

SECOND DIVISION

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

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 PHILIPPINES AND CATERPILLAR, INC., RESPONDENTS.

DECISION

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: