RAMIL P. ORTIZ, PETITIONER, VS. COURT OF APPEALS, THE OFFICE OF THE CITY PROSECUTOR OF MANILA AND BENEDICTO S. CAJUCOM, RESPONDENTS.

G.R. No. 157370. June 08, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

This resolves the petition for certiorari and/or prohibition with prayer for temporary restraining order and preliminary injunction seeking the nullification of the Resolution[1] of the Court of Appeals (CA) dated June 25, 2002 dismissing petitioner's petition for certiorari before said court, and the Resolution[2] dated February 17, 2003 denying petitioner's motion for reconsideration.

The antecedent facts are as follows.

A complaint for libel was filed by private respondent Benedicto S. Cajucom (Cajucom) against Ramil P. Ortiz (petitioner). Cajucom indicated therein his postal address as 3863 E. Vallejo, Santol, Sta. Mesa, Manila. On the basis of said complaint, the Office of the City Prosecutor of Manila (OCP) filed an Information for libel with the Regional Trial Court of Manila, Branch 28 (RTC). Petitioner subsequently moved for reinvestigation and the RTC granted such motion. After reinvestigation, the OCP filed an Amended Information reading as follows:

> The undersigned accused RAMIL PIAMONTE ORTIZ of the crime of libel, committed as follows:That on or about December 8, 1998, in the City of Manila, Philippines, the said accused, with malicious purpose of impeaching the virtue, honor, character and reputation of BENEDICTO A. CAJUCOM VII, a lawyer, then residing at this City, formerly employed as Vice President for Legal Affairs, TPI Philippine Vinyl Corporation, TPI Philippine Cement Corporation and Thun Tritasavit, and with evident intent of exposing him to public hatred, contempt and ridicule, did then and there wilfully, unlawfully, feloniously and maliciously write, publish, exhibit and circulate and/or caused to be written, published, exhibited and circulated a letter which was addressed and sent to and received by the President of the TPI (Philippines) Inc. at Makati City, and the latter attached said letter as Annex 16 in a Position Paper which was submitted to the National Labor Relations Commission, National Capital Region (Quezon City) which contains injurious, false and malicious, defamatory and libelous statements or remarks concerning the said Benedicto A. Cajucom VII, x x x
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> x x x x x x x x x

with which statements, the said accused meant and intended to convey, as in fact he did mean and convey false and malicious imputation that the said Benedicto Cajucom VII is an irresponsible, untrustworthy, unscrupulous and devious individual which imputations as he well knew, were false and malicious, offensive and derogatory to the good name, character and reputation of said Benedicto Cajucom VII and that the said letter was solely written and circulated by the said accused for no other purpose than to impeach and besmirch the good name, character and reputation of the said Benedicto Cajucom VII, in order to expose him, as in fact, he was exposed to dishonor, discredit, public hatred, contempt and ridicule.

CONTRARY TO LAW.[3]

Petitioner filed a Motion to Quash with the RTC on the ground that the trial court had no jurisdiction over the offense charged. Petitioner pointed out that Article 360 of the Revised Penal Code required that in case the offended party is a private individual, the criminal action for libel should be filed in the province or city where the libelous article is first published, or the province or city where any of the offended parties actually resides at the time of the commission of the offense. Petitioner argued that since Cajucom's complaint did not state that he was actually residing in Sta. Mesa, Manila at the time of the commission of the offense but instead merely indicated the same as his postal address, then there was no compliance with the requirements of Art. 360 of the Revised Penal Code. Petitioner also filed a Manifestation with the RTC attaching thereto a copy of the administrative complaint filed by his sister against Cajucom and copies of Resolutions of the Supreme Court on said administrative complaint, wherein it was stated that the address of Cajucom was No. 5 Dao Street, Town and Country Executive Village, Marcos Highway, Mayamot, Antipolo, Rizal.

The RTC then issued an Order dated October 8, 2001, denying petitioner's motion to quash the information for libel. The RTC ruled that the case was properly filed in Manila, since it has been held that a person may have two or more residences. Petitioner's motion for reconsideration of said order was likewise denied.

Petitioner elevated the issue to the CA via a petition for certiorari, but his petition was dismissed outright per Resolution dated June 25, 2002. The CA held that the proper remedy from a denial of a motion to quash is for the petitioner to go to trial on the merits and then to appeal therefrom. Petitioner moved for reconsideration but in its Resolution dated February 17, 2003, the CA found the motion to be unmeritorious, upholding the ruling of the RTC that a person can have numerous places of residence.

