

VICENTE GARCIA VALDEZ, PETITIONER, VS. THE DIRECTOR OF PRISONS, RESPONDENT.

G.R. No. 13985. September 16, 1918

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-13985/>

JOHNSON, J.:

This is a petition for a writ of habeas corpus. The only question presented is whether or not a criminal action for libel may be commenced and prosecuted by the filing of a complaint signed by a private person? In other words, must all criminal actions for libel be commenced and prosecuted by the filing or presentation of an information? The words complaint and information are here used in accordance with the definitions given in sections 4 and 5 of General Orders No. 58.

The petitioner alleges that inasmuch as the complaint, which was presented against him in the Court of First Instance of the city of Manila on the 30th day of July, 1902, for the crime of libel, was not signed by the prosecuting attorney of the city of Manila, the court had no jurisdiction to try him, and the sentence was therefore null and void. The history of the complaint, trial and sentence of the petitioner may be summarized as follows:

- (1) That on the 30th day of July, 1902, a complaint was presented in the Court of First Instance of the city of Manila charging him with the crime of libel; that said complaint was signed by Pardo de Tavera;
- (2) Upon said complaint an order of arrest was issued on the 31st day of July, 1902, and the defendant was duly arrested on the first day of August, 1902, and was furnished a copy of the complaint on the same day;
- (3) That the defendant was duly arraigned, pleaded not guilty and the trial was commenced on the 8th day of September, 1902, with Frank Ingersoll, prosecuting attorney of the city of Manila, representing the plaintiff, and Alfredo Chicote as attorney for the defendant;
- (4) That on the 11th day of September, 1902, the trial having theretofore been closed, a sentence was pronounced by the judge of the Court of First Instance, in which the defendant was found guilty of the crime of libel and sentenced to be imprisoned for a period of six months and to pay P1,000 fine and costs. From that decision, the defendant duly appealed to the Supreme Court and the record was received in the Supreme Court on the 2d day of October, 1902;
- (5) That the cause was finally submitted to the Supreme Court and a decision upon the questions raised by the appeal was rendered on the 16th day of May, 1903, confirming the sentence of the lower court;
- (6) The record, together with the decision of the Supreme Court, was returned and received by the lower court on the 27th day of May, 1903;
- (7) That on the 27th day of May, 1903, the defendant having been admitted to bail during the pendency of the appeal, his bondsmen were duly notified to present him in court to receive the sentence. The bondsmen having failed to present the defendant in court to receive the sentence imposed, by order, deposited with the clerk of the

Court of First Instance of the city of Manila the amount of said bond;

(8) That during the pendency of the appeal, the defendant left the Philippine Islands and went to Hanoi, Cochin China, and later, the exact date not appearing of record, he returned to Manila, and on the 11th day of April, 1918, the prosecuting attorney of the city of Manila presented a petition in the Court of First Instance praying for his arrest; and on the 12th day of April, 1918, an order of arrest was duly issued;

(9) That on the 29th day of April, 1918, the present petition for a writ of habeas corpus was presented in the Supreme Court.

The theory of the petitioner is that by virtue of the provisions of section 14 of Act No. 277 (the Libel Law) all complaints in criminal actions for the crime of libel must be signed and presented by the prosecuting officers. He asserts, in effect, that under said provisions no criminal actions for the crime of libel can be instituted by a private person. He asserts that the provision in said section 14 that "all criminal actions * * * shall be begun and prosecuted under the direction and control of the prosecuting officers," means that the prosecuting officers are the only persons, or officials, who can present an information for libel.

No objection whatever was made in the court below to the complaint, either as to its form or as to its sufficiency. The defendant was represented by an attorney-at-law. While the complaint was signed by a private person, the petitioner herein, in his brief presented in the appeal to the Supreme Court on the 14th day of November, 1902 admitted that he had been accused of the crime of libel in a complaint presented by the prosecuting attorney in the name of the United States.

The record shows that the trial of the defendant took place under the sole direction of the prosecuting attorney of the city of Manila. We have, then, the admission of the defendant that the complaint was presented by the prosecuting attorney, and the fact, which appears of record, that the case was prosecuted under the sole direction and control of the prosecuting attorney.

The law provides that all criminal actions for libel shall be begun and prosecuted under the sole direction and control of the ordinary prosecuting officers. Criminal actions must be prosecuted by a complaint or information (section 3, General Orders No. 58). Criminal actions, like civil actions, are begun by the presentation of a complaint or information. Said section 14 (Act No. 277) while it requires that the action shall be begun and prosecuted under the sole direction of the ordinary prosecuting officers, does not provide that they shall present an information. The prosecuting officers may present a complaint. They may begin the action by filing a complaint or information, and if the complaint or information is presented by the ordinary prosecuting officers, even though the complaint is signed by a private person, we are of the opinion that the "criminal action for libel" is "begun" in conformity with the requirements of section 14 (Act No. 277).

