

**FLORENDA SALCEDO, PETITIONER, VS. HON. ESTHER NOBLES BANS,
PRESIDING JUDGE, REGIONAL TRIAL COURT, THIRD JUDICIAL
REGION, BRANCH LXXII OLONGAPO CITY AND HOWARD
ALEXANDER & RICHAR...**

G.R. No. 67540. May 07, 1985

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

In our Resolution, dated January 17, 1985, we held that "as a matter of policy, we direct the Municipal Trial Court in the City of Olongapo, whenever a criminal case covered by the Rule (on Summary Procedure) is initiated by complaint, to refer the same to the City Fiscal for the filing of the corresponding Information."

Before us now is petitioner's Motion seeking reconsideration of that portion of our Resolution ordering the referral of criminal cases covered by the Rule to the City Fiscal arguing that the setting of the cases at bar for arraignment and trial under Section 11 of said Rule is equivalent to a finding of a prima facie case and, therefore, further referral to the City Fiscal is unnecessary and will only create additional delay. Furthermore, a clarification is sought as to what stage in the criminal proceedings may a complaint be referred to the Fiscal for the filing of an Information.

Also, before us is a Motion for Leave to Intervene filed by Fidela Y. Vargas, allegedly on behalf of indigent litigants, also seeking reconsideration of our aforementioned Resolution and seeking guidance in respect of cases already commenced under RA 4645 of the City of Olongapo Charter.

We deny both reconsideration and intervention. As stated in the Concurring Opinion of Mr. Justice Teehankee in our aforementioned Resolution, it was "at the instance of metropolitan municipal trial court judges themselves, who feared that they would be swamped with preliminary investigations, which they would have to conduct if criminal complaints were to be directly filed with them," that Section 9 of the Rule on Summary Procedure in Special Cases provides expressly that "in Metropolitan Manila and chartered cities, (criminal) cases shall be commenced only by information." To ensure the benefits envisioned in the reorganization of our judicial system, it is best that a uniform procedure be followed in all Courts of the same level.

And as to the question of effectivity of our aforesaid Resolution, the same is to be prospective in application from the date of the promulgation of said Resolution and will not affect prior cases erroneously initiated by complaint and already in an advanced stage of proceedings.

ACCORDINGLY, the Motion for Reconsideration and the Motion for Leave to Intervene, respectively filed herein, are hereby both denied, and compliance with our Resolution of January 17, 1985 is hereby strictly enjoined from said date.

SO ORDERED.

Teehankee (Acting C.J.), Plana, Relova, Gutierrez, Jr., De la Fuente, and Alampay, JJ., concur.

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