

THIRD DIVISION

[G.R. No. 157370, June 08, 2007]

**RAMIL P. ORTIZ, PETITIONER, VS. COURT OF APPEALS, THE
OFFICE OF THE CITY PROSECUTOR OF MANILA AND BENEDICTO
S. CAJUCOM, RESPONDENTS.**

DECISION

AUSTRIA-MARTINEZ, J.:

This resolves the petition for *certiorari* and/or prohibition with prayer for temporary restraining order and preliminary injunction seeking the nullification of the Resolution^[1] of the Court of Appeals (CA) dated June 25, 2002 dismissing petitioner's petition for *certiorari* before said court, and the Resolution^[2] dated February 17, 2003 denying petitioner's motion for reconsideration.

The antecedent facts are as follows.

A complaint for libel was filed by private respondent Benedicto S. Cajucom (Cajucom) against Ramil P. Ortiz (petitioner). Cajucom indicated therein his postal address as 3863 E. Vallejo, Santol, Sta. Mesa, Manila. On the basis of said complaint, the Office of the City Prosecutor of Manila (OCP) filed an Information for libel with the Regional Trial Court of Manila, Branch 28 (RTC). Petitioner subsequently moved for reinvestigation and the RTC granted such motion. After reinvestigation, the OCP filed an Amended Information reading as follows:

The undersigned accused RAMIL PIAMONTE ORTIZ of the crime of libel, committed as follows:

That on or about December 8, 1998, in the City of Manila, Philippines, the said accused, with malicious purpose of impeaching the virtue, honor, character and reputation of BENEDICTO A. CAJUCOM VII, a lawyer, then residing at this City, formerly employed as Vice President for Legal Affairs, TPI Philippine Vinyl Corporation, TPI Philippine Cement Corporation and Thun Tritasavit, and with evident intent of exposing him to public hatred, contempt and ridicule, did then and there wilfully, unlawfully, feloniously and maliciously write, publish, exhibit and circulate and/or caused to be written, published, exhibited and circulated a letter which was addressed and sent to and received by the President of the TPI (Philippines) Inc. at Makati City, and the latter attached said letter as Annex 16 in a Position Paper which was submitted to the National Labor Relations Commission, National Capital Region (Quezon City) which contains injurious, false and malicious, defamatory and libelous

statements or remarks concerning the said Benedicto A.
Cajucom VII, x x x

x x x x x x x x

with which statements, the said accused meant and intended to convey, as in fact he did mean and convey false and malicious imputation that the said Benedicto Cajucom VII is an irresponsible, untrustworthy, unscrupulous and devious individual which imputations as he well knew, were false and malicious, offensive and derogatory to the good name, character and reputation of said Benedicto Cajucom VII and that the said letter was solely written and circulated by the said accused for no other purpose than to impeach and besmirch the good name, character and reputation of the said Benedicto Cajucom VII, in order to expose him, as in fact, he was exposed to dishonor, discredit, public hatred, contempt and ridicule.

CONTRARY TO LAW.^[3]

Petitioner filed a Motion to Quash with the RTC on the ground that the trial court had no jurisdiction over the offense charged. Petitioner pointed out that Article 360 of the Revised Penal Code required that in case the offended party is a private individual, the criminal action for libel should be filed in the province or city where the libelous article is first published, or the province or city where any of the offended parties actually resides at the time of the commission of the offense. Petitioner argued that since Cajucom's complaint did not state that he was actually residing in Sta. Mesa, Manila at the time of the commission of the offense but instead merely indicated the same as his postal address, then there was no compliance with the requirements of Art. 360 of the Revised Penal Code. Petitioner also filed a Manifestation with the RTC attaching thereto a copy of the administrative complaint filed by his sister against Cajucom and copies of Resolutions of the Supreme Court on said administrative complaint, wherein it was stated that the address of Cajucom was No. 5 Dao Street, Town and Country Executive Village, Marcos Highway, Mayamot, Antipolo, Rizal.

The RTC then issued an Order dated October 8, 2001, denying petitioner's motion to quash the information for libel. The RTC ruled that the case was properly filed in Manila, since it has been held that a person may have two or more residences. Petitioner's motion for reconsideration of said order was likewise denied.

Petitioner elevated the issue to the CA *via* a petition for *certiorari*, but his petition was dismissed outright per Resolution dated June 25, 2002. The CA held that the proper remedy from a denial of a motion to quash is for the petitioner to go to trial on the merits and then to appeal therefrom. Petitioner moved for reconsideration but in its Resolution dated February 17, 2003, the CA found the motion to be unmeritorious, upholding the ruling of the RTC that a person can have numerous places of residence.

Aggrieved by the Resolutions of the CA, petitioner filed the present petition for *certiorari* alleging that the CA committed grave abuse of discretion amounting to lack of jurisdiction because it completely disregarded the following evidence and/or arguments, to wit: