

DELFIN MERCADER, PETITIONER, VS. HON. FRANCISCO VALILA OF THE JUSTICE OF THE PEACE COURT OF BOBON, SAMAR AND AMANCIO BALITE, RESPONDENTS.*G.R. No. 16118. February 16, 1961*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16118/>**BENGZON, J.:**

On April 20, 1959, Amancio Balite filed with the justice of the peace court at Bobon, Samar, a criminal complaint for libel against Delfin Mercader. After making the preliminary examination, the judge issued the corresponding warrant of arrest. The accused moved to dismiss for lack of jurisdiction and cause of action. Upon denial thereof, the accused filed in September 1959, this petition for certiorari, based mainly on the alleged want of jurisdiction of the aforesaid inferior court.

In ordinary circumstances, the petition would have, been dismissed, without prejudice to its presentation before the local court of first instance. But at that time there were pending before this Tribunal some cases involving the jurisdiction, or lack of jurisdiction, of justices of the peace over criminal libel, in the light of Republic Act 1289, approved June 15, 1955.[1] So, we gave due course to this petition. In his answer, the respondent judge explained that he had taken cognizance of the case for purposes of preliminary investigation. In fact, he stated, as the accused had failed to attend the hearing, and there was prima facie evidence, he forwarded the expediente to the court of first instance for trial on the merits.

The controversy is thus reduced to the question whether the inferior courts may, after the passage of Republic Act 1289, entertain criminal complaints for written defamation, not for trial on the merits, but for purposes of preliminary investigation. It is contended by those who would deny such authority, that Republic Act 1289 had the effect of depriving justice of the peace courts of their power even to conduct preliminary investigations in the matter of libel or written defamation. The question has been decided in the affirmative in *People vs. Olarte*, 108 Phil., 756; 58 Off. Gaz., (8) 1517. Through Mr. Justice Concepcion, this Court said:

"Can we justly hold that by fixing for said offense a penalty falling under the original jurisdiction of courts of first instance, the framers of section 2 of Act No. 277 had evinced the intent, either to establish an exception to the provisions of Act No. 194, authorizing every justice of the peace "to make preliminary investigation of any crime alleged to have been committed within his municipality, jurisdiction to hear and determine which is by law * * * vested in the judges of Courts of First Instance,' or to divest justice of the peace of such authority, as regards the crime of libel?"

"It is obvious to us that such inference is unwarranted. To begin with, there is absolutely nothing in Act No. 277 to indicate the aforementioned intent. Secondly, repeals or amendments by implication are neither presumed nor favored. On the contrary every statute should be harmonized with them. Thirdly, the jurisdiction of courts of first instance to hear and determine criminal actions within the original jurisdiction thereof is far from inconsistent with the authority of justices of the peace to make preliminary investigations in such actions. What is more, this authority has been vested to relieve courts of first instance of the duty to hear cases which

are devoid of probable cause, thereby paving the way for the effective exercise of the original jurisdiction of said courts and the expeditious disposal by the same of criminal cases which are prima facie meritorious. * *

*."

"It is apparent, from a perusal of the three (3) provisions aforementioned, that the framers of Article 360 of the Revised Penal Code intended to introduce no substantial change in the existing law, except as regards venue, and that, in all other respects, they meant to preserve and continue the status quo under sections 2 and 11 of Act No. 277. Such was also the purpose of Congress in passing House Bill No. 2695, which eventually became Republic Act No. 1280."

The Bobon justice of the peace has thus acted within his powers, and this petition will have to be dismissed.

Petitioner here maintains that even if the justice of the peace courts have jurisdiction to conduct preliminary investigations, the venue was improperly laid in Bobon, because neither the complainant nor the defendant resided there. The statute^[2] provides that where the libel is published or circulated in a province or city wherein neither the offended party nor the offender resides, the action may be brought therein; and the complaint herein questioned, alleges that the libel had been published and circulated in Bobon and other municipalities of Samar. Bobon and Samar, therefore, constituted proper venue.

Petitioner's last contention that the complaint stated no cause of action, may not be considered now. It is unimportant in a certiorari proceeding, specially because petitioner has the remedy of discussing the issue before the court of first instance, and then if after hearing he is convicted, to appeal in due time.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes and Dizon, JJ., concur.

[1] Amending Art. 360 of the Revised Penal Code to read 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. * * *."

[2]Quoted in the Margin, supra.

DISSENTING OPINION

PARAS, C. J.:

I dissent for the same reasons stated in my dissenting opinion in the case of *People vs. Olarte*, 108 Phil., 756; 58 Off. Gaz., (8) 1517, which read as follows:

"It will be observed that as a general rule, the law, in defining crimes, does not mention or make reference to the court where the case should be filed.

"In the case of libel, however, aside from the definition, the law expressly indicates the court wherein the criminal and civil actions are to be filed. Article 360, Par. 3, of the Revised Penal Code provides:

"The criminal action and the civil action for damages in cases of written defamations, as provided in this chapter, may be filed simultaneously or separately with the Court of First Instance of the province wherein the

libel was published, displayed or exhibited, regardless of the place where the same was written, printed or composed.' (Italics added.)

"After the amendment of the said article by Republic Act No. 1289, the third paragraph reads:

"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, further, 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 crime of libel is transitory and in accordance with the old laws, the criminal action could be field in any place where there had been publication. If the Justice of the Peace Courts had jurisdiction, at least for the purpose of preliminary investigation and issuance of warrant of arrest, the action could be filed in ANY of the several Justice of the Peace Courts of any province. This could no doubt lead to undue harassment of the defendant and it is likewise considered that under the old laws many of the justices of the Peace were not lawyers, the conclusion is inevitable that the frames of the Revised Penal Code did not want the intervention of said Justices of the Peace. Thus the Revised Penal Code expressly provides, in the case of libel, (and contrary to its other provisions) that the complaint must be filed not in any Justice of the Peace Court, BUT in the Court of First Instance.

"The majority believes that the reference to the Court of First Instance in Article 360 of the Revised Penal Code is unnecessary. If that were so, I see no reason for them to express the conviction and admit that a civil suit for the recovery of damages involving a small sum of money, like for instance P50.00, is within the exclusive jurisdiction of the Court of First Instance.

* * * * *

"It is interesting to note that in the whole Revised Penal Code and other statutes prescribing penal provisions, there is no mention of the court wherein a case should be filed, inasmuch as there is a general law on the matter, with the notable exceptions of those relating to the violation of the provisions of (1) the Election Code, (2) the Copyright Law, (3) the Land Registration Act and (4) the crime of libel.

"The crime of libel being transitory as stated above, amendments have been made regarding venue. The reason for the amendment is as stated by the authors thereof, to avoid harassment specially to newspapermen and to foster the freedom of the press. These objectives must have prompted the exception in the law confining to the Court of First Instance original exclusive jurisdiction over said cases for the legislature must have believed that there, was no sufficient guaranty in the fairness of proceedings when the preliminary investigation was not to be conducted by the Judge of the Court of First Instance. It is true that in the debates, the sponsors of the bill numbered later as Republic Act No. 1289 declared that the amendment on Article 360 referred to venue. But It should be observed that the matter of jurisdiction provided for in the original provisions of article S60 has been reiterated in. the aforesaid Republic Act with the only difference that more emphasis has been given to it by the substitution of the word 'may' with 'shall'."

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.