

**THE PEOPLE OF THE PHILLIP-PINES, ET AL.,
DEFENDANTS-APPELLANTS, VS. ASCENCION P. OLARTE,
DEFENDANT-APPELLEE.**

G.R. No. 22465. February 28, 1967

Ponente: REYES J. B. L., J.

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REYES J. B. L., J.:

This is the second time the present case is brought on appeal to this Supreme Court on the identical issue of prescription.

The antecedents of this case are briefly stated in the decision of the previous appeal (G.R. No. L-13027):

"Defendant Ascencion P. Olarte is charged with libel. It is alleged in the information that 'on or about the 24th day of February, 1954 and subsequently thereafter', said defendant had wilfully, unlawfully and feloniously written certain letters which were libelous, contemptuous and derogatory to Miss Visitacion M. Meris, "with evident and malicious purpose of insulting, dishonoring, humiliating and bringing into contempt the good name and reputation' of said complainant.

"It appears that on January 7, 1956, Miss Meris lodged the corresponding charge of libel with the provincial fiscal of Pangasinan, who assigned it to an assistant provincial fiscal; that upon the latter's advice, on February 22, 1956, she filed with the Justice of the Peace Court of Pozor-rubio, Pangasinan, a complaint for libel against Ascencion P. Olarte; that the defendant waived her right to a preliminary investigation, whereupon the justice of the peace court for-warded the case to the Court of First Instance of Pangasinan, in which the corresponding information was filed on July 3, 1956; that the defendant seasonably moved to quash the in-formation upon the ground of prescription of the offense; and that, after due hearing, the court of first instance granted said motion and dismissed the case, with costs de oficio. Hence, this appeal by complainant Miss Meris, with the conformity of the special counsel of the office of the provincial fiscal of Pangasinan, who represented the prosecution in said court."

This Court, likewise, stated in said previous appeal:

"It is conceded that, as provided in Article 90 of the Revised Penal Code, 'the crime of libel x x x shall prescribe in two (2) years', which, pursuant to Article 91 of the same Code, '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 x x x.' In an af-fidavit, attached to the complaint filed with the justice of the peace court, Miss Meris stated that one defamatory letter was received by her on February 27, 1954 and that there were other libelous letters, seemingly written after the first. According to another affidavit, likewise, attached to said complaint, the subsequent letters were received on or about March 1 and 13, April 26 and May 9, 1954. The issue in the lower court, as well as in this appeal, is whether the statute of limitations was suspended by the filing of the complaint with the justice of the peace court on February 22, 1956, as claimed by appellant, or continued to run until July 3, 1956, when the information was filed with the court of first instance, as contended by the defendant. His Honor, the trial judge adopted the latter alternative, and, accordingly, held that the prescriptive period had expired before the filing of said

information." (Underlining supplied for emphasis)

Resolving the issue thus posed on the basis of the above quoted facts, this Court, speaking through the then Associate Justice (now Chief Justice) Roberto Concepcion, and after an extensive and exhaustive dissertation on the applicable laws and pertinent decisions on the subject, rendered a decision, promulgated on June 30, 1960, the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING, it is our considered opinion that the filing of the complaint with the justice of the peace court of Pozorrubio, Pangasinan, interrupted the running of the statute of limitations, as regards the crime of libel with which defendant herein is charged, and that said crime has not been extinguished, therefore, by prescription, for which reason the order appealed from is reversed, and the records of this case are hereby remanded to the lower court for further proceedings, conformably with law."

"IT IS SO ORDERED."

The above ruling became final and executory, and, pursuant thereto, the lower court set the case for hearing on the merits and the prosecution started presenting its evidence. However, on August 26, 1963, the defense presented anew a motion to quash the information, supplemented by another motion of September 5, 1963, on the ground of prescription of the offense charged in the information. In said motions, the defense invoked the subsequent ruling of this Court in the case of *People vs. Coquia*, G. R. No. L-15456, promulgated on June 29, 1963.

On November 4, 1963, the prosecution opposed said motions. The defense submitted its reply on November 13, 1963.

After due hearing on this incident, the lower court issued the appealed order, dated January 16, 1964, sustaining the defense's new motion to quash upon the ground of prescription. In this order, the lower court, after comparing and finding that the set of facts obtaining in the case at bar is practically identical with those of the *Coquia* case, opined that inasmuch as the latter case is inconsistent with or contradicts the previous decision (L-13027) in the case at bar, promulgated on June 30, 1960, the 1963 ruling in the *Coquia* case indicates that this Supreme Court intended to abandon the one made in 1960 in the first appeal of this same case (L-13027).

Not satisfied, the prosecution (special counsel of the Office of the Provincial Fiscal of Pangasinan and the private prosecutor jointly) interposed the present appeal to this Court on a pure question of law.

The complainant Miss Meris, through her private prosecutor, filed her brief. Subsequently, the Solicitor General, in representation of plaintiff-appellant *People of the Philippines*, instead of filing a brief, filed, on August 18, 1964, a manifestation, stating to the effect that they are submitting the case without any brief, said complainant having filed a brief in her behalf; and that they are of the opinion that the order of the lower court dismissing the case was well taken. In view of this manifestation, defendant-appellee presented, on September 7, 1964, a motion to dismiss the appeal.

This Court, by resolution dated October 2, 1964, denied said motion for the present.

Defendant-appellee moved to reconsider said denial but this Court, in its resolution of October 21, 1964, overruled the defendant's motion.

Thereafter, said defendant-appellee filed her brief and the case was submitted for decision.

The only issue presented for determination in this appeal is the effect of this Court's ruling on the first appeal in this very same case (L-13027) and whether the decision in the later case of *People vs. Coquia*, G. R. No. L-15456, June 29, 1963, warrants the dismissal of the information in the case at bar on the ground of prescription.

Suffice it to say that our ruling in Case G.R. No. L-13027, rendered on the first appeal, constitutes the law of the case, and, even if erroneous, it may no longer be disturbed or modified since it has become final long ago. A sub-sequent reinterpretation of the law may be applied to new cases but certainly not to an old one finally and conclusively determined (*People vs. Pinuila*, G. R. No. L-11374, May 30, 1958; 55 O. G. 4228).

"'Law of the case' has been defined as the opinion delivered on a former appeal. More specifically, it means that whatever is once irrevocably established as the con-trolling legal rule of decision between the same parties in the same 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. (21 C.J.S. 330). (cited in *Pinuila* case, *supra*)

"As a general rule a decision on a prior appeal of the same case is held to be the law of the case whether that de-cision is right or wrong, the remedy of the party being to seek a rehearing. (5 C. J. S. 1277)." (also cited in *Pinuila* case)

It is also aptly held in another case that:

"It need not be stated that the Supreme Court, being the court of last resort, is the final arbiter of all legal questions properly brought before it and that its decision in any given case constitutes the law of that particular case. Once its Judgment becomes final it is binding on all inferior courts, and hence beyond their power and authority to alter or modify." (*Kabigting vs. Acting Director of Prisons*, G. R. No. L-15548, October 30, 1962).

More categorical still is the pronouncement of this Court in *Pomeroy vs. Director of Prisons*, G.R. No. L-14284-85, February 24, 1960:

"It will be seen that the prisoner's stand assumes that doctrines and rulings of the Supreme Court operate retrospectively, and that they can claim the benefit of decisions in *People vs. Hernandez*, *People vs. Geronimo*, and *People vs. Dugonon* (G.R. No. L-6025-26, July 18, 1956; G.R. No. L-8936, Oct. 31, 1956; and G.R. No. L-8926, June 29, 1957, respectively), promulgated four or more years after the prisoner applicants had been convicted by final judgment and started serving sentence. However, the rule adopted by this Court (and by the Federal Supreme Court) is that judicial doctrines have only prospective operation and do not apply to cases previously decided (*People v. Pinuila*, G.R. No. L-11374, promulgated May 30, 1958.)"

In the foregoing decision, furthermore, this Court quoted and reiterated the rule in the following excerpt from *People vs. Pinuila*, G. R. No. 11374, *jam cit.*:

"'The decision of this Court on that appeal by the govern-ment from the order of dismissal, holding that said appeal did not place the appellants, including Absalon Bignay, in double jeopardy, signed and concurred in by six justices as against three dissenters headed by the Chief Justice, promulgated way back in the year 1952, has long become the law of the case. It may be erroneous, judged by the law on double jeopardy as recently interpreted by this same Tribunal. Even so, it may not be disturbed and modified. Our recent interpretation of the law may be applied to new cases, but certainly not to an old one finally and conclusively determined. As already stated, the majority opinion in that appeal is now the law of the case.'"

The same principle, the inmutability of the law of the case notwithstanding subsequent changes of judicial opinion, has been followed in civil cases:

Fernando vs. Crisostomo, 90 Phil. 585;

Padilla vs. Paterno, 93 Phil. 884;

Samahang Magsasaka, Inc. vs. Chua Guan,

G.R. No. L-7252, February 25, 1955.

It is thus clear that posterior changes in the doctrine of this Court can not retroactively be applied to nullify a prior final ruling in the same proceeding where the prior adjudication was had, whether the case should be civil or criminal in nature.

Analysis of the precedents on the issue of prescription discloses that there are two lines of decisions following differing criteria in determining whether prescription of crimes has been interrupted. One line of precedents holds that the filing of the complaint with the justice of the peace (or muni-cipal judge) does interrupt the course of the prescriptive term: *People vs. Olarte*, G.R. No. L-13027, June 30, 1960 and cases cited therein; *People vs. Uba*, G.R. No. L-13106, October 16, 1959; *People vs. Aquino*, 68 Phil. 588, 590. Another series of decisions declares that to produce interruption the complaint or information must have been filed in the proper court that has jurisdiction to try the case on its merits: *People vs. Del Rosario*, G.R. No. L-15140, December 29, 1960; *People vs. Coquia*, G.R. No. L-15456, June 29, 1963.

In view of this diversity of precedents, and in order to provide guidance for Bench and Bar, this Court has reexamined the question and, after mature consideration, has arrived at the conclusion that the true doctrine is, and should be, the one established by the decisions holding that the filing of the complaint in the Municipal Court, even if it be merely for purposes of preliminary examina-tion or investigation, should, and does, interrupt the period of prescription of the criminal responsibility, even if the court where the complaint or in-formation is filed can not try the case on its merits. Several reasons buttress this conclusion: first, the text of article 91 of the Revised Penal Code, in declaring that the period of prescription "shall be interrupted by the filing of the complaint or information" without distinguishing whether the complaint is filed in the court for preliminary examination or investigation merely, or for action on the merits. Second, even if the court where the complaint or information is filed may only proceed to investigate the case, its actuations already represent the initial step of the proceedings against the offender. Third, it is unjust to deprive the injured party of the right to obtain vindication on account of delays that are not under his control. All that the victim of the offense may do on his part to initiate the prosecution is to file the requisite complaint.

And it is no argument that Article 91 also expresses that the interrupted prescription "shall commence to run again when such proceedings terminate without the accused being convicted or acquitted", thereby indicating that the court in which the complaint or information is filed must have power to acquit or convict the accused. Precisely, the trial on the merits usually terminates in conviction or acquittal, not otherwise. But it is in the court conducting a pre-liminary investigation where the proceedings may terminate without conviction or acquittal, if the court should discharge the accused because no prima facie case has been shown.

Considering the foregoing reasons, the Court hereby overrules the doctrine of the cases of *People vs. Del Rosario*, G.R. No. L-15140, December 29, 1960; and *People vs. Coquia*, G.R. No. L-15456, promulgated June 29, 1963.

And it having been finally decided in the previous appeal that the criminal action here was not barred, the issue of prescription is utterly foreclosed, and all that remains is to try and decide the case on the merits. It is expected that it will be done with the utmost dispatch, this case having been already pending for many years.

WHEREFORE, the appealed order of dismissal is hereby set a side and reversed, and the records of this case ordered remanded to the lower court for further proceedings conformably with this decision. With costs against defendant-appellee.

Concepcion, C.J., Dizon, Regala, Makalintal, Bengzon, Zaldivar, Sanchez, and Castro, JJ., concur.

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