Aggrieved by the Resolutions of the CA, petitioner filed the present petition for certiorari alleging that the CA committed grave abuse of discretion amounting to lack of jurisdiction because it completely disregarded the following evidence and/or arguments, to wit:

> 1)
> Private respondent himself did not state Sta. Mesa, Manila as his actual residence, but merely his postal address, showing that private respondent does not consider said place as his residence. Private respondent's failure to state his actual residence is fatal and does not vest jurisdiction over the offense in the RTC of Manila;
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> 2)
> Petitioner submitted evidence, i.e., certified true copies of documents submitted in the administrative case filed against private respondent before the Supreme Court, showing that private respondent's actual residence is in Mayamot, Antipolo City;
>
> 3)
> Even the CA stated in its Resolution that private respondent's postal address in Sta. Mesa, Manila is the residence of private respondent's parents, not his, as he was not physically present thereat; said address may be private respondent's domicile but not his actual residence; and
>
> 4)
> The CA should have given weight to petitioner's argument that the clear intention of Art. 360 of the Revised Penal Code is to exclude a person's domicile as the venue for the filing of complaints for libel.

The petition is doomed to fail.

It should be emphasized that the remedy of certiorari or prohibition is limited to the correction of errors of jurisdiction. Thus, in People v. Court of Appeals,[4] the Court expounded on the function of the remedy of

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certiorari in this wise:

> As observed in Land Bank of the Philippines v. Court of Appeals, et al. "the special civil action for certiorari is a remedy designed for the correction of errors of jurisdiction and not errors of judgment. The raison d'etre for the rule is when a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error is committed. If it did, every error committed by a court would deprive it of its jurisdiction and every erroneous judgment would be a void judgment. In such a scenario, the administration of justice would not survive. Hence, where the issue or question involved affects the wisdom or legal soundness of the decision – not the jurisdiction of the court to render said decision – the same is beyond the province of a special civil action for certiorari. x x x [5] (Emphasis supplied)

In this case, the arguments in the petition reveal that what petitioner is attacking is the correctness or legal soundness of the conclusion reached by the CA. Indeed, petitioner alleges that the CA failed to take his arguments or evidence into consideration, but a reading of the CA Resolutions in question shows that it squarely addressed the essential arguments raised by petitioner. In the Resolution dated February 17, 2003, the CA fully discussed the issue of whether or not private respondent's postal address of No. 3863 E. Vallejo, Santol, Sta. Mesa, Manila may be considered as his actual residence. In arriving at its conclusion, the CA is presumed to have taken into consideration all the arguments and evidence submitted by petitioner, as official duty is presumed to have been regularly performed in the absence of credible proof to the contrary.[6] In this case, there is a dearth of evidence to overturn such presumption. Thus, on the point alone that the issues presented by petitioner are not proper subjects of an action for certiorari or prohibition, the petition is already clearly dismissible.

The present petition for certiorari and prohibition should also be dismissed on the ground that it does not comply with the requirement of both Sections 1 (for certiorari) and 2 (for prohibition) of Rule 65 of the 1997 Rules of Civil Procedure which states that there should be no appeal or any other plain, speedy, and adequate remedy available in the ordinary course of law. The more adequate remedy for petitioner to assail the Resolution of the CA is to file a petition for review on certiorari under Rule 45 of the aforementioned Rules. In a petition for review, petitioner may question the propriety or correctness of the legal conclusions reached by the CA.

Nevertheless, it should be stated that the CA did not commit any grave abuse of discretion. The discussion of the issues in its Resolutions precludes any finding that it ignored petitioner's arguments or evidence. Moreover, petitioner should be reminded that the jurisdiction of a court over the criminal case is determined by the allegations in the complaint or information.[7] In Macasaet v. People,[8] the Court clarified that:

> x x x as to the venue of the criminal action for written defamation, the complaint or information should contain allegations as to whether, at the time the offense was committed, the offended party was a public officer or a private individual and where he was actually residing at that time. (Emphasis supplied)

In this case, the Amended Information filed with the RTC clearly alleged that the offended party was "then residing at this City [Manila]." Such allegation is sufficient to comply with the requirement set forth in the afore-quoted case and to vest jurisdiction in the RTC of Manila.

IN VIEW OF THE FOREGOING, the petition is DISMISSED for utter lack of merit.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Penned by Associate Justice Marina L. Buzon with then Acting Presiding Justice Cancio C. Garcia (now Associate Justice of the Supreme Court) and Associate Justice Eliezer R. de los Santos, concurring.

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[2] Penned by Associate Justice Marina L. Buzon with then Acting Presiding Justice Cancio C. Garcia (now Associate Justice of the Supreme Court) and Associate Justice Jose I. Sabio, Jr., concurring.

[3] CA rollo, pp. 35-38.

[4] G.R. No. 142051, February 24, 2004, 423 SCRA 605.

[5] Id. at 613.

[6] RULES OF COURT, Rule 131, Section 3.

[7] Macasaet v. People, G. R. No. 156747, February 23, 2005, 452 SCRA 255.

[8] Id. at 273.

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