Formerly, and prior to Act No. 1773, the crimes of calumnia and injuria could only be prosecuted upon the complaint of the offended person, with certain exceptions (par. 2, art. 467, Penal Code; arts. 253-257, Penal Code). Formerly, the prosecuting attorney had no intervention in the trial of those crimes. Now those crimes (calumnia and injuria) are regarded as public crimes and an action may now be commenced either by complaint or information, but must be prosecuted under the direction and control of the ordinary prosecuting officers. We are of opinion that all that said section 14 requires is that the ordinary prosecuting officers must begin the criminal action for libel and must control its prosecution and that they may begin such action by the presentation of either a complaint or information. The purpose of the law evidently is that no person shall be annoyed with a prosecution for libel without the consent and intervention of the ordinary prosecuting officers.

Our attention is called to certain decisions in which it has been held that the courts acquire no jurisdiction over the

crimes of adultery, estupro and injuria unless the complaint is signed by the aggrieved person, or the parents or grandparents of such person. (Section 1, Act No. 1773; U. S. vs. Narvas, 14 Phil. Rep., 410; U. S. vs. De la Cruz, 17, Phil. Rep., 139; U. S. vs. Castanares, 18 Phil. Rep., 210; U. S. vs. Ortiz and Regalado, 19 Phil. Rep., 174; U. S. vs. De los Santos, 33 Phil. Rep., 397.)

Said Act (No. 1773) is different in its terms from the one we are now discussing. It (Act No. 1773) provides that "no prosecution (for the crimes mentioned) shall be instituted except upon the complaint of the aggrieved person, etc." But even that Act (No. 1773) contemplates that the prosecution shall be under the control of the ordinary prosecuting officers, like all other public crimes. If the crimes mentioned cannot be prosecuted except upon the complaint of certain persons, then, of course, if the terms of the law are mandatory, the courts acquire no jurisdiction until the action is commenced or instituted in accordance with the provisions of the law.

While section 3 of General Orders No. 58 requires criminal actions to be begun either by a complaint or information, Act No. 1773 only permits criminal actions for adultery, estupro and injuria to be commenced by a complaint (not by information) of particular persons. There is a very wide difference between the provisions of section 1 of Act No. 1773 and section 14 of Act No. 277. The one requires the complaint to be signed by a particular person or persons and the court has no jurisdiction to try the case unless the complaint is so signed. The other requires the action to be begun and prosecuted under the sole direction of the prosecuting officer. Section 3 of General Orders No. 58 provides that all criminal actions must be begun either by a complaint or information. The filing or presentation of a complaint or information in court is the beginning of the action. If the complaint is presented by the fiscal or by the prosecuting officers, he, or they, have begun the action and the law is thus satisfied and complied with. And, moreover, it has been frequently held that any objection to a complaint, made for the first time in the Supreme Court, will not be considered unless the objection goes to the jurisdiction of the court. (U. S. vs. De los Santos, 33 Phil. Rep., 397; Ex parte Tice, 32 Oregon, 179; Ex parte Hays, 15 Utah, 77; In re Wilson, 140 U. S., 575.)

It will be remembered that in the present case the defendant made no objection to the complaint at or before the trial in the lower court, nor until nearly fifteen years after his sentence had been affirmed by the Supreme Court. When the complaint was presented and he was arrested and arraigned, he then had a right to object to the complaint, both as to its form and sufficiency. He waived those objections and demanded a judgment of the court on the merits of the charge presented against him.

Having failed or omitted to object to the sufficiency or legality of the complaint at the time when that opportunity was offered, he ought not, when defeated upon the merits and found guilty, be permitted, especially after the action had been decided by the Supreme Court and the judgment of the lower court affirmed, to go back to the beginning of the trial, and, for the first time, raise an objection to the form and sufficiency of the complaint. (U. S. vs. De los Santos, 33 Phil. Rep., 397; In re Wilson, 140 U. S., 575.)

The ordinary prosecuting officer having begun the present action by the presentation of the complaint, and having had the sole direction and control of the prosecution, and for the reasons given above, we are of the opinion and so decide, that the petition for the writ of habeas corpus should be denied, and it is hereby ordered and decreed that the petitioner be returned to the custody of the Director of Prisons and by the latter detained for the purpose of enforcing the sentence of imprisonment heretofore imposed upon him, with costs. So ordered.

Arellano, C. J., Torres, Street, Malcolm, Avanceña, and Fisher, JJ., concur.

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.