

MANOLO P. SAMSON, PETITIONER, VS. HON. VICTORIANO B. CABANOS, IN HIS CAPACITY AS ACTING PRESIDING JUDGE, REGIONAL TRIAL COURT OF ANTIPOLO CITY, BRANCH 71, PEOPLE OF THE PHILIPPI...

G.R. No. 161693. June 28, 2005

Ponente: PUNO, J.

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PUNO, J.:

Petitioner Manolo P. Samson seeks the reversal of the orders dated January 22, 2003 and November 17, 2003 issued by Presiding Judge Felix S. Caballes and Acting Presiding Judge Victoriano B. Cabanos, respectively, of the Regional Trial Court (RTC) of Antipolo City, Branch 71, in relation to Criminal Case No. 02-23183. The assailed orders denied petitioner's motion to quash the information for unfair competition filed against him before said court.[1] Petitioner also prayed that a temporary restraining order and/or preliminary injunction be issued to enjoin respondent judge from further proceeding with Criminal Case No. 02-23183 until the resolution of the instant petition. The Court issued a temporary restraining order on February 18, 2004.[2]

The background facts: Petitioner was charged with the crime of unfair competition before the RTC of Antipolo City in an Information that states:

The undersigned Senior State Prosecutor of the Department of Justice hereby accuses MANOLO P. SAMSON for violation of Sec. 168.3 (a) in relation to Secs. 123.1 (e), 131.3 and 170 of RA 8293 otherwise known as the Intellectual Property Code of the Philippines, committed as follows:

That on or about the first week of November 1999 and sometime prior or subsequent thereto, in Cainta, Rizal, Philippines, and within the jurisdiction of this Honorable Court, above-named accused, owner/proprietor of ITTI Shoes Corporation located at F.P. Felix Avenue, Cainta, Rizal, did then and there willfully, unlawfully and feloniously distribute, sell and/or offer for sale CATERPILLAR products such as footwear, garments, clothing, bags, accessories and paraphernalia which are closely identical to and/or colorable imitations of the authentic Caterpillar products and likewise using trademarks, symbols and/or designs as would cause confusion, mistake or deception on the part of the buying public to the damage and prejudice of CATERPILLAR, INC., the prior adopter, user and owner of the following internationally famous marks: "CATERPILLAR," "CAT," "CATERPILLAR & DESIGN," "CAT AND DESIGN," "WALKING MACHINES" and "TRACK-TYPE TRACTOR & DESIGN."

CONTRARY TO LAW.[3]

Petitioner moved to quash the information on the ground that the court has no jurisdiction over the offense charged in the Information. He argued that Section 170 of Republic Act (R.A.) No. 8293[4] provides that the penalty for violation of Section 168 thereof is imprisonment from two (2) to five (5) years and a fine ranging from fifty thousand pesos (P50,000.00) to two hundred thousand pesos (P200,000.00), and R.A. No. 7691[5] amending Batas Pambansa (B.P.) Blg. 129[6] vested the Metropolitan Trial Courts (MTC) exclusive original jurisdiction

over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of the fine.[7] Presiding Judge Felix S. Caballes denied the motion for lack of merit in his order dated January 22, 2003.[8] Petitioner filed a motion for reconsideration which was likewise denied by Acting Presiding Judge Victoriano B. Cabanos.[9]

Petitioner filed the instant petition for certiorari before this Court on pure question of law:

Whether or not the respondent Regional Trial Court has jurisdiction over the offenses charged in the subject information where the penalty therein range from two (2) years to five (5) years, pursuant to Section 170 of R.A. 8293, in the light of the enactment of Republic Act No. 7691, amending B.P. Blg. 129, which vests exclusive original jurisdiction on the Metropolitan Trial Courts over all offenses punishable with "imprisonment not exceeding six (6) years irrespective of the amount of fine," in relation to Section 163 of R.A. No. 8293.[10]

Petitioner reiterates his argument before the trial court in support of his motion to quash. He contends that Section 170 of R.A. No. 8293 provides that the penalty to be imposed upon any person guilty of violation of Section 168 of the law is "imprisonment from two (2) to five (5) years and a fine ranging from fifty thousand pesos (P50,000.00) to two hundred thousand pesos (P200,000.00)." Under Section 2 of R.A. No. 7691, amending Section 32 of B.P. 129, the MTC shall exercise exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the fine. As petitioner is charged with an offense penalized by imprisonment not exceeding six (6) years, the jurisdiction to try the case lies with the MTC and not the RTC. In addition, petitioner submits that the old Trademark Law, R.A. No. 166, conferring jurisdiction on the Courts of First Instance (now RTC) over complaints for unfair competition, has been repealed by Section 239 of R.A. No. 8293. He cites the Court's decision in *Mirpuri vs. Court of Appeals*.^[11]

The petition must be dismissed.

It appears that petitioner had already raised the same issue and argument before this Court in the case of *Samson vs. Daway*,^[12] decided on July 21, 2004. That case involved exactly the same facts and issue as in this case, except that the information for unfair competition against petitioner was filed before the RTC of Quezon City. We held in that case:

The issues posed for resolution are — (1) Which court has jurisdiction over criminal and civil cases for violation of intellectual property rights? x x x

Under Section 170 of R.A. No. 8293, which took effect on January 1, 1998, the criminal penalty for infringement of registered marks, unfair competition, false designation of origin and false description or representation, is imprisonment from 2 to 5 years and a fine ranging from Fifty Thousand Pesos to Two Hundred Thousand Pesos, to wit:

SEC. 170. Penalties. — Independent of the civil and administrative sanctions imposed by law, a criminal penalty of imprisonment from two (2) years to five (5) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) shall be imposed on any person who is found guilty of committing any of the acts mentioned in Section 155 [Infringement], Section 168 [Unfair Competition] and Section 169.1 [False Designation of Origin and False Description or Representation].

