is not covered by Article 48

of the Revised Penal Code. However, petitioner may no longer question, at this stage, the duplicitous character of the information, i.e., charging two separate offenses in one information, to wit: (1) reckless imprudence resulting in damage to property; and (2) reckless imprudence resulting in slight physical injuries. This defect was deemed waived by her failure to raise it in a motion to quash before she pleaded to the information.[28] Under Section 3, Rule 120 of the Rules of Court, when two or more offenses are charged in a single complaint or information and the accused fails to object to it before trial, the court may convict the accused of as many offenses as are charged and proved and impose on him the penalty for each of them.[29]

#### V. Which Court Has Jurisdiction Over the

##### Quasi Offenses in Question.

The jurisdiction to try a criminal action is to be determined by the law in force at the time of the institution of the action, unless the statute expressly provides, or is construed to the effect that it is intended to operate as to actions pending before its enactment.[30]

At the time of the filing of the information in this case, the law in force was Batas Pambansa Blg. 129, otherwise known as “The Judiciary Reorganization Act of 1980.” Section 32(2)[31] thereof provided that except in cases falling within the exclusive original jurisdiction of the Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts (MeTCs), Municipal Trial Courts (MTCs), and Municipal Circuit Trial Courts (MCTCs) had exclusive original jurisdiction over “all offenses punishable with imprisonment of not exceeding four years and two months, or a fine of not more than four thousand pesos, or both fine and imprisonment, regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof.”

The criminal jurisdiction of the lower courts was then determined by the duration of the imprisonment and the amount of fine prescribed by law for the offense charged. The question thus arises as to which court has jurisdiction over offenses punishable by censure, such as reckless imprudence resulting in slight physical injuries.

In *Uy Chin Hua v. Dinglasan*,[32] this Court found that a lacuna existed in the law as to which court had jurisdiction over offenses penalized with destierro, the duration of which was from 6 months and 1 day to 6 years, which was co-extensive with prision correccional. We then interpreted the law in this wise:

Since the legislature has placed offenses penalized with *arresto mayor* under the jurisdiction of justice of the peace and municipal courts, and since by Article 71 of the Revised Penal Code, as amended by Section 3 of Commonwealth Act No. 217, it has placed *destierro* below *arresto mayor* as a lower penalty than the latter, in the absence of any express provision of law to the contrary it is logical and reasonable to infer from said provisions that its intention was to place offenses penalized with *destierro* also under the jurisdiction of justice of the peace and municipal courts and not under that of courts of first instance.

Similarly, since offenses punishable by imprisonment of not exceeding 4 years and 2 months were within the jurisdictional ambit of the MeTCs, MTCs and MCTCs, it follows that those penalized with censure, which is a penalty lower than *arresto menor* under the graduated scale in Article 71 of the Revised Penal Code and with a duration of 1 to 30 days, should also fall within the jurisdiction of said courts. Thus, reckless imprudence resulting in slight physical injuries was cognizable by said courts.

As to the reckless imprudence resulting in damage to property in the amount of P8,542.00, the same was also under the jurisdiction of MeTCs, MTCs or MCTCs because the imposable penalty therefor was *arresto mayor* in its minimum and medium periods -- the duration of which was from 1 month and 1 day to 4 months.

Criminal Case No. 33919 should, therefore, be dismissed for lack of jurisdiction on the part of the RTC of Makati.

## VI. Prescription of the Quasi Offenses in Question.

Pursuant to Article 90 of the Revised Penal Code, reckless imprudence resulting in slight physical injuries, being a light felony, prescribes in two months. On the other hand, reckless imprudence resulting in damage to property in the amount of P8,542.00, being a less grave felony whose penalty is *arresto mayor* in its minimum and medium periods, prescribes in five years.

To resolve the issue of whether these quasi offenses have already prescribed, it is necessary to determine whether the filing of the complaint with the fiscal's office three days after the incident in question tolled the running of the prescriptive period.

Article 91 of the Revised Penal Code provides:

ART. 91. Computation of prescription of offenses. -- The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the filing of the complaint or information, and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped by any reason not imputable to him. (emphasis supplied)

Notably, the aforequoted article, in declaring that the prescriptive period "shall be interrupted by the filing of the complaint or information," does not distinguish whether the complaint is filed for preliminary examination or investigation only or for an action on the merits.[33] Thus, in *Francisco v. Court of Appeals*[34] and *People v. Cuaresma*,[35] this Court held that the filing of the complaint even with the fiscal's office suspends the running of the statute of limitations.

We cannot apply Section 9[36] of the Rule on Summary Procedure, which provides that in cases covered thereby, such as offenses punishable by imprisonment not exceeding 6 months, as in the instant case, "the prosecution commences by the filing of a complaint or information directly with the MeTC, RTC or MCTC without need of a prior preliminary examination or investigation; provided that in Metropolitan Manila and Chartered Cities, said cases may be commenced only by information." However, this Section cannot be taken to mean that the prescriptive period is interrupted only by the filing of a complaint or information directly with said courts.

It must be stressed that prescription in criminal cases is a matter of substantive law. Pursuant to Section 5(5), Article VIII of the Constitution, this Court, in the exercise of its rule-making power, is not allowed to diminish, increase or modify substantive rights.[37] Hence, in case of conflict between the Rule on Summary Procedure promulgated by this Court and the Revised Penal Code, the latter prevails.

Neither does *Zaldivia* control in this instance. It must be recalled that what was involved therein was a violation of a municipal ordinance; thus, the applicable law was not Article 91 of the Revised Penal Code, but Act. No. 3326, as amended, entitled "An Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run." Under Section 2 thereof, the period of prescription is suspended only when judicial proceedings are instituted against the guilty party. Accordingly, this Court held that the prescriptive period was not interrupted by the filing of the complaint with the Office of the Provincial Prosecutor, as such did not constitute a judicial proceeding; what could have tolled the prescriptive period there was only the filing of the information in the proper court.

In the instant case, as the offenses involved are covered by the Revised Penal Code, Article 91 thereof and the rulings in *Francisco* and *Cuaresma* apply. Thus, the prescriptive period for the quasi offenses in question was interrupted by the filing of the complaint with the fiscal's office three days after the vehicular mishap and remained tolled pending the termination of this case. We cannot, therefore, uphold petitioner's defense of

prescription of the offenses charged in the information in this case.

WHEREFORE, the instant petition is GRANTED. The challenged decision of respondent Court of Appeals in CA-G.R. CR No. 14660 is SET ASIDE as the Regional Trial Court, whose decision was affirmed therein, had no jurisdiction over Criminal Case No. 33919.

Criminal Case No. 33919 is ordered DISMISSED.

No pronouncement as to costs.

**SO ORDERED.**

Bellosillo, Vitug, Panganiban, and Quisumbing, JJ., concur.

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[1] Original Record (OR), 131.

[2] Id., 1.

[3] Annex “C” of Petition, Rollo, 52-56. Per Judge Job B. Madayag.

[4] Rollo, 56.

[5] Id.

[6] Rollo, 35.

[7] Annex “A” of Petition, Rollo, 27-49. Per Mabutas, Jr., R., J. with Elbinias, J., and Valdez, Jr., S., JJ., concurring.

[8] Annex “D” of Petition, Rollo, 57-69.

[9] Id., 58.

[10] Id., 60.

[11] Erroneously cited by the trial court as *People v. Aguiles*.

**[12] 89 SCRA 632, 636 [1979].**

**[13] 211 SCRA 277 [1992].**

**[14] 115 SCRA 82 [1982].**

**[15] 160 SCRA 302 1988].**

**[16] 172 SCRA 415, [1989].**

[17] A.M. MTJ-91-559, 13 October 1993.

[18] *Supra* note 14.

**[19] 57 SCRA 363 [1974].**

[20] Supra note 12.

[21] Supra note 15.

[22] Supra note 17.

[23] Supra note 16.

[24] Supra note 14.

[25] Article 71 of the Revised Penal Code; *People v. Leynez*, 65 Phil. 608, 610-611 [1938].

[26] Article 3, Revised Penal Code.

[27] Supra note 12 at 635-636.

[28] Section 8, Rule 117, Rules of Court.

[29] See also *People v. Conte*, 247 SCRA 583 [1995].

[30] *People v. Velasco*, 252 SCRA 135 [1996].

[31] This Section has been amended by Section 2 of R.A. No. 7691, which was approved by President Fidel V. Ramos on 25 March 1994. As amended, the provision now reads in part as follows:

“Section 32. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases. -- Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

“(2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.”

[32] 86 Phil. 617 [1950].

[33] *People v. Olarte*, 19 SCRA 494 [1967].

**[34] 122 SCRA 538 [1983].**

[35] Supra note 16.

[36] Now Section 11 of the Revised Rules of Summary Procedure, which reads in part as follows:

SEC. 11. How commenced. -- The filing of criminal cases falling within the scope of this Rule shall be either by complaint or information: Provided, however, that in Metropolitan Manila and in Chartered Cities, such cases shall be commenced only by information, except when the offense cannot be prosecuted de officio.

[37] *Zalvidia v. Reyes*, supra note 13 at 284.

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