

FIRST DIVISION

[G.R. No. 122068, July 08, 1998]

**JUANITO MANZANO, PETITIONER, VS. HON. REDENTOR VALERA,
JUDGE, MUNICIPAL TRIAL COURT OF BANGUED, ABRA, AND
VILMA A. BOBILA, RESPONDENTS.**

D E C I S I O N

QUISUMBING, J.:

At issue in this petition for certiorari and prohibition with temporary restraining order is the jurisdiction of the municipal trial court in a case for criminal libel. It seeks to enjoin respondent Judge of the MTC in Bangued, Abra from further proceeding with Criminal Case No. 5728, for alleged lack of jurisdiction. Petitioner further prays for the nullification of the Order dated August 2, 1995^[1] issued by the respondent Judge and the subsequent Order dated August 30, 1995^[2] denying petitioner's Motion for Reconsideration.

The antecedent facts are as follows:

On June 2, 1994, a criminal complaint for libel was filed in the sala of respondent Judge against Juanito Manzano (herein petitioner), who was then Senior Police Officer 1. Complainant (now private respondent) Vilma Bobila, who was then an employee of the Bureau of Internal Revenue, charged that with malicious intent to expose her to public ridicule, Manzano caused "to be entered and written in the PNP, Bangued Police Station Blotter (a public record) a (sic) false, malicious and highly defamatory statements against (Bobila) and with no good intentions or justifiable motive for preparing and writing the same."^[3] The complaint in sum contained an account of the entry in the police blotter, which was the alleged source of the libelous matter. Allegedly in the blotter, Bobila was made to appear as having made grave threats against SPO1 Manzano when she visited the police station and when she uttered threatening remarks against him, a portion of which we quote as follows:

"ADDANTO PANAGPATINGGAYO NGA KASTA NGATATTAO, and at the same time she allegedly raise (sic) her palm and made a sign across her neck which according to said reported (sic) it was a clear sign she wants somebody among the BPP personnel be (sic) killed."^[4]

On October 24, 1994, the respondent Judge initially recognized that the Regional Trial court (RTC) had jurisdiction and forwarded the records to the Office of the Provincial Prosecutor. However, upon receipt of the records, Prosecutor Edgardo Flores invoking the amendment in Paragraph 2, Section 32 of B.P. 129 which is now also Section 2 of Republic Act 7691,^[5] opined that the MTC should take cognizance of the case. A month later, Assistant Provincial Prosecutor Ricarte Valera requested that the records of the case be returned to the MTC. Upon the MTC's acceptance of

the case, petitioner filed a motion to Dismiss, invoking no jurisdiction over the offense charged.^[6] A twist took place when the Assistant Provincial Prosecutor was required to file a comment on the aforesaid Motion to Dismiss. Instead of arguing to retain the case in the MTC, he changed the stand of the prosecution. In his Comment, he supported petitioner's arguments and asked that the entire records of the case be elevated to the RTC. He cited libel as one of the offenses outside the scope and jurisdiction of inferior courts, following *Jalandoni vs. Endaya* (55 SCRA 261) wherein this court ruled that the Court of First Instance (now RTC) has the exclusive original jurisdiction over libel cases.^[7] In spite of this, respondent Judge denied^[8] the Motion to Dismiss and thereafter also denied^[9] the Motion for Reconsideration. Petitioner went for a final attempt by filing his Last Appeal^[10] which was likewise denied.^[11]

In holding that the MTC had jurisdiction, respondent Judge made reference to RA 7691 which according to him, amended Article 360 of the Revised Penal Code.^[12] Furthermore, he opined that although Section 6 RA 7691^[13] does not specifically state what laws fall within the scope of the amendment, the provision on jurisdiction over libel being inconsistent with the new enactment, the code should now be considered amended.

Hence this petition.

In a Resolution of this Court dated October 23, 1995, respondents were required to file a comment on the petition; and in the same resolution, petitioner's prayer for the issuance of a temporary restraining order was granted. On November 8, 1995, respondent Judge filed his comment simply reiterating his opinion as stated in his questioned Order. On March 12, 1996, the Office of the Solicitor general as counsel to public respondent, also filed its comment. By way of reply, petitioner submitted a copy of the provincial prosecutor's comment on the motion to dismiss; petitioner adopted the prosecution's position as his own.

The sole issue here concerns jurisdiction over a complaint for libel. Specifically, is it the RTC or the MTC which has exclusive original jurisdiction?

Public respondent contended that the applicable law is RA 7691 which amended certain provisions of BP 129, specifically Section 32, expanding jurisdiction of Metropolitan Trial courts, Municipal Trial Courts and Municipal Circuit Trial Courts to hear and decide criminal cases where the penalty does not exceed six (6) years. He further argued that RA 7691 should control as it is the later enactment. Worth noting, the Office of the Solicitor General capped its Comment in this wise:

"While, indeed, R.A. 7691 excludes from the MTC's expanded jurisdiction those cases falling within the exclusive original jurisdiction of the RTC and the Sandiganbayan, there is nothing in B.P. 129 nor in any other subsisting law that expressly confers exclusive original jurisdiction over libel cases on the latter courts. As such, libel cases are not excluded from the expanded jurisdiction of the municipal courts."^[14]

Public respondent also wished to impress upon this Court that since the penalty for libel as found in Article 355 of the RPC is prision correccional in its minimum and medium periods and that prision correccional has a range from six months and one

day to six years,^[15] then it is the penalty that is to be followed in determining the proper jurisdiction over libel cases. Moreover, considering the fact that there is nothing in the amendment which properly excludes crimes such as libel from the application of the new law, he argued that libel falls within the scope of the aforementioned provision of RA 7691.

We find merit in the petition at bar. Respondent's position is not legally tenable.

The applicable law is still Article 360 of the Revised Penal Code,^[16] which categorically provides that jurisdiction over libel cases are lodged with the Courts of First Instance (now Regional Trial Courts).

This Court already had the opportunity to rule on the matter in G.R. No. 123263, People vs. MTC of Quezon City, Branch 32 and Isah v. Red^[17] wherein a similar question of jurisdiction over libel was raised. In that case, the MTC judge opined that it was the first level courts which had jurisdiction due to the enactment of RA 7691. Upon elevation of the matter to us, respondent judge's orders were nullified for lack of jurisdiction, as follows:

"WHEREFORE, the petition is granted: the respondent Court's Orders dated August 14, 1995, September 7, 1995, and October 18, 1995 are declared null and void for having been issued without jurisdiction; and said Court is enjoined from further taking cognizance of and proceeding with Criminal Case No. 43-00548, which it is commanded to remand to the Executive Judge of the Regional Trial Court of Quezon City for proper disposition."^[18]

Another case^[19] involving the same question was cited as resolving the matter:

"Anent the question of jurisdiction, we ** find no reversible error committed by public respondent Court of Appeals in denying petitioner's motion to dismiss for lack of jurisdiction. The contention ** that R.A. 7691 divested the Regional Trial Courts of jurisdiction to try libel cases cannot be sustained. While libel is punishable by imprisonment of six months and one day to four years and two months (Art. 360, Revised Penal Code) which imposable penalty is lodged within the Municipal Trial Court's jurisdiction under R.A. No. 7691 (Sec. 32 ^[2]), said law however, excludes therefrom ** cases falling within the exclusive original jurisdiction of the Regional Trial Courts **. The Court in Bocobo vs. Estanislao, 72 SCRA 520 and Jalandoni vs. Endaya, 55 SCRA 261, correctly cited by the Court of Appeals, has laid down the rule that Regional Trial courts have the exclusive jurisdiction over libel cases, hence, the expanded jurisdiction conferred by R.A. 7691 to inferior courts cannot be applied to libel cases."^[20]

Conformably with this rulings, we now hold that public respondent committed an error in ordering that the criminal case for libel be tried by the MTC of Bangued.

For, although RA 7691 was enacted to decongest the clogged dockets of the