Corollarily, Section 163 of the same Code states that actions (including criminal and civil) under Sections 150, 155, 164, 166, 167, 168 and 169 shall be brought before the proper courts with appropriate jurisdiction under existing laws, thus —

SEC. 163. Jurisdiction of Court. — All actions under Sections 150, 155, 164 and 166 to 169 shall be brought before the proper courts with appropriate jurisdiction under existing laws. (*Italics supplied*)

The existing law referred to in the foregoing provision is Section 27 of R.A. No. 166 (The Trademark Law) which provides that jurisdiction over cases for infringement of registered marks, unfair competition, false designation of origin and false description or representation, is lodged with the Court of First Instance (now Regional Trial Court) —

SEC. 27. Jurisdiction of Court of First Instance. — All actions under this Chapter [V — Infringement] and Chapters VI [Unfair Competition] and VII [False Designation of Origin and False Description or Representation], hereof shall be brought before the Court of First Instance.

We find no merit in the claim of petitioner that R.A. No. 166 was expressly repealed by R.A. No. 8293. The repealing clause of R.A. No. 8293, reads —

SEC. 239. Repeals. — 239.1. All Acts and parts of Acts inconsistent herewith, more particularly Republic Act No. 165, as amended; Republic Act No. 166, as amended; and Articles 188 and 189 of the Revised Penal Code; Presidential Decree No. 49, including Presidential Decree No. 285, as amended, are hereby repealed. (Italics added)

Notably, the aforequoted clause did not expressly repeal R.A. No. 166 in its entirety, otherwise, it would not have used the phrases "parts of Acts" and "inconsistent herewith"; and it would have simply stated "Republic Act No. 165, as amended; Republic Act No. 166, as amended; and Articles 188 and 189 of the Revised Penal Code; Presidential Decree No. 49, including Presidential Decree No. 285, as amended are hereby repealed." It would have removed all doubts that said specific laws had been rendered without force and effect. The use of the phrases "parts of Acts" and "inconsistent herewith" only means that the repeal pertains only to provisions which are repugnant or not susceptible of harmonization with R.A. No. 8293. Section 27 of R.A. No. 166, however, is consistent and in harmony with Section 163 of R.A. No. 8293. Had R.A. No. 8293 intended to vest jurisdiction over violations of intellectual property rights with the Metropolitan Trial Courts, it would have expressly stated so under Section 163 thereof.

Moreover, the settled rule in statutory construction is that in case of conflict between a general law and a special law, the latter must prevail. Jurisdiction conferred by a special law to Regional Trial Courts must prevail over that granted by a general law to Municipal Trial Courts.

In the case at bar, R.A. No. 8293 and R.A. No. 166 are special laws conferring jurisdiction over violations of intellectual property rights to the Regional Trial Court. They should therefore prevail over R.A. No. 7691, which is a general law. Hence, jurisdiction over the instant criminal case for unfair competition is properly lodged with the Regional Trial Court even if the penalty therefor is imprisonment of less than 6 years, or from 2 to 5 years and a fine ranging from P50,000.00 to P200,000.00.

In fact, to implement and ensure the speedy disposition of cases involving violations of intellectual property rights under R.A. No. 8293, the Court issued A.M. No. 02-1-11-SC dated February 19, 2002 designating certain Regional Trial Courts as Intellectual Property Courts. On June 17, 2003, the Court further issued a Resolution consolidating jurisdiction to hear and decide Intellectual Property Code and Securities and Exchange Commission cases in specific Regional Trial Courts designated as Special Commercial Courts.

The case of *Mirpuri v. Court of Appeals*, invoked by petitioner finds no application in the present case. Nowhere in *Mirpuri* did we state that Section 27 of R.A. No. 166 was repealed by R.A. No. 8293. Neither did we make a categorical ruling therein that jurisdiction over cases for violation of intellectual property rights is lodged with the Municipal Trial Courts. The passing remark in *Mirpuri* on the repeal of R.A. No. 166 by R.A. No. 8293 was merely a backgrounder to the enactment of the present Intellectual Property Code and cannot thus be construed as a jurisdictional pronouncement in cases for violation of intellectual property rights.

The foregoing ruling is the law of the case and thus lays to rest the issue posed by petitioner. We see no reason in this case to deviate therefrom. It is a basic legal principle that whatever is once irrevocably established as the controlling legal rule or decision between the same parties in the case continues to be the law of the case, whether correct on general principles or not, so long as the facts on which such decision was predicated continue to be the facts of the case before the court.[13]

IN VIEW WHEREOF, the petition is DISMISSED. The temporary restraining order issued by this Court on February 18, 2004 is hereby LIFTED.

SO ORDERED.

Austria-Martinez, Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 23-25.

[2] Rollo, pp. 116-118.

[3] Rollo, pp. 26-27.

[4] Intellectual Property Code of the Philippines.

[5] An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts.

[6] Judiciary Reorganization Act of 1980.

[7] Rollo, pp. 29-32.

[8] Rollo, pp. 23-24.

[9] Rollo, p. 25.

[10] Rollo, pp. 5-6.

[11] 318 SCRA 516 (1999).

[12] 434 SCRA 612 (2004).

[13] Cucueco vs. Court of Appeals, et al., G.R. No. 139278, October 25, 2004.

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