

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. ANICETO MARQUEZ, DEFENDANT AND APPELLEE.

G.R. No. 46578. September 22, 1939

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46578/>

LAUREL, J.:

On March 11, 1937, the chief of police of the municipality of Barbaza, Province of Antique, filed an amended complaint charging Aniceto Marquez with the crime of serious slander by deeds,

A preliminary investigation was conducted by the justice of the peace of Barbaza who later forwarded the papers to the Court of First Instance, where the provincial fiscal filed the following information:

"El que suscribe acusa a Aniceto Marquez del delito de injurias graves con lesiones, cometido de la manera siguiente:

"Que en o hacia el 10 de marzo de 1937, en el Municipio de Barbaza, Provincia de Antique, Commonwealth de Filipinas, y dentro de la jurisdiccion de este Juzgado, el referido acusado, con el evidente proposito de exponer al ridiculo y a la verguenza publicos a Presentacion Ellaga, una joven maestra de la escuela parroquial del Municipio de Barbaza, voluntaria, ilegal y criminalmente y en un sitio publico, dirigio a dicha Presentacion Ellaga palabras injuriosas e insultantes, llamandola 'bigatot,' 'patotot' (prostituta) y otras palabras y frases similares y en el acto la dio dos bofetadas en las caras izquierda y derecha, haciendola caer y tumbarse en la calle y causando en su cara lesiones que necesitaron asistencia medica y tardaron 3 dias en curarse, en deshonra, descredito y menosprecio de dicha Presentacion Ellaga.

"Con infraccion de la ley."

Counsel for the defendant interposed a demurrer to this information on the ground that the court had no jurisdiction over the subject matter of the action, because the complaint which initiated the proceedings was filed by the chief of police and not by the offended party. The trial judge sustained the objection and dismissed the case. Hence, this appeal.

The jurisdictional challenge of the defendant is evidently based on article 360, paragraph 4 of the Revised Penal Code which provides that "no criminal action for defamation which consists in the imputation of a crime which cannot be prosecuted de oficio shall be brought except at the instance of and upon complaint expressly filed by the offended party." This article of the Revised Penal Code, however, refers to defamation "which consists in the imputation of a crime which cannot be prosecuted de oficio" Such crimes are adultery, concubinage, seduction, abduction, rape, and acts of lasciviousness. (Art. 344, Revised Penal Code.) The offense charged in the instant case is the crime of injurias graves con lesiones under article 359 of the Revised Penal Code; Courts are bound to follow the plain words of the statute as to which there is no room for construction. (*Tañada vs. Yulo*, 61 Phil., 515.)

In accordance with the recommendation of the Solicitor-General, the order appealed from is reversed, and the case is remanded to the lower court for further proceedings in accordance with law, with costs against the appellee. So

ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, 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.