

EN BANC

[G.R. No. 154473, April 24, 2009]

PEOPLE OF THE PHILIPPINES AND PHOTOKINA MARKETING CORPORATION, PETITIONERS, VS. ALFREDO L. BENIPAYO, RESPONDENT.

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PHOTOKINA MARKETING CORPORATION, PETITIONER, VS. ALFREDO L. BENIPAYO, RESPONDENT.

D E C I S I O N

NACHURA, J.:

Before the Court are two consolidated petitions for review on *certiorari* filed under Rules 45 and 122 of the Rules of Court: (1) G.R. No. 154473 assailing the June 18, 2002^[1] and the June 23, 2002^[2] Orders of the Regional Trial Court (RTC) of Quezon City, Branch 102 in Criminal Case No. Q-02-109407; and (2) G.R. No. 155573 challenging the June 25, 2002^[3] and the September 18, 2002^[4] Orders of the RTC of Quezon City, Branch 101 in Criminal Case No. Q-02-109406.

The petitions, while involving the same issues, rest on different factual settings, thus:

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On January 31, 2002, respondent Alfredo L. Benipayo, then Chairman of the Commission on Elections (COMELEC), delivered a speech in the "Forum on Electoral Problems: Roots and Responses in the Philippines" held at the Balay Kalinaw, University of the Philippines-Diliman Campus, Quezon City.^[5] The speech was subsequently published in the February 4 and 5, 2002 issues of the Manila Bulletin.^[6]

Petitioner corporation, believing that it was the one alluded to by the respondent when he stated in his speech that

Even worse, the Commission came right up to the brink of signing a 6.5 billion contract for a registration solution that could have been bought for 350 million pesos, and an ID solution that isn't even a requirement for voting. But reason intervened and no contract was signed. **Now, they are at it again, trying to hoodwink us into contract that is so grossly disadvantageous to the government that it offends common sense to say that it would be worth the 6.5 billion-peso price tag.**^[7]

filed, through its authorized representative, an Affidavit-Complaint^[8] for libel.

Arguing that he was an impeachable officer, respondent questioned the jurisdiction of the Office of the City Prosecutor of Quezon City (OCP-QC).^[9] Despite the challenge, the City Prosecutor filed an Information^[10] for libel against the respondent, docketed as Criminal Case No. Q-02-109407, with the RTC of Quezon City, Branch 102.

Petitioner later filed a Motion for Inhibition and Consolidation,^[11] contending that Judge Jaime N. Salazar of Branch 102 could not impartially preside over the case because his appointment to the judiciary was made possible through the recommendation of respondent's father-in-law. Petitioner further moved that the case be ordered consolidated with the other libel case [Criminal Case No. Q-02-103406, which is the subject of G.R. No. 155573] pending with Branch 101 of the RTC.

While the said motion remained unresolved, respondent, for his part, moved for the dismissal of the case on the assertion that the trial court had no jurisdiction over his person for he was an impeachable officer and thus, could not be criminally prosecuted before any court during his incumbency; and that, assuming he can be criminally prosecuted, it was the Office of the Ombudsman that should investigate him and the case should be filed with the Sandiganbayan.^[12]

On June 18, 2002, the trial court issued the challenged Order^[13] dismissing Criminal Case No. Q-02-109407 and considering as moot and academic petitioner's motion to inhibit. While the RTC found that respondent was no longer an impeachable officer because his appointment was not confirmed by Congress, it ruled that the case had to be dismissed for lack of jurisdiction considering that the alleged libel was committed by respondent in relation to his office--he delivered the speech in his official capacity as COMELEC Chair. Accordingly, it was the Sandiganbayan that had jurisdiction over the case to the exclusion of all other courts.

On motion for reconsideration, the trial court adhered to its ruling that it was not vested with jurisdiction to hear the libel case.^[14]

Aggrieved, petitioners timely filed before the Court, on pure questions of law, the instant Petition for Review on *Certiorari*^[15] under Rule 122 in relation to Rule 45 of the Rules of Court raising the following grounds:

- I. THE TRIAL COURT SHOULD HAVE FIRST RESOLVED THE MOTION TO INHIBIT BEFORE RESOLVING THE MOTION TO DISMISS;
- II. THE TRIAL COURT ERRED IN RULING THAT THE CRIME OF LIBEL IN THIS CASE WAS COMMITTED BY ACCUSED "IN RELATION TO HIS OFFICE;" AND
- III. THE TRIAL COURT ERRED IN RULING THAT IT HAD NO JURISDICTION IN THIS CASE.^[16]

On March 13, 2002, respondent, as COMELEC Chair, and COMELEC Commissioner Luzviminda Tangcangco were guests of the talk show "Point Blank," hosted by Ces Drilon and televised nationwide on the ANC-23 channel. The television show's episode that day was entitled "COMELEC Wars."^[17] In that episode, the following conversation transpired:

Drilon: Are you saying, Chairman, that COMELEC funds are being used for a "PR" campaign against you? Is that what you are saying?

Benipayo: No, I think [it's] not COMELEC funds, [it's] Photokina funds. You know, admittedly, according to [c]hargé d'[a]ffaires of the U.S. Embassy[,] in a letter sent to me in July of 2001, it is what's been [so] happening to the Photokina deal, they have already spent in excess of 2.4 [m]illion U.S. [d]ollars. At that time[,] that's about 120 [m]illion pesos and I said, what for[?] [T]hey wouldn't tell me, you see. Now you asked me, [who is] funding this? I think it's pretty obvious.^[18]

Petitioner considered respondent's statement as defamatory, and, through its authorized representative, filed a Complaint-Affidavit^[19] for libel. Respondent similarly questioned the jurisdiction of the OCP-QC.^[20] The City Prosecutor, however, consequently instituted Criminal Case No. Q-02-109406 by filing the corresponding Information^[21] with the RTC of Quezon City, Branch 101.

Respondent also moved for the dismissal of the information raising similar arguments that the court had no jurisdiction over his person, he being an impeachable officer; and that, even if criminal prosecution were possible, jurisdiction rested with the Sandiganbayan.^[22]

On June 25, 2002, the trial court issued the assailed Order^[23] dismissing Criminal Case No. Q-02-109406 for lack of jurisdiction over the person of the respondent. The RTC, in the further assailed September 18, 2002 Order,^[24] denied petitioner's Motion for Reconsideration.^[25]

Displeased with the rulings of the trial court, petitioners seasonably filed before this Court, on pure questions of law, another Petition for Review on *Certiorari*^[26] under Rule 122 in relation to Rule 45 of the Rules of Court raising the following grounds:

- I. THE TRIAL COURT ERRED IN RULING THAT THE CRIME OF LIBEL IN THIS CASE WAS COMMITTED BY RESPONDENT "IN RELATION TO HIS OFFICE"; AND
- II. IN THE ABSENCE OF ANY ALLEGATION IN THE INFORMATION THAT THE CRIME OF LIBEL WAS COMMITTED BY RESPONDENT IN RELATION TO HIS OFFICE, THE TRIAL COURT ERRED IN RULING THAT IT HAD NO JURISDICTION OVER THE CASE BELOW.
- III. EVEN ON THE ASSUMPTION THAT THE SANDIGANBAYAN HAS JURISDICTION OVER THE CASE, THE TRIAL COURT SHOULD HAVE

ENDORSED THE CASE TO THE SANDIGANBAYAN INSTEAD OF DISMISSING IT OUTRIGHT.^[27]

Considering that the two petitions, as aforesaid, involve the same issues and the same parties, the Court, upon the recommendation of the Clerk of Court,^[28] consolidated the cases.^[29]

The core issue for the resolution of the Court in these twin cases is whether the RTC has jurisdiction over libel cases to the exclusion of all other courts.

The Ruling of the Court

The Court observes that the parties have argued at length in their pleadings on the issue of whether the alleged criminal acts of respondent are committed in relation to his office. They are of the conviction that the resolution of the said question will ultimately determine which court--the RTC or the Sandiganbayan--has jurisdiction over the criminal cases filed. The Court, however, notes that both parties are working on a wrong premise. The foremost concern, which the parties, and even the trial court, failed to identify, is whether, under our current laws, jurisdiction over libel cases, or written defamations to be more specific, is shared by the RTC with the Sandiganbayan. Indeed, if the said courts do not have concurrent jurisdiction to try the offense, it would be pointless to still determine whether the crime is committed in relation to office.

Uniformly applied is the familiar rule that the jurisdiction of the court to hear and decide a case is conferred by the law in force at the time of the institution of the action, unless a latter statute provides for a retroactive application thereof.^[30] Article 360 of the Revised Penal Code (RPC),^[31] as amended by Republic Act No. 4363,^[32] is explicit on which court has jurisdiction to try cases of written defamations, thus:

The criminal and civil action for damages in cases of written defamations as provided for in this chapter, shall be filed simultaneously or separately with the court of first instance [now, the Regional Trial Court] of the province or city where the libelous article is printed and first published or where any of the offended parties actually resides at the time of the commission of the offense xxx.^[33] [Underscoring and italics ours.]

More than three decades ago, the Court, in *Jalandoni v. Endaya*,^[34] acknowledged the unmistakable import of the said provision:

There is no need to make mention again that it is a court of first instance [now, the Regional Trial Court] that is specifically designated to try a libel case. Its language is categorical; its meaning is free from doubt. This is one of those statutory provisions that leave no room for interpretation. All that is required is application. What the law ordains must then be followed.^[35]

This exclusive and original jurisdiction of the RTC over written defamations is echoed

in *Bocobo v. Estanislao*,^[36] where the Court further declared that jurisdiction remains with the trial court even if the libelous act is committed "by similar means,"^[37] and despite the fact that the phrase "by similar means" is not repeated in the latter portion of Article 360.^[38] In these cases, and in those that followed, the Court had been unwavering in its pronouncement that the expanded jurisdiction of the municipal trial courts cannot be exercised over libel cases. Thus, in *Manzano v. Hon. Valera*,^[39] we explained at length that:

The applicable law is still Article 360 of the Revised Penal Code, which categorically provides that jurisdiction over libel cases [is] 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* 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."

Another case 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."

Conformably with [these] rulings, we now hold that public respondent committed an error in ordering that the criminal case for libel be tried by